
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 391

The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018

PART 10

Amendments to legislation concerning food

The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990

37.—(1) The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990(1) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of “authorised officer”, and

(b) for the definition of “the Council Regulation” substitute—

““the Council Regulation” means [Council Regulation \(EEC\) No 2136/89](#) laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products(2), as last amended by [Commission Regulation \(EC\) No 1345/2008\(3\)](#).”

(3) In the schedule (specified community provisions), insert the following entry at the appropriate place in the first and second column—

“8. Article 7a	Requirements relating to the marketing of preserved sardine-type products.”
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The Milk and Dairies (Scotland) Regulations 1990

38. In regulation 2(1) (interpretation and enforcement) of the Milk and Dairies (Scotland) Regulations 1990(4), in the definition of “milk”, from the words “point III(1)(b)” to “1234/2007” substitute “point III(1)(b) of Part IV of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#) No 922/72, ([EEC](#) No 234/79, ([EC](#) No 1037/2001 and ([EC](#) No 1234/2007(5))”.

(1) [S.I. 1990/1139](#), to which there are amendments not relevant to these Regulations.

(2) OJ L 212, 22.7.1989, p.79. The title of [Council Regulation \(EEC\) No 2136/89](#) was amended by Article 1 of [Commission Regulation \(EC\) No 1181/2003](#) (OJ L 165, 3.7.2003, p.17).

(3) OJ L 348, 24.12.2008, p.76.

(4) [S.I. 1990/2507](#); relevant amending instruments are [S.I. 1992/3136](#), [S.I. 1998/2424](#) and [S.I. 2013/3235](#).

(5) OJ L 347, 20.12.2013, p.671, as last amended by Regulation (EU) 2017/2393 (OJ L 350, 29.12.2017, p.15).

The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004

39.—(1) The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004(6) are amended as follows.

(2) In the schedule, after the entry for “Commission Implementing Regulation (EU) No 1033/2014” insert the following entry—

“Commission Delegated Regulation (EU) 2016/1238 supplementing Regulation (EU) 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage(7), as last amended by Commission Delegated Regulation (EU) 2018/149(8),”.

The Sea Fish (Marketing Standards) (Scotland) Regulations 2004

40. In regulation 2 (interpretation) of the Sea Fish (Marketing Standards) (Scotland) Regulations 2004(9), for the definition of “Regulation 2406/96” substitute—

““Regulation 2406/96” means Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products(10), as last amended by Commission Regulation (EC) No 790/2005(11), read with Commission Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish(12), as last amended by Commission Regulation (EC) No 1115/2006(13),”.

The Beef and Veal Labelling (Scotland) Regulations 2010

41.—(1) The Beef and Veal Labelling (Scotland) Regulations 2010(14) are amended as follows.

(2) In regulation 2 (interpretation)(15)—

(a) in the definition of “Commission Regulation 566/2008” at the end insert “, as last amended by Commission Implementing Regulation (EU) No 565/2013(16),”

(b) for the definition of “the EU Regulation” substitute—

““the EU Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 as amended from time to time,” and

(c) in the definition of “Regulation 1760/2000” at the end insert “, as last amended by Regulation (EU) No 653/2014 of the European Parliament and of the Council(17)”.

(3) In regulation 4(1)(a) (offences under European legislation)—

(a) insert “and” at the end of head (vi), and

(b) for heads (vii) and (viii) substitute—

(6) [S.S.I. 2004/278](#); relevant amending instruments are [S.S.I. 2015/167](#) and [S.S.I. 2017/178](#).

(7) OJ L 206, 30.7.2016, p.15.

(8) OJ L 26, 31.1.2018, p.11.

(9) [S.S.I. 2004/498](#), to which there are amendments not relevant to these Regulations.

(10) OJ L 334, 23.12.1996, p.1.

(11) OJ L 132, 26.5.2005, p.15.

(12) OJ L 351, 28.12.1985, p.63.

(13) OJ L 199, 21.7.2006, p.6.

(14) [S.S.I. 2010/402](#).

(15) Regulation 2 was amended by [S.I. 2013/3235](#).

(16) OJ L 167, 19.6.2013, p.26.

(17) OJ L 189, 27.6.2014, p.33.

“(vii) the first and second sub-paragraphs of Article 15a (voluntary labelling: general rules).”.

The Drinking Milk (Scotland) Regulations 2011

42.—(1) The Drinking Milk (Scotland) Regulations 2011(**18**) are amended as follows.

(2) In regulation 2 (interpretation)(**19**)—

(a) in paragraph (1)—

(i) for the definition of “the Annex” substitute—

““the Annex” means Part IV of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1307/2001 and (EC) No 1234/2007,”.

(ii) for the definition of “Article 114(2)” substitute—

““Article 78(2)” means Article 78(2) of the EU Regulation,” and

(iii) for the definition of “the Council Regulation” substitute—

““the EU Regulation” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1307/2001 and (EC) No 1234/2007, as amended from time to time,”.

(b) in paragraph (2), in each place it occurs, for “Council Regulation” substitute “EU Regulation”, and

(c) in paragraph (3), in each place it occurs, for “Article 114(2)” substitute “Article 78(2)”.

(3) In regulation 3 (sale or delivery of milk and use of sales description), for “Article 114(2)” substitute “Article 78(2)”.

(4) In regulation 5(3) (enforcement), for “Article 114(2)” substitute “Article 78(2)”.

(5) Regulation 9 (amendments) is revoked.

The Poultrymeat (Scotland) Regulations 2011

43.—(1) The Poultrymeat (Scotland) Regulations 2011(**20**) are amended as follows.

(2) In regulation 1(4) (citation, commencement, extent and application), omit the words from “, excluding poultrymeat” to the end.

(3) In regulation 2(1) (interpretation)(**21**), for the definition of “Council Regulation 2013” substitute—

““Council Regulation 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time,”.

(4) In schedule 1 (European poultrymeat provisions contravention of which is an offence)—

(18) S.S.I. 2011/84.

(19) Regulation 2(1) was amended by S.I. 2013/3235.

(20) S.S.I. 2011/318; relevant amending instrument is S.I. 2013/3235.

(21) Regulation 2(1) was amended by S.I. 2013/3235.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in Part 1 (provisions of the single CMO Regulation or the Council Regulation 2013), in the table omit row 2, and
- (b) in Part 2 (provisions of the Commission Regulation), in column 2 of the table, in row 10 for the words from “Point III(I)” to “CMO Regulation” substitute “Part V of Annex VII to Council Regulation 2013”.