SCOTTISH STATUTORY INSTRUMENTS

2000 No. 62

FOOD

The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000

Made - - - -	*10th March 2000*
Laid before the Scottish Parliament - - - -	*10th March 2000*
Coming into force - -	*1st April 2000*

The Scottish Ministers, in exercise of the powers conferred on them by section 42(1), (2) and (3) of the Food Standards Act 1999(**1**), hereby make the following Regulations:

Citation commencement and extent

1.—(1) These Regulations may be cited as the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000, and come into force on 1st April 2000.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations–

"the 1999 Act" means the Food Standards Act 1999;

"instrument" means any instrument, other than any statutory instrument, having effect in Scotland and relating to a transferred function, issued or made by or on behalf of one or more Ministers of the Crown or the Scottish Ministers (or any of them jointly), including–

(a) schemes and byelaws;

(b) codes of practice;

(c) operation manuals, and other documents containing guidance, relating to the protection of public health from risks which may arise in connection with the consumption of food (including risks caused by the way in which it is produced or supplied) or otherwise relating to the protection of the interests of consumers in relation to food;

(d) appointments (other than any appointment to an advisory committee);

(**1**) 1999 c. 28.

(e) approvals, authorisations, licences, provisional licences and registrations;

(f) designations;

(g) notices;

(h) certificates; and

(i) warrants; and

"transferred function" means any function–

(a) of the Scottish Ministers transferred to the Agency under or by virtue of the 1999 Act; or

(b) exercisable by the Agency after the coming into force of these Regulations by virtue of regulations 3 to 12(1) below,

but does not include any exercise of the powers referred to in regulation 13(1)(b) below.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered Schedule, or a numbered Part of a Schedule, shall be construed as a reference to the Schedule or Part of the Schedule bearing that number in these Regulations.

Regulations relating to dairy and egg hygiene: consequential provisions

3.—(1) The Ice Cream (Scotland) Regulations 1948(**2**) are modified in accordance with Part I of Schedule 1.

(2) The Dairy Products (Hygiene) (Scotland) Regulations 1995(**3**) are modified in accordance with Part II of Schedule 1.

(3) The Egg Products Regulations 1993(**4**) are modified in accordance with Part III of Schedule 1.

(4) The Eggs (Marketing Standards) Regulations 1995(**5**) are modified in accordance with Part IV of Schedule 1.

Regulations relating to feedingstuffs: consequential provisions

4.—(1) The Feeding Stuffs Regulations 1995(**6**) are modified in accordance with Part I of Schedule 2.

(2) The Feeding Stuffs (Establishment and Intermediaries) Regulations 1999(**7**) are modified in accordance with Part II of Schedule 2.

(3) Except in relation to zootechnical products (as referred to in section 29(2)(d) of the 1999 Act), the Feeding Stuffs (Enforcement) Regulations 1999(**8**) are modified in accordance with Part III of Schedule 2.

(4) The Animal Feeding Stuffs from Belgium (Control) (Scotland) Regulations 2000(**9**) are modified in accordance with Part IV of Schedule 2.

(**2**) S.I. 1948/960 as amended by S.I. 1948/2271. S.I. 1960/2108 and S.I. 1963/1101.
(**3**) S.I. 1995/1372 as amended by S.I. 1996/2465.
(**4**) S.I. 1993/1520 (to which there are amendments not relevant to these Regulations).
(**5**) S.I. 1995/1544; relevant amendments are made by S.I. 1996/1725.
(**6**) S.I. 1995/1412; relevant amendments are made by S.I. 1999/1528.
(**7**) S.I. 1999/1872.
(**8**) S.I. 1999/2325.
(**9**) S.S.I. 2000/16.

Regulations relating to general food hygiene, temperature control and fish and shellfish hygiene: consequential provisions

5.—(1) The Food Safety (General Food Hygiene) Regulations 1995(**10**) are modified in accordance with Part I of Schedule 3.

(2) The Food Safety (Temperature Control) Regulations 1995(**11**) and modified in accordance with Part II of Schedule 3.

(3) The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998(**12**) are modified in accordance with Part III Schedule 3.

Regulations relating to meat hygiene, etc.: consequential provisions

6.—(1) The Meat Hygiene Appeals Tribunal (Procedure) Regulations 1992(**13**) are modified in accordance with Part I of Schedule 4.

(2) The Meat Products (Hygiene) Regulations 1994(**14**) are modified in accordance with Part II of Schedule 4.

(3) The Fresh Meat (Hygiene and Inspection) Regulations 1995(**15**) are modified in accordance with Part III of Schedule 4.

(4) The Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**16**) are modified in accordance with Part IV of Schedule 4.

(5) The Animal By-Products (Identification) Regulations 1995(**17**) are modified in accordance with Part V of Schedule 4.

(6) The Wild Game Meat (Hygiene and Inspection) Regulations 1995(**18**) are modified in accordance with Part VI of Schedule 4.

(7) The Minced Meat and Meat Preparations (Hygiene) Regulations 1995(**19**) are modified in accordance with Part VII of Schedule 4.

(8) The Fresh Meat (Beef Controls) (No. 2) Regulations 1996(**20**) are modified in accordance with Part VIII of Schedule 4.

(9) The Beef Bones (Scotland) Regulations 1999(**21**) are modified in accordance with Part IX of Schedule 4.

(10) The Specified Risk Material Regulations 1997(**22**) are modified in accordance with Part X of Schedule 4.

(11) The Meat (Hygiene and Inspection) (Charges) Regulations 1998(**23**) are modified in accordance with Part XI of Schedule 4.

(12) The Specified Risk Material (Inspection Charges) Regulations 1999(**24**) are modified in accordance with Part XII of Schedule 4.

(**10**) S.I. 1995/1763 as amended by S.I. 1995/2148 and 3205, S.I. 1996/1699, S.I. 1997/2537, S.I. 1998/994 and S.I. 1999/1360.
(**11**) S.I. 1995/2200 as amended by S.I. 1995/3205, S.I. 1996/1499, S.I. 1998/994 and S.I. 1998/1398.
(**12**) S.I. 1998/994, to which there are amendments not relevant to these Regulations.
(**13**) S.I. 1992/2921, as amended by S.I. 1994/1029, S.I. 1995/539 and 540 and 1995/2148.
(**14**) S.I. 1994/3082, amended by S.I. 1995/539, 763, 2200 and 3205, S.I. 1996/1499 and S.I. 1999/683.
(**15**) S.I. 1995/539; amended by amended by S.I. 1995/731, 1763, 2200, 2148, 3124, and 3189, S.I. 1996/1148 and 2235, S.I. 1997/1729 and S.I. 1997/2074.
(**16**) S.I. 1995/540, amended by S.I. 1995/1763, 2148, 2200 and 3205 and S.I. 1997/1729.
(**17**) S.I. 1995/614, as amended by S.I. 1995/1955, S.I. 1996/3124 and S.I. 1997/2073.
(**18**) S.I. 1995/2148, as amended by S.I. 1995/3205.
(**19**) S.I. 1995/3205, amended by S.I. 1996/3124.
(**20**) S.I. 1996/2097, as amended by S.I. 1996/2522.
(**21**) S.S.I. 1999/186.
(**22**) S.I. 1997/2965, as amended by S.I. 1997/3062, S.I. 1998/2405 and 2431 and S.I. 1999/539.
(**23**) S.I. 1998/2095.
(**24**) S.I. 1999/539.

Regulations relating to imports and exports: consequential provisions

7.—(1) The Imported Food (Scotland) Regulations 1985(**25**) are modified in accordance with Part I of Schedule 5.

(2) The Products of Animal Origin (Import and Export) Regulations 1996(**26**) are modified in accordance with the provisions of Part II of Schedule 5.

Regulations relating to novel foods and food irradiation: consequential provisions

8.—(1) The Novel Foods and Novel Food Ingredients Regulations 1997(**27**) are modified in accordance with Part I of Schedule 6.

(2) The Novel Foods and Novel Food Ingredients (Fees) Regulations 1997(**28**) are modified in accordance with Part II of Schedule 6.

(3) The Food (Control of Irradiation) Regulations 1990(**29**) are modified in accordance with Part III of Schedule 6.

Emergency Control Orders: consequential provisions

9.—(1) The Food (Pistachios from Iran) (Emergency Control) Order 1997(**30**) is modified in accordance with Part I of Schedule 7.

(2) The Food (Peanuts from Egypt) (Emergency Control) (Scotland) Order 2000(**31**) is modified in accordance with Part II of Schedule 7.

(3) The Food (Animal Products from Belgium) (Emergency Control) (Scotland) Order 2000(**32**) is modified in accordance with Part III of Schedule 7.

Miscellaneous enactments: consequential provisions

10.—(1) The Sludge (Use in Agriculture) Regulations 1989(**33**) are modified in accordance with Part I of Schedule 8.

(2) The Environmental Protection (Applications, Appeals and Registers) Regulations 1991(**34**) are modified in accordance with Part II of Schedule 8.

(3) The Welfare of Animals (Slaughter or Killing) Regulations 1995(**35**) are modified in accordance with Part III of Schedule 8.

(4) The Bovines and Bovine Products (Trade) Regulations 1999(**36**) are modified in accordance with Part IV of Schedule 8.

(5) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999(**37**) are modified in accordance with Part IV Schedule 8.

(**25**) S.I. 1985/913 as amended by S.I. 1990/2625 and S.I. 1997/2537.
(**26**) S.I. 1996/3124, as amended by S.I. 1997/3023, S.I. 1998/994 and S.I. 1999/683.
(**27**) S.I. 1997/1335, as amended by S.I. 1999/1756 and 3182.
(**28**) S.I. 1997/1336, as amended by S.I. 1999/1756.
(**29**) S.I. 1990/2490.
(**30**) S.I. 1997/2238, as amended by S.I. 1997/3046.
(**31**) S.S.I 2000/35.
(**32**) S.S.I. 2000/15.
(**33**) S.I. 1989/1263; relevant amendments are made by S.I. 1990/880 and S.I. 1996/593.
(**34**) S.I. 1991/507; relevant amendments are made by S.I. 1994/1271 and S.I. 1996/667 and 2678.
(**35**) S.I. 1995/731; amended by S.I. 1999/400.
(**36**) S.I. 1999/1540.
(**37**) S.I. 1999/1103, amended by S.I. 1994/1554.

Monitoring of enforcement action, etc.: consequential provisions

11. The definition of "relevant legislation" in section 15(1) of the 1999 Act has effect as if the references in sub-paragraph (a) to the provisions of regulations or orders made under the Food Safety Act 1990(**38**) Act included references to the provisions of the Regulations made under section 2(2) of the European Communities Act 1972(**39**) specified in Schedule 9 to these Regulations.

Instruments, orders and judgments: consequential provisions

12.—(1) Subject to the following paragraphs of this regulation, any provision relating to a transferred function in an instrument made, or court interlocutor, decree or order made or given, before the coming into force of these Regulations has effect, so far as may be necessary or expedient in preparation for, in connection with, or in consequence of the transfer of that function to the Agency, as if any references in the provision (including any references which are to be construed as such references) to, or to officers of, the Scottish Ministers were references to the Agency, or its officers.

(2) Paragraph (1) above does not apply to any authorisation or licence issued for the purposes of the Welfare of Animals (Slaughter or Killing) Regulations 1995 in force at the coming into force of these Regulations.

(3) Paragraph (1) above applies to codes of practice issued under section 40 of the Food Safety Act 1990 before the coming into force of these Regulations but does not apply so as to treat the authority by which the code was issued as altered.

Transitional provisions and savings

13.—(1) The transfer to the Agency of any transferred function does not affect the validity of anything done, or having effect as if done, by or on behalf of the Scottish Ministers before the coming into force of any provision under which the function is transferred.

(2) Anything (including legal proceedings) which at the coming into force of these Regulations is in the process of being done, so far as it relates to any transferred function, may be continued by or in relation to the Agency.

(3) Anything (including legal proceedings or anything in connection with legal proceedings) done or having effect as if done before the coming into force of these Regulations by or in relation to the Scottish Ministers, so far as it relates to any transferred function has effect as if done by or in relation to the Agency.

(4) Where any property, right or liability of the Scottish Ministers is transferred to the Agency by virtue of a transfer scheme made under section 41 of the 1999 Act and they certify that the property, right or liability has been transferred to the Agency by virtue of subsection (4) of that section, on a day appointed by the scheme for the transfer of the property, right or liability, the certificate is conclusive evidence for all purposes of any fact stated in it with respect to the effect of that subsection in relation to the transfer and paragraphs (2) and (3) above shall not apply to that property, right or liability on and after that day.

St Andrew's House,
Edinburgh
10th March 2000

Susan C Deacon
A member of the Scottish Executive

(**38**) 1990 c. 16.
(**39**) 1972 c. 68.