
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 161

**The Food (Scotland) Act 2015
(Compliance Notices) Regulations 2023**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023.

(2) These Regulations come into force on 30 June 2023.

(3) In these Regulations—

- (a) “the 1990 Act” means the Food Safety Act 1990⁽¹⁾,
- (b) “the 2015 Act” means the Food (Scotland) Act 2015.

Meaning of relevant offence, specified standard and specified period

2.—(1) For the purposes of Part 3 (administrative sanctions) of the 2015 Act, as it applies to compliance notices, an offence specified in the schedule is a “relevant offence”.

(2) The “specified standard” for the purposes of section 42(3) (compliance notices) of the 2015 Act is on the balance of probabilities.

(3) The “specified period” for the purposes of section 43(3) (content and form of a compliance notice) of the 2015 Act is 14 days.

Application of provisions of the 1990 Act

3. The following provisions of the 1990 Act apply for the purposes of the provisions of the 2015 Act mentioned, subject to the modifications specified—

- (a) section 30(8) (documentary evidence in proceedings for offences) applies for the purposes of sections 44 (failure to comply with a compliance notice) and 48 (appeal against a compliance notice) of the 2015 Act with the modification that the reference to “this Act” is to be read as a reference to Part 3 of 2015 Act, as that Part applies to compliance notices,
- (b) section 34 (time limit for prosecutions) applies for the purposes of section 44 (failure to comply with a compliance notice) of the 2015 Act with the modification that the reference to “this Act which is punishable under section 35(A1), (A2) or (2) below” is to be read as a reference to section 44 of the 2015 Act,
- (c) section 40 (power to issue codes of practice) applies for the purposes of Part 3 of the 2015 Act as that Part applies to compliance notices with the modifications that—
 - (i) any reference to “this Act” is to be read as a reference to Part 3 of the 2015 Act, as that Part applies to compliance notices,
 - (ii) any reference to a “food authority” is to be read as a reference to an enforcement authority,

- (d) section 49(3) to (5) (form and authentication of documents) applies for the purposes of sections 42 (compliance notices) and 47 (withdrawal of a compliance notice) of the 2015 Act with the modifications that any reference to a “food authority” is to be read as a reference to an enforcement authority,
- (e) section 50 (service of documents) applies for the purposes of sections 42 (compliance notices) and 47 (withdrawal of a compliance notice) of the 2015 Act with the modification that any reference to “this Act” is to be read as a reference to Part 3 of the 2015 Act as that Part applies to compliance notices.

St Andrew’s House,
Edinburgh
23rd May 2023

JENNI MINTO
Authorised to sign by the Scottish Ministers