SCOTTISH STATUTORY INSTRUMENTS

2002 No. 61

FOOD

The Sweeteners in Food Amendment (Scotland) Regulations 2002

Made - - - -	*14th February 2002*
Laid before the Scottish Parliament - - - -	*15th February 2002*
Coming into force - -	*15th March 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 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 2002 and shall come into force on 15th March 2002.

(2) These Regulations 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 and 4 below.

3. In paragraph (1) of regulation 2 (interpretation)–

(a) in the definition of "Directive 95/31/EC(**5**)" for "and by Directive 2000/51 in so far as it relates to maltitol syrup" there shall be substituted ", Directive 2000/51(**6**) and Directive 2001/52/EC;"(**7**); and

(**1**) 1990 c. 16; sections 16(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"), section 17(1) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act. Amendments made by Schedule 5 to the 1999 Act which extend to Scotland 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 paragraph 21 of Schedule 5 to the Food Standards Act 1999.
(**3**) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.
(**4**) S.I.1995/3123, amended by S.I. 1996/1477, 1997/814, 1999/982 and S.S.I. 2001/212.
(**5**) O.J. No. L 178, 28.7.95, p.1.

(b) for the definition of "permitted sweetener" there shall be substituted the following definition–

""permitted sweetener" means any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out–

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

(b) 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;"

4. In Schedule 1 (permitted sweeteners and the foods in or on which they may be used) there shall be inserted at the end, in columns 2 to 4, the provisions specified in the Schedule to these Regulations.

St Andrew's House,Edinburgh
14th February 2002

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

(**6**) O.J. No. L 198, 4.8.00, p.41.
(**7**) O.J. No. L 190, 12.7.01, p.18.

SCHEDULE Regulation 4

PROVISIONS ADDED TO COLUMNS 2 TO 4 OF SCHEDULE 1 TO THE PRINCIPAL REGULATIONS

Sucralose(**8**)	**Non-alcoholic drinks**	
	Water-based flavoured drinks, energy-reduced or with no added sugar	300 mg/1
	Milk - and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	300 mg/1
	Desserts and similar products	
	Water-based flavoured desserts, energy-reduced or with no added sugar	400 mg/kg
	Milk-and-derivative-based preparations, energy reduced or with no added sugar	400 mg/kg
	Fruit-and vegetable-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Egg-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Cereal-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar	400 mg/kg
	Fat-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Confectionery	
	Confectionery with no added sugar	1000 mg/kg
	Breath-freshening micro-sweets, with no added sugar	2400 mg/kg
	Tablet-form confectionery, energy-reduced	200 mg/kg

(**8**) Authorised until 14th March 2004 in accordance with Article 5 of Directive 89/107/EEC (O.J. No. L 40, 11.2.89, p.27) pending consideration for inclusion in Directive 94/35/EC (O.J. No. L 237, 10.9.94, p.3).