

Scottish Statutory Instrument 2000 No. 217

The Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2000

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SCOTTISH STATUTORY INSTRUMENTS

2000 No. 217

FOOD

The Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2000

<i>Made</i>	<i>28th June 2000</i>
<i>Laid before the Scottish Parliament</i>	<i>29th June 2000</i>
<i>Coming into force</i>	<i>1st July 2002</i>

The Scottish Ministers in exercise of the powers conferred on them by sections 6(4), 16(1), 17(1), 26(1)(a) and (3) and 48(1) of 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) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2000 and shall come into force on 1st July 2002.

(2) These Regulations extend to Scotland only.

Amendment of previous Regulations in relation to Scotland

2. The Infant Formula and Follow-on Formula Regulations 1995[3] shall be amended by inserting-

(a) in paragraph (2) of regulation 1 (title, commencement and interpretation)-

(i) after the definition of "advertisement", the following definition-

" "the Directive" means Commission Directive 91/321/EEC[4] on infant formulae and follow-on formulae as amended by the Act concerning the conditions of Accession of Austria, Finland and Sweden[5], Commission Directive 96/4/EC[6] and Commission Directive 1999/50/EC[Z]"; and

(ii) after the definition of "member State", the following definition-

" "pesticide residue" has the meaning given by Article 1(2)(e) of the Directive" and like expressions shall be construed accordingly; and

(b) at the end of paragraph (2) of each of regulations 8 and 9 (composition of infant formulae and follow-on formulae), the words

" and it shall not-

(a) if it is manufactured as ready for consumption, contain,

or

(b) if it is not so manufactured, be such that it would, if reconstituted according to its manufacturer's instructions, contain,

residues of any individual pesticide at a level exceeding 0.01 mg/kg".

SUSAN C DEACON

A member of the Scottish Executive

St Andrew's House, Edinburgh

28th June 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Infant Formula and Follow-on Formula Regulations 1995 in relation to Scotland only, in implementation of Commission Directive 1999/50/EC which amends Commission Directive 91/321/EEC on infant formulae and

follow-on formulae.

These Regulations extend the compositional requirements for such formulae in the 1995 Regulations by adding a requirement that they must not contain individual pesticide residues above a level of 0.01 mg/kg, measured when ready for use or when reconstituted according to the manufacturer's instructions (regulation 2(b)).

Consequential amendments are made by regulation 2(a).

Notes:

[1] 1990 c.16. Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40) and by paragraph 10(3) of Schedule 5 to the Food Standards Act 1999 (c.28). Sections 16(1) and 48(1) were amended by the Food Standards Act 1999 Schedule 5, paragraph 8; section 17(1) was amended by paragraphs 8 and 12 of Schedule 5. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).[back](#)

[2] Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999.[back](#)

[3] S.I. 1995/77, to which there are amendments not relevant to these Regulations.[back](#)

[4] O.J. No. L175, 4.7.91, p.35.[back](#)

[5] O.J. No. L241, 29.8.1994, p.212. [.back](#)

[6] O.J. No. L49, 28.2.1996, p.12.[back](#)

[7] O.J. No. L139, 2.6.1999, p.29.[back](#)

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