
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 70

The Food Information (Scotland) Amendment Regulations 2021

Amendment of the 2014 Regulations

2.—(1) The 2014 Regulations are amended in accordance with this regulation.

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

(a) in paragraph (1), after the definition of “Regulation 2018/775”, insert—

““relevant food” means for the purposes of regulations 5 and 5A(1)(b), a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form);”.

(b) in paragraph (4)—

(i) in sub-paragraph (ca),—

(aa) after “(3)” for “, (5) and (6)” substitute “and (5)”,

(bb) for “that are not prepacked etc” substitute “other than prepacked or prepacked for direct sale”,

(ii) in sub-paragraph (d), for “that are not prepacked etc.” substitute “other than prepacked or prepacked for direct sale”.

(3) In regulation 5 (foods that are not prepacked containing an allergenic substance or product etc.)(2)—

(a) in the heading, for “that are not prepacked etc.” substitute “other than prepacked or prepacked for direct sale”,

(b) in paragraph (2)—

(i) for “and that is”, substitute “and that”,

(ii) in sub-paragraph (a)—

(aa) before “not” insert “is”,

(bb) at the end, insert “or”,

(iii) in sub-paragraph (b)—

(aa) before “packed” insert “is”,

(bb) for “; or” substitute “.”,

(iv) omit sub-paragraph (c),

(c) omit paragraph (6).

(1) Paragraph 1 of regulation 2 was relevantly amended by regulation 3(2)(a)(ii) of the Food Information (Miscellaneous Amendments) (Scotland) Regulations 2015 (S.S.I. 2015/410) (“the 2015 regulations”). Paragraph 3 of regulation 2 was relevantly amended by regulation 3(2)(b) of the 2015 regulations. Paragraph 4 of regulation 2 was relevantly amended by regulation 3(2)(c) of the 2015 regulations and by regulation 2(2)(e) of the Food Information (Scotland) Amendment Regulations 2016 (S.S.I. 2016/191).

(2) Regulation 5(5)(a) was relevantly amended by regulation 3(3) of the 2015 regulations.

(4) After regulation 5, insert—

“Foods that are prepacked for direct sale – duty to list ingredients

5A.—(1) A food business operator who offers for sale a food to which this regulation applies must provide directly on the packaging or on a label attached to the packaging the particulars required by—

- (a) Article 9(1)(b) (list of ingredients), as read with—
 - (i) Article 13(1) to (3) (presentation of mandatory particulars), as read with any regulations made in accordance with Article 13(4),
 - (ii) Article 15 (language requirements),
 - (iii) Article 16(2) (omission of certain mandatory particulars), so far as it relates to the particulars required by Article 9(1)(b),
 - (iv) Article 17 (name of the food), as read with Parts A and C of Annex VI (mandatory particulars accompanying the name of the food) and, in the case of an ingredient using a minced meat designation as a name, the following points of Part B of Annex VI—
 - (aa) point 1, and
 - (bb) point 3, as read with regulation 4 (derogation relating to minced meat) and schedule 1 (mark to be used on minced meat to which the derogation in regulation 4 applies),
 - (v) Article 18 (list of ingredients), as read with Annex VII (indication and designation of ingredients) and paragraph (1)(a)(iv) of this regulation,
 - (vi) Article 19(1) (omission of the list of ingredients), as read with any regulations made in accordance with Article 19(2), and
 - (vii) Article 20 (omission of constituents of food from the list of ingredients),
- (b) where a food is a relevant food, Article 9(1)(c) (certain substances or products causing allergies or intolerances), as read with Article 21(1) (labelling of certain substances or products causing allergies or intolerances) and Annex II (substances or products causing allergies or intolerances).

(2) This regulation applies to a food that—

- (a) is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication, and
- (b) is prepacked for direct sale.”.

(5) In regulation 6 (foods that are not prepacked etc. – general requirement to name them)—

- (a) in the heading, for “that are not prepacked etc.” substitute “other than prepacked or prepacked for direct sale”,
- (b) in paragraph (2)—
 - (i) for “and is” substitute “and”,
 - (ii) in sub-paragraph (a)—
 - (aa) before “not” insert “is”,
 - (bb) at the end, insert “or”,
 - (iii) in sub-paragraph (b)—
 - (aa) before “packed” insert “is”,
 - (bb) for “; or” substitute “.”,

- (iv) omit sub-paragraph (c).
- (6) After regulation 6, insert—

“Foods that are prepacked for direct sale – general requirement to name them

6A.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food), as read with—

- (a) Article 17(1) and (4),
- (b) Part A of Annex VI, and
- (c) in the case of a food offered for sale using a minced meat designation as a name—
 - (i) Article 17(5),
 - (ii) point 1 of Part B of Annex VI, and
 - (iii) point 3 of Part B of Annex VI, as read with regulation 4 and schedule 1.

(2) This regulation applies to a food that—

- (a) is offered for sale to a final consumer or to a mass caterer, and
- (b) is prepacked for direct sale.

(3) The particulars mentioned in paragraph (1) must be provided directly on the packaging or on a label attached to the packaging, except in the case of an offer for sale made by means of distance communication.

(4) In this regulation “offered for sale” has the same meaning as in Article 44 and “offer for sale” must be construed accordingly.”

(7) In regulation 10 (offences)—

- (a) after paragraph (b) insert “(ba) regulation 5A(1);”,
- (b) after paragraph (c) insert “(ca) regulation 6A(1) and (3);”.

(8) In paragraph 3 of Part 2 of schedule 1 (mark to be used on minced meat to which the derogation in regulation 4 applies), after “prepacked food” insert “and prepacked for direct sale food”.