SCOTTISH STATUTORY INSTRUMENTS

2005 No. 222

FOOD

The Food Labelling Amendment (Scotland) Regulations 2005

Made - - - -	*20th April 2005*
Laid before the Scottish Parliament - - - -	*21st April 2005*
Coming into force - -	*20th May 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(**1**) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(**2**) of that Act to relevant advice given by the Food Standards Agency, hereby make the following Regulations:

PROSPECTIVE

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Food Labelling Amendment (Scotland) Regulations 2005 and shall come into force on 20th May 2006.

(2) These Regulations extend to Scotland only.

Commencement Information

I1 Reg. 1 in force at 20.5.2006, see **reg. 1(1)**

(**1**) 1990 c. 16; section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990; sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (c. 28) ("the 1999 Act"), Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C), inserted by S.I. 2004/2990; amendments made by Schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. Insofar as not so transferred, those functions under sections 16(1), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990 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).

(**2**) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(**3**) are amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation), in the definition of "Directive 94/54"(**4**), insert at the end "and Commission Directive 2004/77/EC(**5**)".

4. In regulation 23(2A) (food which is not prepacked and similar food, and fancy confectionery products)(**6**), insert at the end "or regulation 34C".

5. In regulation 26 (small packages and certain indelibly marked bottles), in paragraphs (1)(a)(ii) and (3A), for "regulations 33 and 34"(**7**), substitute "regulations 33, 34 and 34C".

6. In regulation 27(1) (certain food sold at catering establishments)(**8**), for "regulations 32, 33, 34 and 34B", substitute "regulations 32, 33, 34, 34B and 34C".

7. After regulation 34B (foods containing allergenic ingredients or ingredients originating from allergenic ingredients), insert–

"**Confectionery and drinks containing glycyrrhizinic acid or its ammonium salt**

34C.—(1) This regulation applies to any confectionery or drink which contains glycyrrhizinic acid or its ammonium salt as a result of the addition of that acid or salt as such or of the liquorice plant *Glycyrrhiza glabra*, and references in this regulation to "relevant concentration" are to the concentration of that acid or salt in the food–

(a) manufactured as ready for consumption; or

(b) if it is not so manufactured, as reconstituted according to its manufacturer's instructions.

(2) In the case of–

(a) any confectionery which contains a relevant concentration of at least 100 mg/kg but less than 4 g/kg;

(b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 10 mg/1 but less than 300 mg/1; and

(c) any drink which contains no, or no more than, 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 10 mg/1 but less than 50 mg/1,

that food shall be marked or labelled with the indication "contains liquorice", unless the term "liquorice" appears in the list of ingredients or in the name of the food.

(3) In the case of–

(a) any confectionery which contains a relevant concentration of at least 4 g/kg;

(b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 300 mg/1; and

(c) any drink which contains no, or no more than, 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 50 mg/1,

(**3**) S.I. 1996/1499; relevantly amended by S.I. 1998/1398, 1999/747, 1136 and 1483 and S.S.I. 2000/83, 2002/524, 2003/578 and 2004/472.
(**4**) This definition was inserted by S.I. 1998/1398 and relevantly amended by S.S.I. 2003/578.
(**5**) O.J. No. L 162, 30.4.04, p.76.
(**6**) Regulation 23(2A) was inserted by S.I. 2004/472.
(**7**) As inserted by S.I. 1999/747 and 1483 respectively.
(**8**) Relevantly amended by S.S.I. 2004/472.