

2016 No. 24

FOOD

**The Products Containing Meat etc. (Scotland) Amendment
Regulations 2016**

<i>Made</i>	- - - -	<i>14th January 2016</i>
<i>Laid before the Scottish Parliament</i>		<i>18th January 2016</i>
<i>Coming into force</i>	- -	<i>25th February 2016</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a), (e) and (f), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

They have had regard to relevant advice given by Food Standards Scotland in accordance with section 48(4A) of the Food Safety Act 1990(b).

There has been consultation as required by Article 9 of the Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c).

Citation and commencement

1. These Regulations may be cited as the Products Containing Meat etc. (Scotland) Amendment Regulations 2016 and come into force on 25th February 2016.

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- (a) 1990 c.16 (“the 1990 Act”). Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c.28), (“the 1999 Act”) and S.I. 2002/794. Section 6(4A) of the 1990 Act was inserted by paragraph 3(2) to the schedule to the Food Scotland Act 2015 (asp 1) (“the 2015 Act”) with the effect that in the application of section 6(3) and (4) to Scotland, references to the Food Standards Agency are to be read as references to Food Standards Scotland. Sections 16(1) and 48(1) were amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be read as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (b) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the 1999 Act. Section 48(6) of the 1990 Act was inserted by paragraph 3(11) of the schedule to the 2015 Act with the effect that in the application of section 48 to Scotland, references to the Food Standards Agency are to be read as references to Food Standards Scotland.
- (c) OJ L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 596/2009 (OJ L 188, 18.7.2009, p.14).

Amendment to the Products Containing Meat etc. (Scotland) Regulations 2014

2. In regulation 7 (application and modification of other provisions of the Act) of the Products Containing Meat etc. (Scotland) Regulations 2014(a), after paragraph (d) insert—

“(da) section 22 (defence of publication in the course of business);”.

St Andrew’s House,
Edinburgh
14th January 2016

MAUREEN WATT
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2014/289.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Products Containing Meat etc. (Scotland) Regulations 2014 (“2014 Regulations”).

Regulation 2 of these Regulations amends regulation 7 of the 2014 Regulations by inserting a reference to section 22 of the Food Safety Act 1990 (defence of publication in the course of business). The effect of the amendment is that the defence provided for in section 22 applies for the purposes of the 2014 Regulations.

This instrument makes a single technical amendment to the 2014 Regulations and the content of these Regulations were fully consulted on during the development of the 2014 Regulations.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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