

**2007 No. 143**

**FOOD**

**The Colours in Food Amendment (Scotland) Regulations 2007**

|  |         |                       |
|--|---------|-----------------------|
| <i>Made</i>                                | - - - - | <i>1st March 2007</i> |
| <i>Laid before the Scottish Parliament</i> |         | <i>2nd March 2007</i> |
| <i>Coming into force</i>                   | - -     | <i>6th April 2007</i> |

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and 17(1) of the Food Safety Act 1990(a) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency 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(c), hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Colours in Food Amendment (Scotland) Regulations 2007 and shall come into force on 6th April 2007.

(2) These Regulations extend to Scotland only.

**Amendment of the Colours in Food Regulations 1995**

2.—(1) The Colours in Food Regulations 1995(d) are amended in accordance with paragraph (2).

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- (a) 1990 c.16; section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990; section 16(1) was amended by the Food Standards Act 1999 (c.28) (“the 1999 Act”), section 40(1) and Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 12; section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C), inserted by S.I. 2004/2990; 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) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Insofar 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).
- (b) Section 48(4A) was inserted by the 1999 Act, Schedule 5, paragraph 21.
- (c) O.J. No. L 31, 1.2.02, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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 (O.J. No. L 245, 29.9.03, p.4) and Commission Regulation (EC) No. 575/2006 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (O.J. No. L 100, 8.4.06, p.3).
- (d) S.I. 1995/3124, relevantly amended by S.S.I. 2000/131, 2001/422 and 2005/94.

(2) In regulation 2(1) (interpretation), in the definition of “Directive 95/45/EC”, for “and Directive 2004/47/EC(a)”, substitute—

“, Directive 2004/47/EC(b) and Directive 2006/33/EC(c)”.

St Andrew’s House,  
Edinburgh  
1st March 2007

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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- (a) The reference to Directive 2004/47/EC was inserted by S.S.I. 2005/94, regulation 2(2).  
(b) Commission Directive 2004/47/EC amending Directive 95/45/EC as regards mixed carotenes (E 160 a (i)) and beta-carotene (E 160 a (ii)) (O.J. No. L 113, 20.4.04, p.24).  
(c) Commission Directive 2006/33/EC amending Directive 95/45/EC as regards sunset yellow FCF (E 110) and titanium dioxide (E 171) (O.J. No. L 82, 21.3.06, p.10).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, implement Commission Directive 2006/33/EC amending Directive 95/45/EC as regards sunset yellow FCF (E 110) and titanium dioxide (E 171).

They do so by updating the definition of “Directive 95/45/EC” in regulation 2(1) of the Colours in Food Regulations 1995, to reflect the amendment made to that Directive by Commission Directive 2006/33/EC (regulation 2).

Commission Directive 2006/33/EC amends Commission Directive 95/45/EC by substituting revised purity criteria for the colours sunset yellow FCF (E 110) and titanium dioxide (E 171).

No regulatory impact assessment has been prepared to accompany these Regulations, as they will not impose any costs on business.

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