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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 467**

**The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020**

**Amendment of the Official Feed and Food Controls (Scotland) Regulations 2009**

**6.—(1)** The Official Feed and Food Controls (Scotland) Regulations 2009<sup>(1)</sup> are amended as follows.

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

- (a) in the definition beginning “Decision 2007/275”, after “Regulation 853/2004,” insert “Regulation 183/2005<sup>(2)</sup>,”,
- (b) for the definition of “feed authority” substitute—  
““feed authority” means Food Standards Scotland;”,
- (c) in the definition of “primary production” after “Regulation 852/2004” insert “and Regulation 183/2005”.

(3) In regulation 3 (competent authorities)—

- (a) for paragraph (1) substitute—  
“The Agency is the designated competent authority for the purposes of Regulation 2017/625<sup>(3)</sup> in so far as it applies to relevant feed law.”,
- (b) omit paragraph (2).

(4) After regulation 3 (competent authorities) insert—

**“Delegation by feed authority**

**3A.—(1)** Subject to regulation 3(1), where the feed authority may delegate any function under these Regulations, it may delegate the function to any person.

(2) Before delegating, the feed authority must consult the person to whom any delegation is to be made.

(3) Where the feed authority delegates any function, it must specify the function and the area within which that function is to be performed.

(4) Where the feed authority has delegated any of its functions, the feed authority may vary, suspend or cancel that delegation, in whole or in part.

(5) The feed authority must publish and maintain an up to date register containing the details and operative date of any delegation.”.

(5) In regulation 6 (power to issue codes of recommended practice)—

- (a) in paragraph (1) omit “feed authorities and”,
- (b) in paragraph (2) omit “feed authority or”, and

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<sup>(1)</sup> S.S.I. 2009/446.

<sup>(2)</sup> OJ L 77, 16.3.2012, p.1.

<sup>(3)</sup> OJ L 95 7.4.2017, p.1.

- (c) in paragraph (3) omit “feed authority and”.
- (6) In regulation 23 (feed enforcement responsibilities and competent authority status)—
  - (a) for paragraph (1) substitute—
    - “(1) The feed authority must execute and enforce the Import Provisions in relation to feed.”,
  - (b) omit paragraph (3).
- (7) After regulation 52 (revocations) insert—

**“Transitional and savings provisions applying to feed**

**53.**—(1) The validity, effect or consequences of anything done under these Regulations as they had effect immediately before Food Standards Scotland becomes the feed authority is not affected by Food Standards Scotland becoming the feed authority.

(2) Any inspection, investigation or legal proceedings commenced prior to Food Standards Scotland becoming the feed authority is not affected by Food Standards Scotland becoming the feed authority.

(3) Any inspection, investigation or legal proceeding commenced prior to Food Standards Scotland becoming the feed authority may be continued after that date as if the amendments to these Regulations coming into force on that day had not been made.

(4) Any liability to a penalty for an offence committed before Food Standards Scotland becoming the feed authority is not affected by Food Standards Scotland becoming the feed authority.

(5) Despite the Agency becoming the feed authority, these Regulations as they had effect before that day continue to have effect for the purposes of investigating any offence referred in paragraph (4).”.

- (8) In Schedule 4, in columns 1 and 2 of the table omit to the entry for “The feed authority”.