

**2011 No. 93**

**AGRICULTURE**

**FOOD**

**The Official Feed and Food Controls (Scotland) Amendment  
Regulations 2011**

*Made* - - - - *10th February 2011*  
*Laid before the Scottish Parliament* *14th February 2011*  
*Coming into force* - - *1st April 2011*

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

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(b).

**Citation and commencement**

1. These Regulations may be cited as the Official Feed and Food Controls (Scotland) Amendment Regulations 2011 and come into force on 1st April 2011.

**Amendment of the Official Feed and Food Controls (Scotland) Regulations 2009**

2.—(1) The Official Feed and Food Controls (Scotland) Regulations 2009(c) are amended in accordance with the following paragraph.

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- (a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46), section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, 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) and by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).
- (b) 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).
- (c) S.S.I. 2009/446, to which there are no relevant amendments.

(2) In regulation 12 (right of appeal), omit paragraphs (5) to (7).

St Andrew's House,  
Edinburgh  
10th February 2011

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Official Feed and Food Controls (Scotland) Regulations 2009 by omitting paragraphs (5) to (7) of regulation 12 of those Regulations (regulation 2).

Those paragraphs made provision for a food business operator who may appeal or has appealed against the refusal or withdrawal of an authorisation of a food business establishment to continue to operate the establishment pending the expiry of the time limit to appeal or the outcome of that appeal, as the case may be.

A Business and Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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