

1976 No. 1910 (S. 156)

FOOD AND DRUGS

COMPOSITION AND LABELLING

**The Preservatives in Food (Scotland) Amendment
Regulations 1976**

<i>Made - - - -</i>	<i>9th November 1976</i>
<i>Laid before Parliament</i>	<i>22nd November 1976</i>
<i>Coming into Operation</i>	<i>13th December 1976</i>

In exercise of the powers conferred on me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956^(a) as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972^(b), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act of 1956 (in so far as the regulations are made in exercise of the powers conferred by the said section 7), I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Preservatives in Food (Scotland) Amendment Regulations 1976, and shall come into operation on 13th December 1976.

(2) Any reference in these regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in the Preservatives in Food (Scotland) Regulations 1975^(c), as amended ^(d).

(3) The Interpretation Act 1889^(e) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of the principal regulations

2.—(1) The proviso to regulation 4(1) shall be amended—

(a) by inserting after sub-paragraph (iii) of paragraph (b) thereof the following sub-paragraph (iiiA):—

“(iiiA) in the case of marinated herring, whose pH exceeds 4·5, or marinated mackerel, whose pH exceeds 4·5, if the permitted preservative hexamine is present, to the maximum quantity of that preservative appropriate to that food in accordance with that

(a) 1956 c. 30.

(c) S.I. 1975/1598 (1975 III, p. 5514).

(e) 1889 c. 63.

(b) 1972 c. 68.

(d) S.I. 1976/946 (1976 II, p. 2462).

Schedule and, as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred.”;

(b) by inserting after paragraph (g) thereof the following paragraph (h):—

“(h) any food may have in it or on it formaldehyde introduced in the preparation of that food by the use of the permitted miscellaneous additive dimethylpolysiloxane if that formaldehyde is present in the food in no greater proportion, in relation to the quantity of dimethylpolysiloxane used, than the proportion specified in relation to dimethylpolysiloxane in paragraph (e) of this proviso.”.

(2) Schedule 2 shall be amended—

(a) by substituting for the item relating to crystallised or glacé fruit the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Fruit, crystallised, glacé or drained	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	100 1,000 1,000 1,000 1,000”;

(b) by inserting immediately after the item relating to hamburgers or similar products the following items:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Herring, marinated whose pH exceeds 4.5	Hexamine and either benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	50 1,000 1,000 1,000 1,000”;

(c) by inserting immediately after the item relating to diabetic jam the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Mackerel, marinated whose pH exceeds 4.5	Hexamine and either benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	50 1,000 1,000 1,000 1,000”;

(d) by inserting immediately after the item relating to pickles the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Plants (including flowers and seeds) crystallised glacé or drained	Sulphur dioxide	100”.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
9th November 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations come into operation on 13th December 1976 and further amend the Preservatives in Food (Scotland) Regulations 1975 as amended. They—

- (a) extend the list of specified foods which may contain permitted preservatives (Regulation 2(1)(a) and (2));
- (b) permit the presence in food of formaldehyde, when its presence is due to the use of the permitted miscellaneous additive dimethylpolysiloxane in that food (Regulation 2(1)(b)).

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