

Scottish Statutory Instrument 2001 No. 103

The Miscellaneous Food Additives (Amendment) (Scotland) Regulations 2001

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SCOTTISH STATUTORY INSTRUMENTS

2001 No. 103

FOOD

The Miscellaneous Food Additives (Amendment) (Scotland) Regulations 2001

<i>Made</i>	<i>15th March 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>16th March 2001</i>
<i>Coming into force</i>	<i>31st March 2001</i>

The Scottish Ministers, in exercise of the powers conferred by sections 16(1)(a) and (3), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990[1], and of all other powers enabling them in that behalf, after having 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) and (4B)[3] of that Act, hereby make the following Regulations:

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Scotland) Regulations 2001 and shall come into force on 31st March 2001.

(2) These Regulations extend to Scotland only.

Amendment of the Miscellaneous Food Additives Regulations 1995

2. The Miscellaneous Food Additives Regulations 1995[4] ("the principal Regulations") shall be amended in accordance with regulations 3 to 5 below.

3. In regulation 2(1) (interpretation), in the definition of "Directive 96/77/EC" there shall be added at the end the words "and Commission Directive 2000/63/EC"[5].

4. In regulation 11 (transitional provision and exemptions), there shall be inserted after paragraph (1B) the following paragraph-

" (1C) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that-

(a) the food additive or food concerned was put on the market or labelled before 31st March 2001; and

(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Miscellaneous Food Additives (Amendment) (Scotland) Regulations 2001 had not come into force when that matter occurred."

5. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

SUSAN C DEACON
A member of the Scottish Executive

St Andrew's House, Edinburgh
15th March 2001

SCHEDULE

Regulation 5

MISCELLANEOUS ADDITIVES FOR WHICH PURITY CRITERIA SPECIFIED OR REFERRED TO IN SCHEDULE 5 TO THE PRINCIPAL REGULATIONS ARE OMITTED

E 296	Malic acid
E 297	Fumaric acid
E 350(i)	Sodium malate
E 350 (ii)	Sodium hydrogen malate
E 351	Potassium malate
E 352(i)	Calcium malate
E 352(ii)	Calcium hydrogen malate

E 355	Adipic acid
E 363	Succinic acid
E 380	Triammonium citrate
E 500(i)	Sodium carbonate
E 500(ii)	Sodium hydrogen carbonate
E 500(iii)	Sodium sesquicarbonate
E 501(i)	Potassium carbonate
E 501(ii)	Potassium hydrogen carbonate
E 503(i)	Ammonium carbonate
E 503(ii)	Ammonium hydrogen carbonate
E 507	Hydrochloric acid
E 509	Calcium chloride
E 513	Sulphuric acid
E 514(i)	Sodium sulphate
E 515(i)	Potassium sulphate
E 516	Calcium sulphate
E 522	Aluminium potassium sulphate
E 524	Sodium hydroxide
E 525	Potassium hydroxide
E 526	Calcium hydroxide
E 527	Ammonium hydroxide
E 528	Magnesium hydroxide
E 529	Calcium oxide
E 530	Magnesium oxide
E 535	Sodium ferrocyanide
E 536	Potassium ferrocyanide
E 541	Sodium aluminium phosphate, acidic
E 551	Silicon dioxide
E 552	Calcium silicate
E 553(a)(i)	Magnesium silicate
E 553(a)(ii)	Magnesium trisilicate
E 575	Glucono-delta-lactone
E 576	Sodium gluconate
E 577	Potassium gluconate
E 578	Calcium gluconate

E 640	Clycine
E 900	Dimethylpolysiloxane
E 901	Beeswax, white and yellow
E 903	Carnauba wax
E 904	Shellac
E 941	Nitrogen
E 942	Nitrous oxide
E 948	Oxygen
E 999	Extract of quillaia
E 1200	Polydextrose
E 1200	Propane-1,2-diol (propylene glycol)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Miscellaneous Food Additives Regulations 1995, ("the principal Regulations").

The Regulations implement Commission Directive 2000/63/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners.

Subject to a transitional provision, the Regulations amend the existing requirements in the principal Regulations as regards the purity criteria for butylated hydroxyanisole (BHA) and specify new purity criteria in relation to the additives specified in Annex II to Commission Directive 2000/63/EC (regulations 3 to 5).

No regulatory impact assessment has been prepared in respect of these Regulations.

Notes:

[1] 1990 c.16; sections 16(1)(a) and 48(1) were amended by the Food Standards Act 1999 (c.28), ("the 1999 Act"), Schedule 5, paragraph 8; section 17(1) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act; section 26(3) was amended by Schedule 6 to 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) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.back

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

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

[4] S.I. 1995/3187, amended by S.I. 1997/1413 and 1999/1136.back

[5] O.J. No. L 277, 30.10.00, p.1back

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