
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 616

**AGRICULTURE
FOOD**

**The Official Feed and Food Controls
(Scotland) Regulations 2005**

Made - - - - *30th November 2005*
Laid before the Scottish
Parliament - - - - *1st December 2005*
Coming into force - - *1st January 2006*

The Scottish Ministers, in exercise (with regard to regulation 41 of the following Regulations) of the powers conferred by sections 16(1), 17(2) and 48(1) of the Food Safety Act 1990⁽¹⁾, having had regard in accordance with section 48(4A)⁽²⁾ of that Act to relevant advice given by the Food Standards Agency and, in exercise (with regard to the following Regulations except regulation 41) of the powers conferred by section 2(2) of the European Communities Act 1972⁽³⁾ and of all other powers enabling them in that behalf, and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁴⁾, hereby make the following Regulations:

-
- (1) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by the Food Safety Act 1990 (Amendment) Regulations 2004 (S.I.2004/2990); section 48(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) (“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) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not so transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (2) Section 48(4B) was inserted by the 1999 Act, section 40(1) and Schedule 5, paragraph 21.
- (3) 1972 c. 68. Section 2(2) was amended by the 1998 Act, Schedule 8, paragraph 15(3). The function conferred on the Minister of the Crown under section 2(2) of the 1972 Act, in so far as exercisable within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not so transferred and in so far as relating to food (including drink) including the primary production of food, that function was transferred to the Scottish Ministers by S.I. 2005/849.
- (4) O.J. No. L 31, 1.2.02, p.1 as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4).