SCOTTISH STATUTORY INSTRUMENTS

2002 No. 523

FOOD

The Kava-kava in Food (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)(a), (e) and (f), 18(1)(c), 26(1) and (3) and 48(1) of the Food Safety Act 1990(**1**), and of all other powers enabling them in that behalf, and 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 Kava-kava in Food (Scotland) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"the Act" means the Food Safety Act 1990;

"Kava-kava" means a plant, or any part of or an extract from a plant, belonging to the species *Piper methysticum*.

Prohibition on sale etc. of food consisting of or containing Kava-kava

3. No person shall–

(**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 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 Food Standards Act 1999, Schedule 5, paragraph 21.

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