SCOTTISH STATUTORY INSTRUMENTS

# 2003 No. 274

# FOOD

## The Sweeteners in Food Amendment (Scotland) Regulations 2003

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| *Made - - - -* | *4th June 2003* |
| *Laid before the Scottish Parliament - - - -* | *5th June 2003* |
| *Coming into force - -* | *26th June 2003* |

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, 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, and after consultation in accordance with section 48(4) and (4B)(**3**) of that Act, hereby make the following Regulations:

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Sweeteners in Food Amendment (Scotland) Regulations 2003 and shall come into force on 26th June 2003.

(2) These Regulations shall extend to Scotland only.

### Amendment of the Sweeteners in Food Regulations 1995

**2.** The Sweeteners in Food Regulations 1995(**4**) ("the principal Regulations") shall be amended in accordance with regulations 3 to 7.

**3.** In regulation 2 (interpretation)–

(a) in paragraph (1), for the definition of "permitted sweetener" there shall be substituted–

""permitted sweetener" means–

(**1**) 1990 c. 16; 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. Amendments made by Schedule 5 to 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.

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

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

(**4**) S.I. 1995/3123, relevantly amended by S.I. 1996/1477, 1997/814, 1999/982 and S.S.I. 2001/212 and 2002/61.

(a) the sweetener salt of aspartame-acesulfame in so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition Paper 52 Addendum 8; and

(b) any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out–

(i) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC(**5**); and

(ii) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2;"; and

(b) for paragraph (3)(c), there shall be substituted–

"(c) in Column 4, the maximum usable dose indicated in relation to a food is–

(i) in the case of all permitted sweeteners specified in Schedule 1 except cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use; and

(ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be, the maximum amount of free imide contained in saccharin and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use, measured in milligrams per kilogram or, as the case may be, per litre of the food;".

**4.** In regulation 3(3) (sale and use of sweeteners), for "paragraph (4)" there shall be substituted "paragraphs (4) and (5)".

**5.** After regulation 3(4) there shall be inserted–

"(5) No person shall use salt of aspartame-acesulfame (whether alone or in combination with either aspartame or acesulfame K, or with both) except–

(a) in or on any food listed in column 3 of Schedule 1 in relation to both aspartame and acesulfame K; and

(b) in an amount such that the maximum usable doses for aspartame and acesulfame K as listed in column 4 of that Schedule are not exceeded for each of the separate components of aspartame and acesulfame in the food concerned.".

**6.** In regulation 5 (sale of food containing sweeteners), for "and (4)" there shall be substituted ", (4) and (5)".

**7.** In regulation 5A(1) and (2) (compound foods), for "paragraph (2) or (3)" there shall be substituted "paragraph (2), (3) or (5)".

(**5**) O.J. No. L178, 28/07/1995, p.1.