EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in Scotland, certain provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p.18) ("FIC").

They also implement, in Scotland, certain provisions of Article 6 of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p.16).

Regulation 3 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse and regulation 4 and Schedule 1 contains a derogation relating to minced meat that does not comply with the requirements laid down in FIC.

Regulation 5 imposes a requirement for the name of the food to be provided for foods that are not prepacked. Regulation 6 regulates the way in which information relating to an allergenic substance or product in a non-prepacked food can be given.

Regulation 7 and Schedule 2 imposes a requirement for the quantity of certain ingredients to be provided in respect of meat ingredients.

Regulation 8 imposes a requirement for irradiation information to be provided when irradiated food products and food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain food products that are prepacked.

Regulation 9 imposes an obligation on food authorities to enforce the Regulations.

Regulation 10 makes it an offence to fail to comply with specified FIC provisions (as defined in regulation 2 and specified in Schedule 3) and certain other provisions. Regulation 11 provides for the penalty for offences.

Regulation 12 applies certain provisions of the Food Safety Act 1990 with modifications.

The Regulations revoke and replace the Food Labelling Regulations 1996 ("the 1996 Regulations"), as amended, with effect from 13th December 2014, so far as those Regulations apply to Scotland, except for the purposes of certain provisions of those Regulations (regulation 43, regulation 42(1) for the purposes of the entries in Part I of Schedule 8 relating to the descriptions "alcohol-free", "dealcoholised", "low alcohol" (or any other word or description which implies that the drink being described is low in alcohol) and "non-alcoholic"; regulation 42(2) to (4); the entries in Part I of Schedule 8 relating to the descriptions "alcohol-free", "dealcoholised", "low alcohol" (or any other word or description which implies that the drink being described is low in alcohol) and "non-alcoholic"; and Parts II and III of Schedule 8), which are revoked with effect from 13th December 2018 (regulation 13 and Schedule 4). The Regulations revoke other relevant legislation.

The Regulations amend the 1996 Regulations, so far as those Regulations apply to Scotland, during the period before those Regulations are revoked (regulation 14 and Schedule 5). They make amendments to other legislation to take account of the repeal and replacement of the relevant EU legislation and the revocation of the 1996 Regulations. The Regulations also amend the Food (Lot Marking) Regulations 1996, in their application to Scotland, to take account of the repeal and replacement of Council Directive 89/396/EEC by Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs (OJ L 334, 16.12.2011, p.1).

A full business and regulatory impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency in Scotland, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ and online at www.legislation.gov.uk.

Changes to legislation:
There are currently no known outstanding effects for the The Food Information (Scotland) Regulations 2014.