
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 342

FOOD

The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Amendment Regulations 2022

<i>Made</i>	- - - -	<i>21st November 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>23rd November 2022</i>
<i>Coming into force</i>	- -	<i>18th January 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16(1)(a) and (e) 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) 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⁽³⁾.

Citation and commencement

1. These Regulations may be cited as the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Amendment Regulations 2022 and come into force on 18 January 2023.

Amendment of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004

2.—(1) The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004⁽⁴⁾ are amended as follows.

(2) In schedule 4 (nutritional substances)—

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- (1) 1990 c. 16 (“the 1990 Act”). Section 16(1) was amended by the Food Standards Act 1999 (c. 28) (“the 1999 Act”), schedule 5, paragraph 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) Section 48(4A) was inserted by the 1999 Act, schedule 5, paragraph 21. In accordance with section 48(6) of the 1990 Act, the reference to the Food Standards Agency in that section is to be read as a reference to Food Standards Scotland.
- (3) EUR 178/2002, as amended by S.I. 2019/641. In accordance with section 48(4C) of the 1990 Act, the consultation requirement at section 48(4) does not apply as consultation is required by Article 9 of EUR 178/2002.
- (4) S.S.I. 2004/8, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).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 paragraph 1 (vitamins), in the entry for “Folate”, after “Folic acid” insert “Calcium-L-methylfolate”,
- (b) in paragraph 4 (salts of minerals and trace elements)—
 - (i) in the entry for “Iron”, after “Ferrous carbonate” insert “Ferrous bisglycinate,
 - (ii) in the entry for “Zinc”, after “Zinc acetate” insert “Zinc chloride”.

St Andrew’s House,
Edinburgh
21st November 2022

MAREE TODD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend schedule 4 of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (“the 2004 Regulations”) to add calcium-L-methylfolate, ferrous bisglycinate and zinc chloride to the list of nutritional substances set out there.

The effect of this amendment is that these substances may be added in the manufacture of any processed cereal-based food or baby food (regulation 6(1) of the 2004 Regulations). Additionally, where a processed cereal-based food or baby food is labelled with the average quantity of these substances, this must be done in a manner which complies with regulation 8(2) of the 2004 Regulations.