

2007 No. 303

FOOD

**The Spreadable Fats (Marketing Standards) (Scotland)
Amendment Regulations 2007**

<i>Made</i> - - - -	<i>4th June 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>5th June 2007</i>
<i>Coming into force</i> - -	<i>12th July 2007</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and all other powers enabling them to do so.

They have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(b).

They have carried out 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).

Citation and commencement

1. These Regulations may be cited as the Spreadable Fats (Marketing Standards) (Scotland) Amendment Regulations 2007 and come into force on 12th July 2007.

Amendment of the Spreadable Fats (Marketing Standards) (Scotland) Regulations 1999

2.—(1) The Spreadable Fats (Marketing Standards) (Scotland) Regulations 1999(d) are amended in accordance with paragraph (2).

(a) 1990 c.16; sections 16(1) and 48(1) were amended by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 8; section 17(2) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; 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 of 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. 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, section 40(1) and Schedule 5, paragraph 21.

(c) O.J. No. L 31, 1.2.02, p.1, as amended by Commission Regulation (EC) No. 1642/2003 (O. J. No. L 245, 29.9.2003, p.4) and Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 7.4.06, p.3.)

(d) S.S.I. 1999/34, as amended by S.S.I. 2005/616.

(2) In regulation 2(1) (interpretation), for the definition of the Commission Regulation substitute—

““the Commission Regulation” means Commission Regulation (EC) No. 445/2007 laying down certain detailed rules for the application of Council Regulation (EC) No. 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(a);”.

St Andrew’s House,
Edinburgh
4th June 2007

SHONA ROBISON
Authorised to sign by the Scottish Ministers

(a) O.J. No. L 106, 24.4.2007, p.24.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the enforcement and execution of Commission Regulation (EC) No. 445/2007, which revokes and replaces in its entirety Commission Regulation (EC) No. 577/97 (and its amendments), laying down certain detailed rules for the application of the Council Regulation (EC) No. 2991/94 and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products, as amended. Commission Regulation (EC) No. 445/2007 does not introduce any changes to existing legal requirements.

These Regulations update the Spreadable Fats (Marketing Standards) (Scotland) Regulations 1999, replacing the reference to Commission Regulation (EC) No. 577/97, and its amendments, with one to its replacement Commission Regulation (EC) No. 445/2007.

No regulatory impact assessment has been prepared in relation to these Regulations.

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