
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 70

FOOD

The Food Information (Scotland) Amendment Regulations 2021

Made - - - - *9th February 2021*
Laid before the Scottish
Parliament - - - - *11th February 2021*
Coming into force - - *1st October 2021*

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

The Scottish Ministers have had regard to relevant advice given by Food Standards Scotland in accordance with section 48(4A) of the Food Safety Act 1990(2).

There has been consultation as required by Article 9 of Regulation (EC) 178/2002(3) 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, during the preparation and evaluation of the following Regulations.

-
- (1) 1990 c.16 (“the 1990 Act”). Section 16(1) and section 48(1) were amended by paragraph 8 of schedule 5 of the Food Standards Act 1999 (c.28) (“the 1999 Act”). Amendments made by schedule 5 of the 1999 Act which extend to Scotland are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 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 Scotland Act 1998. In so far as not transferred, those 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). Article 39 of Regulation (EU) 1169/2011 (“EUR 2011/1169”) was amended by regulation 5(20) of the Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529) (“the 2019 Regulations”) to provide that in addition to the mandatory particulars referred to in Article 9(1) and Article 10, nothing in EUR 2011/1169 prevents the appropriate authority from making “Type A” regulations requiring additional mandatory particulars for specific types or categories of food, justified on grounds of specified grounds including the protection of consumers. “Type A regulations” are defined in Article 2(2)(y)(iii) of EUR 2011/1169 (as amended by schedule 2 Part 1 of the 2019 Regulations). Type A regulations are defined in relation to Scotland as any regulations made by the Scottish Ministers under the 1990 Act using a power that enables them to make regulations relating to the matter specified in the provision in question.
- (2) Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act.
- (3) EUR 2002/178.