

2011 No. 99

FOOD

The Food Additives (Scotland) Amendment Regulations 2011

Made - - - - *10th February 2011*

Laid before the Scottish Parliament *14th February 2011*

Coming into force - - *31st March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (f), 17(1) and 48(1) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency(b).

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(c).

Citation and commencement

1. These Regulations may be cited as the Food Additives (Scotland) Amendment Regulations 2011 and come into force on 31st March 2011.

Amendment of the Food Additives (Scotland) Regulations 2009

2.—(1) The Food Additives (Scotland) Regulations 2009(d) are amended as follows.

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28). Section 17(1) was also amended by paragraph 12 of Schedule 5 to the 1999 Act. Section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46). The functions of the Secretary of State, in 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 transferred, and in so far 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).
- (b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (c) O.J. L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (O.J. L 188, 18.7.2009, p.14).
- (d) S.S.I. 2009/436.

(2) In regulation 2(1) (interpretation)—

- (a) at the end of the definition of “permitted sweetener” insert “as amended by Commission Directive 2010/37/EU amending Directive 2008/60/EC laying down specific purity criteria on sweeteners(**a**)”; and
- (b) at the end of the definition of “purity criteria” insert “as amended by Commission Directive 2010/67/EU amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners(**b**)”.

SHONA ROBISON

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
10th February 2011

(a) O.J. L 152, 18.6.2010, p.12.
(b) O.J. L 277, 21.10.2010, p.17.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement two Commission Directives concerned with the purity criteria for certain food additives—

- (a) Commission Directive 2010/37/EU amending Directive 2008/60/EC laying down specific purity criteria on sweeteners (O.J. L 152, 18.6.2010, p.12); and
- (b) Commission Directive 2010/67/EU amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners (O.J. L 277, 21.10.2010, p.17).

These Regulations make amendments to regulation 2 (interpretation) of the Food Additives (Scotland) Regulations 2009 so that references to Directive 2008/60/EC and Directive 2008/84/EC include the relevant amending Commission Directive (regulation 2(2)).

A Business and Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.

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