
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 446

**AGRICULTURE
FOOD**

**The Official Feed and Food Controls
(Scotland) Regulations 2009**

*Made - - - - 17th December 2009
Laid before the Scottish
Parliament - - 18th December 2009
Coming into force 25th January 2010*

**THE OFFICIAL FEED AND FOOD CONTROLS
(SCOTLAND) REGULATIONS 2009**

PART 1

PRELIMINARY

1. Citation, commencement and extent
2. Interpretation

PART 2

MAIN PROVISIONS

3. Competent authorities
- 3A Delegation by feed authority
4. Exchanging and providing information
5. Obtaining information
6. Power to issue codes of recommended practice
7. Monitoring of enforcement action
8. Power to request information relating to enforcement action
9. Power of entry for persons monitoring enforcement action
10. Meaning of “enforcement authority” and related expressions
11. Offences relating to regulations 8 and 9
12. Right of appeal
13. Appeal to Court of Session against dismissal of appeal under regulation 12(1)
14. Staff of competent authority of another member State

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

15. Commission experts
16. Prohibition on disclosure of trade secrets
17. Execution and enforcement
18. Powers of entry
19. Obstruction etc. of officers
20. Penalties
21. Time limit for prosecutions

PART 3

OFFICIAL CONTROLS ON FEED AND FOOD OF NON-ANIMAL ORIGIN FROM THIRD COUNTRIES

22. Interpretation of this Part of these Regulations
23. Feed enforcement responsibilities and competent authority status
24. Food enforcement responsibilities and competent authority status
25. Functions of the Commissioners
26. Exchange of information
27. Deferred execution and enforcement
28. Prohibition on introduction of certain feed and food
29. Checks on products
30. Border control posts
31. Detention, destruction, special treatment, re-dispatch and other appropriate measures and costs
32. Notices in relation to imports of feed and food from third countries pursuant to regulation 31
33. Right of appeal in respect of notices served under regulation 32
34. Appeal to Court of Session against dismissal of appeal under regulation 33
35. Serious risk to animal or public health
36. Costs and fees
37. Procurement by authorised officers of samples with regard to food
38. Analysis etc. of samples
39. Powers of entry of authorised officers of a food authority
40. Obstruction etc. of officers (imports)
41. Offences and penalties
42. Time limit for prosecutions (imports)
- 42A Savings for declarations

PART 4

RECOVERY OF EXPENSES

- 42B Fees or charges arising from unplanned official controls
43. Expenses arising from additional official controls
44. Expenses arising in respect of co-ordinated assistance and follow-up by the Commission

PART 5

ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

45. Offences due to fault of another person
46. Defence of due diligence
47. Offences by bodies corporate
48. Offences by Scottish partnerships
49. Protection of officers acting in good faith

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

50. Service of documents
51. Amendment to the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
52. Revocation
53. Transitional and savings provisions applying to feed Signature

SCHEDULE 1	DEFINITIONS OF COMMUNITY LEGISLATION
“ Decision 2007/275 ” means Commission Decision 2007/275/EC concerning lists...	
SCHEDULE 2	DEFINITION OF RELEVANT FEED LAW
“relevant feed law” means— Part IV of the Agriculture Act...	
SCHEDULE 3	DEFINITION OF RELEVANT FOOD LAW
“relevant food law” means— food law in so far as...	
SCHEDULE 4	COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FEED LAW
SCHEDULE 5	COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW
SCHEDULE 6	SPECIFIED IMPORT PROVISIONS
Explanatory Note	

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 2 para. (f) words substituted by [S.S.I. 2010/373 reg. 16\(2\)](#)
- sch. 4 table words inserted by [S.S.I. 2020/372 reg. 3\(5\)\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(5)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(a)(iii).)
- sch. 4 table words inserted by [S.S.I. 2020/372 reg. 3\(5\)\(d\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(5)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(a)(iii).)
- sch. 4 table words inserted by [S.S.I. 2020/372 reg. 3\(5\)\(d\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(5)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(a)(iii).)
- sch. 4 table words omitted by [S.S.I. 2019/52 reg. 7\(12\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))
- sch. 4 table words omitted by [S.S.I. 2019/52 reg. 7\(12\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))
- sch. 5 table words inserted by [S.S.I. 2020/372 reg. 3\(6\)\(d\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(b)(iii).)
- sch. 5 table words inserted by [S.S.I. 2020/372 reg. 3\(6\)\(d\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(b)(iii).)
- sch. 5 table words inserted by [S.S.I. 2020/372 reg. 3\(6\)\(d\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(b)(iii).)
- sch. 5 table words omitted by [S.S.I. 2019/52 reg. 7\(13\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))
- sch. 5 table words omitted by [S.S.I. 2019/52 reg. 7\(13\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))
- sch. 6 table words substituted by [S.S.I. 2019/52 reg. 7\(14\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))
- sch. 6 table words substituted by [S.S.I. 2020/372 reg. 3\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(c)(i).)
- sch. 6 table words substituted by [S.S.I. 2020/372 reg. 3\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(c)(ii).)
- sch. 6 table words substituted by [S.S.I. 2020/372 reg. 3\(7\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(c)(iii).)
- sch. 6 table words substituted by [S.S.I. 2020/372 reg. 3\(7\)\(h\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(c)(iv).)
- sch. 6 table words substituted by [S.S.I. 2020/372 reg. 3\(7\)\(h\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 3(6)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of S.S.I. 2020/455, regs. 1(3), 5(2)(c)(iv).)

- reg. 44 omitted by [S.S.I. 2019/52 reg. 7\(11\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 7(11)-(14) omitted immediately before IP completion day by virtue of S.S.I. 2020/372, regs. 1(2)(a), 5(4))