
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 54

**EXITING THE EUROPEAN UNION
FOOD**

**The Nutrition (EU Exit) (Scotland)
(Amendment) Regulations 2019**

Made - - - - 18th February 2019
Laid before the Scottish
Parliament - - - - 19th February 2019
Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 ^{M1} and all other powers enabling them to do so.

There has been consultation as required by Article 9 of 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.

Marginal Citations

M1 2018 c.16.

Citation and commencement

1. These Regulations may be cited as the Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019 and come into force on exit day.

Commencement Information

II Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

PROSPECTIVE

Amendment of the Foods for Special Medical Purposes (Scotland) Regulations 2000

F1 2.

Textual Amendments

F1 Reg. 2 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/372\)](#), regs. 1(2)(a), 7(2)

Amendment of the Kava-kava in Food (Scotland) Regulations 2002

- 3.—(1) The Kava-kava in Food (Scotland) Regulations 2002 ^{M2} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) omit the definitions of “EEA State” and “free circulation”,
 - (b) in the definition of “Kava-kava”, for “.”, substitute “;”, and
 - (c) after the definition of “Kava-kava”, insert—
““third country” means a country other than the United Kingdom.”.
- (3) In regulation 3 (prohibition on sale etc. of food consisting of or containing Kava-kava) for paragraph (2), substitute—
“(2) The prohibition imposed by paragraph (1) shall not apply where the food consisting of or containing Kava-kava is imported from a third country if the food is being, or is to be, exported to the same or a different third country.”.

Commencement Information

I2 Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M2 [S.S.I. 2002/523](#) as amended by [S.S.I. 2004/244](#) and 2013/177 and [S.I. 2012/1809](#).

Amendment of the Food Supplements (Scotland) Regulations 2003

- 4.—(1) The Food Supplements (Scotland) Regulations 2003 ^{M3} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
 - (i) omit the definition of “Directive 2001/83”,
 - (ii) after the definition of “food supplement”, add—
““nutrients” means the following substances:
 - (i) vitamins, and
 - (ii) minerals;” and
 - (iii) after the definition of “sell”, add—

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

“the 2019 Regulations” means the Nutrition (Amendment etc.) (EU Exit) Regulations 2019^{M4},” and

(b) omit paragraphs (3) and (4).

(3) In regulation 3 (scope of regulations), in paragraph (2) for “Directive 2001/83”, substitute “regulation 2(1) of the Human Medicines Regulations 2012^{M5}”.

(4) In regulation 5 (prohibitions on sale relating to composition of food supplements)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) for “Annex I to Directive 2002/46”, substitute “ schedule 1 of the 2019 Regulations ”, and

(ii) in sub-paragraph (b)(i) for “Annex II to Directive 2002/46”, substitute “ schedule 2 of the 2019 Regulations ”, and

(b) in paragraph (2) for sub-paragraph (a), substitute—

“(a) the purity criteria, if any, specified in retained EU law or in regulations made by the Scottish Ministers or the Secretary of State under regulation 3 of the 2019 Regulations; or”.

(5) In regulation 6 (restrictions on sale relating to labelling etc of food supplements), in paragraph (3)(b) for “Annex I to Directive 2002/46”, substitute “ schedule 1 of the 2019 Regulations ”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M3 [S.S.I. 2003/278](#) as amended by [S.S.I. 2005/616](#), 2009/438, 2014/312 and [S.I. 2011/1043](#).

M4 [S.I. 2019/XXX](#).

M5 [S.I. 2012/1916](#).

Amendment of the Nutrition and Health Claims (Scotland) Regulations 2007

5.—(1) The Nutrition and Health Claims (Scotland) Regulations 2007^{M6} are amended as follows.

(2) In regulation 3 (Competent Authorities) in paragraph (a) for “15(2), 16(2) and 18(2)”, substitute “ 15(1B) and (2), 16(2) and 18(1B) and (2) ”.

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M6 [S.S.I. 2007/383](#) as amended by [S.S.I. 2010/307](#), 2014/312, 2015/100.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)

PROSPECTIVE

Amendment of the Infant Formula and Follow-on Formula (Scotland) Regulations 2007

^{F2}6.

Textual Amendments

F2 Reg. 6 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2020 \(S.S.I. 2020/372\)](#), regs. 1(2)(a), 7(3)

Amendment of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009

7.—(1) The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2009 ^{M7} are amended as follows.

- (2) In the schedule (specified provisions), in the “subject-matter” column of the table—
 - (a) in the entry relating to Article 2(1), for “covered by Directive 2009/39 of the European Parliament and Council on foodstuffs intended for particular nutritional uses”, substitute “ (foodstuffs which, owing to their special composition or manufacturing process, are clearly distinguishable from foodstuffs for normal consumption, which are suitable for their claimed nutritional purposes and which are marketed in such a way as to indicate such suitability) ”, and
 - (b) in the entries relating to Article 4(2) and Article 4(3), for “EU legislation”, substitute “ retained EU law ”.

Commencement Information

I5 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M7 [S.S.I. 2009/427](#) as amended by [S.I. 2011/1043](#) and [S.S.I. 2015/100](#).

St Andrew's House,
Edinburgh

JOE FITZPATRICK
Authorised to sign by the Scottish Ministers

Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019. (See end of Document for details)*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018 (c. 16) to address failures of retained EU law to operate effectively, and other deficiencies, arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of food nutrition in relation to Scotland.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019.