SCOTTISH STATUTORY INSTRUMENTS

2002 No. 524

FOOD

The Food Labelling Amendment (Scotland) Regulations 2002

Made - - - -	*28th November 2002*
Laid before the Scottish Parliament - - - -	*2nd December 2002*
Coming into force - -	*1st January 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 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 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 Food Labelling Amendment (Scotland) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(**4**) shall be amended in accordance with regulations 3 to 5.

3. For regulation 14(4) (names of ingredients) there shall be substituted–

"(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column

(**1**) 1990 c. 16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c. 28) ("the 1999 Act"), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by 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 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.

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

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

(**4**) S.I.1996/1489, amended by S.I. 1998/141, 1398 and 2424, 1999/747, 982, 1136, 1483, 1540 and 1603 and S.S.I. 2000/83, 309 and 2001/38.

2 of that Part of Schedule 3 in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of Schedule 3.".

4. In regulation 50 (transitional provision) there shall be inserted at the end–

"(10) In any proceedings for an offence under regulation 44 (1)(a), it shall be a defence to prove that–

(a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and

(b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling Amendment (Scotland) Regulations 2002 had not been in force when the food was sold, marked or labelled.".

5. In Schedule 3 (generic names in list of ingredients)–

(a) there shall be inserted after the heading–

"PART I

GENERAL";

(b) after the entries relating to "herb, herbs or mixed herbs", the following entries shall be inserted in column 1 (*generic name*), column 2 (*ingredients*) and column 3 (*conditions of use of generic name*) respectively:–

""Meat" and the name of the animal species from which it comes, *or* a word which describes the meat by reference to the animal species from which it comes	Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding the heart, the tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus, the tail and any products covered by the European Community definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC(**5**)on health conditions for the production and marketing of fresh meat as last amended by Council Directive 95/23(**6**).	The total fat and connective tissue content must not exceed the limits specified in Part II of this Schedule and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue.";

(c) there shall be inserted at the end–

(**5**) O.J. No. L 121, 28.7.64, p.2012 (O.J./S.E. 1963–64 p.185).
(**6**) O.J. No. L 243, 11.10.95, p.7.