

Scottish Statutory Instrument 2002 No. 284

The Food (Control of Irradiation) Amendment (Scotland) Regulations 2002

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SCOTTISH STATUTORY INSTRUMENTS

2002 No. 284

FOOD

The Food (Control of Irradiation) Amendment (Scotland) Regulations 2002

<i>Made</i>	<i>7th June 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>10th June 2002</i>
<i>Coming into force</i>	<i>1st July 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1) and (3), 17(1), 18(1), 19(1)(b), 26(1) and 48(1) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety Act 1990[1], and of all other powers enabling them in that behalf and 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 the 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 Food (Control of Irradiation)

Amendment (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations shall extend to Scotland only.

Amendments to the Food (Control of Irradiation) Regulations 1990

2. The Food (Control of Irradiation) Regulations 1990[4] shall be amended in accordance with regulations 3 to 7 below.

3. In regulation 2(1) (interpretation), the definitions of "the Directives" and "Directive 1999/3" shall be omitted[5].

4. Regulation 6A[6] (labelling of non-consumer foods) shall be omitted.

5. In Schedule 1 (irradiation licences)-

(a) in Part I (grant of irradiation licences), in paragraph 1(f)(i) for "and how that would benefit consumers" there shall be substituted "and how irradiating that description of food for that purpose would benefit consumers";

(b) in Part II (terms and conditions of irradiation licences)-

(i) for paragraph 9 there shall be substituted-

" 9. - (1) The licence shall prohibit the licensee from subjecting any food to treatment by ionising radiation in combination with any chemical treatment having the same purpose as the treatment by ionising radiation.

(2) Subject to sub-paragraph (3) below, the licence shall prohibit the licensee from subjecting to treatment by ionising radiation any food which, or any part of which, has previously been treated by ionising radiation.

(3) The licence shall specify that the removal of food from and return of the food to the facility where subsection to treatment by ionising radiation takes place shall, where that removal and return form part of a continuous process required by the design and construction of that facility, not be treated as a subsection to treatment required to be prohibited by sub-paragraph (2) above.";

(ii) in paragraph 15(1) the words from "and shall prohibit the licensee from consigning food" to the end shall be omitted;

(iii) after paragraph 15(2) there shall be inserted-

" (3) Subject to sub-paragraph (4) below, the licence shall prohibit the licensee from consigning food within a batch of food referred to in sub-paragraph (1) above to any other person unless that food is accompanied by documentation containing-

(a) the name of the licensee and the address of the premises to which the licence relates;

(b) the official reference number of the facility as referred to in Article 7.1 of Directive 1999/2;

(c) the name and address of each consignor and each consignee of food within that batch;

- (d) a statement that the food within that batch has been subjected to treatment by ionising radiation by use of the word "irradiated" or the words "treated with ionising radiation";**
- (e) the numerical reference by which that batch can be identified;**
- (f) the description and quantity of food within that batch;**
- (g) the date on which the treatment took place; and**
- (h) the overall average dose specified in sub-paragraph (1)(h) above.**

(4) In the case of foods not intended for sale to the ultimate consumer or catering establishments, either the information specified in sub-paragraph 3(a) or (b) above shall be indicated in the documentation accompanying the food.

(5) In sub-paragraph (4) above, "ultimate consumer" and "catering establishment" shall have the same meaning as in regulation 2(1) of the Food Labelling Regulations 1996[7]."

(c) in Part III (variation of irradiation licence) in paragraph 1(1)(a)-

- (i) the words "one of the seven permitted" shall be omitted; and**
- (ii) for "are appropriate to the new description of food", there shall be substituted "will remain appropriate if that variation is effected".**

6. In Schedule 2 (importation of food)-

(a) for paragraph 2(b) of Part I (importation from other member states) there shall be substituted-

" (b) "appropriate documentation" means documentation containing-

- (i) a statement that the food has been subjected to treatment by ionising radiation by use of the word "irradiated" or the words "treated with ionising radiation"; and**
- (ii) in the case of foods not intended for sale to the ultimate consumer or catering establishments, the name and address of the facility which carried out the irradiation or the official reference number of that facility; and**

(c) in sub-paragraph (b)(ii) above, "ultimate consumer" and "catering establishment" shall have the same meaning as in regulation 2(1) of the Food Labelling Regulations 1996 and the official reference number is that referred to in Article 7.1 of Directive 1999/2.";

(b) in paragraphs 3(c) and (d) of Part II (importation from third countries), the words "or territory" shall be inserted after the word "country" in each place where it appears;

(c) for paragraph 3(e) there shall be substituted-

" (e) appropriate documentation for food to which this paragraph applies is-

- (i) a copy of all the particulars a copy of which, by virtue of paragraph 15(3)(a), (c), (d), (e), (f), (g) and (h) of Part II of Schedule 1 above, would be required to accompany any food had it been consigned by the holder of an irradiation licence to any other person after subjection by the holder of the irradiation licence to treatment by ionising radiation; and
- (ii) confirmation from the holder of the irradiation licence in the country or territory in which the food was subjected to treatment by ionising radiation that an irradiation licence was in effect in relation to the food at the time at which the treatment took place."

7. In Schedule 3 (requirements for storage and transportation), for paragraph 2 there shall be substituted-

" 2. For the purposes of this Schedule the requisite documentation, in relation to any food subjected to ionising radiation in Scotland, is the original or a copy of the documentation required by virtue of paragraph 15(3) of Part II of Schedule 1 above to accompany that food at the time of consignment by the holder of an irradiation licence."

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

St Andrew's House, Edinburgh
7th June 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, amend the Food (Control of Irradiation) Regulations 1990 ("the principal Regulations"). These amendments are in accordance with the provisions of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (O.J. No. L 66, 13.3.99, p.16) and Directive 1999/3/EC of the European Parliament and of the Council on the establishment of a Community list of foods and food ingredients treated with ionising radiation (O.J. No. L 66, 13.3.99, p.24), both of which are implemented by the principal Regulations.

These Regulations-

- (a) remove two definitions from the principal Regulations which were found to be unnecessary (regulation 3);
- (b) re-enact provisions in a clarified format for the documents which are

- required to accompany foods which have been treated with ionising radiation by insertion of new provisions in Schedules 1, 2 and 3 of the principal Regulations and make additional provision in relation to such foods which are not intended for sale to the ultimate consumer or catering establishments with a view to clarifying responsibility for compliance with the documentation requirements (regulations 4, 5(b)(ii) and (iii), 6(a) and (c) and 7);**
- (c) make four minor amendments to clarify ambiguities in the wording of the principal Regulations (regulations 5(a), (b)(i) and (c) and 6(b)).**

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

Notes:

- [1] 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) ("the 1999 Act") Schedule 5, paragraph 10(3); sections 16(1), 18(1), 19(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; 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) 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. 1990/2490, amended by S.S.I. 2000/62 and 309.back**
- [5] These definitions were inserted by S.S.I. 2000/309.back**
- [6] Regulation 6A was inserted by S.S.I. 2000/309.back**
- [7] S.I. 1996/1499, to which there are amendments not relevant to these Regulations.back**

ISBN 0 11061476 3