The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2), and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and all other powers enabling them to do so (1).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for any reference to Regulation (EU) No. 211/2013 (2) to be construed as a reference to that instrument as amended from time to time.

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 Food Hygiene and Official Feed and Food Controls (Scotland) Amendment Regulations 2014 and come into force on 1st October 2014.

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(1) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) ("the 1998 Act"), section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) ("the 2006 Act") and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) ("the 2008 Act"). The functions conferred on the Minister of the Crown under section 2(2), in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar as not transferred, and insofar as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849). Paragraph 1A of Schedule 2 to the 1972 Act was inserted by section 28 of the 2006 Act and has been amended by section 3(3) of and the Schedule to the 2008 Act.


The Food Hygiene (Scotland) Regulations 2006

2. (1) The Food Hygiene (Scotland) Regulations 2006(4) are amended in accordance with this Regulation.

(2) In regulation 2(1) (interpretation), in the definition beginning “Decision 2006/766”—
(a) for “and” substitute “,”; and
(b) after “Regulation 1079/2013” insert “and Regulation 579/2014(5).”.

(3) In Schedule 1 (definitions of EU legislation), after the definition of Regulation 1079/2013, insert—

(4) In Schedule 2 (specified Community provisions), in the third entry (referring to Article 4(2) of Regulation 852/2004), at the end of column 2 (subject-matter), omit the full stop and insert “and Regulation 579/2014(7).”.

(5) In Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats or of raw sugar)—
(a) omit paragraphs 2 to 6;
(b) in paragraph 14(1) omit “Commission Directive 96/3/EC or”; and
(c) omit paragraph 14(2).

The Official Feed and Food Controls (Scotland) Regulations 2009

3. (1) The Official Feed and Food Controls (Scotland) Regulations 2009(8) are amended in accordance with this Regulation.

(2) In regulation 2(1) (interpretation)—
(a) for the definition beginning “Directive 2004/41”, substitute—
(b) for the definition of “the Import Provisions” substitute—
““the Import Provisions” means Part 3 of these Regulations, Article 14 of Regulation 882/2004 in so far as it applies to official controls to verify compliance with aspects of feed or food law not covered by Directive 97/78/EC(10), Articles 15 to 24 of Regulation 882/2004, Regulation 669/2009, Regulation 211/2013(11) and Regulation 704/2014 amending Regulation 211/2013 on certification requirements for import into the Union of sprouts and seeds intended for the production of sprouts(12);”.

(3) In Schedule 1 (definitions of EU legislation)—

(a) after the definition of “Regulation 669/2009” omit “and” and insert—

““Regulation 211/2013” means Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the Union of sprouts and seeds intended for the production of sprouts(13); and”.

St Andrew’s House, Edinburgh  ALEX NEIL
29th July 2014  A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)


No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.