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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 107**

**AGRICULTURE  
FOOD**

**The Alcoholic Beverages, Fruit and Vegetables  
(Miscellaneous Amendment) (Scotland) Regulations 2023**

*Made* - - - - 23rd March 2023

*Coming into force* - - 23rd April 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16(1)(e) of the Food Safety Act 1990(1) (as read with section 16(3A) of that Act), section 9(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020(2) and all other powers enabling them to do so.

So far as these Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by Food Standards Scotland in accordance with section 48(4A) of that Act(3).

In accordance with section 9(5) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, the Scottish Ministers have consulted such persons as they consider are representative of the interests of persons likely to be affected by the regulations as they consider appropriate.

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(4).

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- (1) 1990 c. 16. Section 16(1) was amended by paragraph 8 of schedule 5 of the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 16(3A) was inserted by section 174(1) of the Health and Care Act 2022 (c. 31). 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) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions conferred on the Secretary of State under sections 16(1)(e) of the 1990 Act, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not so transferred, and in so far as relating to food (including drink) including the primary production of food, those functions were transferred to the Scottish Ministers by S.I. 2005/849.
- (2) 2020 asp 17.
- (3) Section 48 was amended by section 4 of the Food (Scotland) Act 2015 (asp 1) (“the 2015 Act”), to substitute references to the Food Standards Agency for Foods Standards Scotland. Section 48(6) was inserted by paragraph 3 of the schedule of the 2015 Act, in its application to Scotland, to read references to the Food Standards Agency as references to Food Standards Scotland. Subsection (4A) was inserted by paragraphs 7 and 21 of schedule 5 of the 1999 Act.
- (4) EUR 2002/178, was incorporated into domestic law on IP completion day by section 3 of the European Union (Withdrawal) Act 2018 (c. 16) and amended by S.I. 2019/641 and S.I. 2022/377. S.I. 2019/641 came into force on IP completion day by virtue of paragraph 1(1) of schedule 5 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and was amended before it came into force by S.I. 2020/1504.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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In accordance with section 48(3C) of the Food Safety Act 1990<sup>(5)</sup> and section 9(4) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

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<sup>(5)</sup> Section 48(3C) was inserted by section 174(2)(b) of the Health and Care Act 2022 (c. 31).