
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 373

**The Food and Feed (Miscellaneous
Amendments) (Scotland) Regulations 2022**

PART 3

Amendment of miscellaneous food and feed legislation

Amendment of the Animal Feed (Scotland) Regulations 2010

6.—(1) The Animal Feed (Scotland) Regulations 2010⁽¹⁾ are amended in accordance with this regulation.

(2) In regulation 2 (interpretation and scope)—

(a) in paragraph (1)—

(i) omit the definition of “Directive 82/475”,

(ii) omit the definition of “Directive 2002/32”,

(b) in paragraph (3) omit “Directive 82/475, Directive 2002/32”.

(3) In regulation 4(2) (enforcement of requirements of Regulation 767/2009) for “the Annex to Directive 82/475” substitute “schedule 3”.

(4) In regulation 8 (interpretation of Part 4 of the Regulations) omit paragraph (a).

(5) In regulation 9 (control of animal feeds containing undesirable substances)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) for “feed that is specified in column 2 of Annex I” substitute “products intended for animal feed that are specified in column 2 of a table in schedule 4”,

(ii) in the words after sub-paragraph (b), for “Annex” substitute “table”,

(b) in paragraph (2)—

(i) in sub-paragraph (a) for “Annex I” substitute “a table in schedule 4”,

(ii) in sub-paragraph (b) for “Annex” substitute “table”,

(c) in paragraph (3)—

(i) for “Annex I” substitute “a table in schedule 4”,

(ii) for “Annex”, in the second place it occurs, substitute “table”,

(d) in paragraph (5)—

(i) for “Annex I” substitute “a table in schedule 4”,

(ii) for “Annex”, in the second place it occurs, substitute “table”,

(e) in paragraph (7)—

- (i) omit the “and” at the end of sub-paragraph (c),
- (ii) after sub-paragraph (d) insert—
 - “; and
 - (e) peat; leonardite”,
- (f) after paragraph (8) insert—
 - “(9) In order to reduce or eliminate sources of undesirable substances in products intended for animal feed, the feed authority must, in cooperation with feed business operators⁽²⁾, carry out investigations to identify the sources of undesirable substances, in cases where the maximum levels are exceeded and in cases where increased levels of such substances are detected, taking into account background levels; for the purpose of ensuring a uniform approach in cases of increased levels, action thresholds to trigger investigations are set out in table in schedule 5.”.
- (6) Schedule 1 has effect.

Amendment of the Materials and Articles in Contact with Food (Scotland) Regulations 2012

7.—(1) The Materials and Articles in Contact with Food (Scotland) Regulations 2012⁽³⁾ are amended in accordance with this regulation.

- (2) In regulation 2 (interpretation)—
 - (a) in paragraph (1)—
 - (i) omit the definition of “Directive [84/500/EEC](#)”,
 - (ii) omit the definition of “[Directive 2007/42/EC](#)”,
 - (b) in paragraph (3)—
 - (i) omit “or to any Annex to [Directive 2007/42/EC](#)”,
 - (ii) omit “or that Annex”.
- (3) In regulation 11(interpretation of this part) omit paragraph (3).
- (4) In regulation 12 (controls and limits)—
 - (a) in paragraph (1)—
 - (i) in both places where it occurs, for “Annex II” substitute “schedule 6”,
 - (ii) for “that Annex” substitute “that schedule”,
 - (b) in paragraph (2) for “Annex II” substitute “schedule 6”.
- (5) Schedule 2 has effect.

Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013

8.—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013⁽⁴⁾ are amended in accordance with this regulation.

- (2) In regulation 2 (interpretation)—
 - (a) in paragraph (1) omit the definition of “Directive 2009/32”,
 - (b) in paragraph (2) omit “EU”,

(2) See article 3(2)(a) of EUR 2009/767 for the meaning of “feed business operator”.

(3) [S.S.I. 2012/318](#) as relevantly amended by [S.S.I. 2019/52](#).

(4) [S.S.I. 2013/266](#) as relevantly amended by [S.S.I. 2019/53](#) and [S.S.I. 2020/372](#).

- (c) in paragraph (3) omit “EU”,
 - (d) in paragraph (4) for “EU instruments are Directive 2009/32,” substitute “instruments are”,
 - (e) in paragraph (5) in the definition of “the EU Regulations” before “EU” insert “retained”.
- (3) Omit regulation 7 (controls on extraction solvents).
- (4) In regulation 8(a), for “Annex I” substitute “schedule 6”.
- (5) In regulation 9(a)—
- (a) in sub-paragraph (i), for “Annex I” substitute “schedule 6”,
 - (b) in sub-paragraph (ii), for “that Annex” substitute “schedule 6”,
 - (c) in sub-paragraph (iii), insert “and” at the end,
 - (d) in sub-paragraph (iv), omit “and” at the end,
 - (e) omit sub-paragraph (v).
- (6) In regulation 12(1)(a), for “Annex I” substitute “schedule 6”.
- (7) In regulation 14 (enforcement authorities), before “EU Regulations” insert “retained”.
- (8) In regulation 17(2) (application of various provisions of the Food Safety Act 1990), before “EU Regulations” insert “retained”.
- (9) Schedule 3 has effect.

Amendment of the Food Information (Scotland) Regulations 2014

9.—(1) The Food Information (Scotland) Regulations 2014⁽⁵⁾ are amended in accordance with this regulation.

(2) In schedule 3 (specified provisions of FIC, Regulation 828/2014 and Regulation 2018/775), in the table in Part 1 (specified FIC provisions applying on and from 13th December 2014), omit—

- (a) the entry relating to Article 17(2) (use of the name used for food in member State of production in another member State: need for other descriptive information in addition to the name of the food in certain cases),
- (b) the entry relating to Article 17(3) (prohibition in certain exceptional cases of the use of a name used for a food in a member State of production when marketing that food in another member State).

(5) [S.S.I. 2014/312](#) as relevantly amended by [S.S.I. 2015/410](#), [S.S.I. 2016/191](#) and [S.S.I. 2020/156](#).