

FOOD LAW IN SCOTLAND

PRODUCED BY: THE FOOD STANDARDS AGENCY SCOTLAND

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INTRODUCTION

In general the legislation listed in this guide applies to Scotland (unless otherwise stated). Similar legislation applies to England, Wales and Northern Ireland. However, the Food Safety Act 1990, and new regulations made under it from 1990 onwards, apply to Great Britain unless it is otherwise stated.

The Food Standards Agency became operational on the 3rd of April 2000 in accordance with the Food Standards Act 1999 and the Commencement Orders – The Food Standards Act 1999 (Commencement No 1) Order 2000 and Food Standards Act 1999 (Commencement No 2) Order 2000 - which preceded the Act.

Consequently, and in pursuance of The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulation 2000, functions and powers, in relation to food safety, consumer protection and animal feed, which were hitherto exercised by the Minister of Agriculture and the Secretary of State for Health have now been transferred to the Food Standards Agency.

Wherever possible this guide states which EC rules are implemented in our food law by the regulations listed on the following pages. The guide also provides contact details for further information at the end of each section.

These notes are intended only as a general guide; for definitive information the appropriate Act, Order, Regulation or Code of Practice should be consulted.

Copies of the legislation referred to in this document may be obtained from The Stationery Office Bookshop*, 71 Lothian Road, EDINBURGH, EH3 9AZ (Tel: 0131-228-4181) or The Stationery Office Publications Centre*, PO Box 276, LONDON SW8 5DT (Tel: 0870-600-5522)

Copies may also be obtained from The Stationery Office Bookshops listed below or through book sellers;

49 High Holborn, LONDON WC1V 6HB (Counter Service)

9-21 Princess Street, MANCHESTER M60 8AS (Tel: 0161-834-7201)

33 Wine Street, BRISTOL BS1 2BQ (Tel: 0117-926-4306)

68/69 Bull Street, BIRMINGHAM B4 6AD (Tel: 0121-236-9696)

The Stationery Office Oriel Bookshop, The Friary, CARDIFF CF1 4AA (Tel: 01222-395548)

16 Arthur Street, BELFAST BT1 4GD (Tel: 01232-238451)

Note: Some of the regulations listed may not be available from The Stationery Office Bookshops because they are amending regulations which have been revoked. These regulations have been included only if their effects are still in

force. However it may be possible to obtain copies of revoked legislation from good reference libraries.

This document is issued by:-

Food Standards Agency, 6th Floor, St. Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ. (Telephone 01224 285100 or Fax 01224 285168).

* Previously called Her Majesty's Stationery Office (HMSO)

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PART 1: FOOD SAFETY

THE FOOD SAFETY ACT 1990 (CHAPTER 16)

1-A. GENERAL

The main provisions of the Food Safety Act 1990 came into force on 1 January 1991. The Act covers Great Britain and provides the framework for all its food legislation.

1-B. KEY PROVISIONS OF THE FOOD SAFETY ACT 1990

PART I: PRELIMINARY

Section 1 defines "food" and other basic expressions used in the Act such as "food business", "food premises" and "food source". **Section 2** extends the meaning of sale to include food supplied in the course of a business and **Section 3** sets out presumptions applying to food and food ingredients, for instance that food commonly used for human consumption found on certain food premises is presumed to be intended for sale.

PART II: MAIN PROVISIONS

Section 7 describes the offence of rendering food injurious to health and **Section 8** sets out the offence of selling or possessing for sale food that does not comply with food safety requirements. This is food that has been rendered injurious to health, which is unfit for human consumption or is so contaminated that it would not be reasonable to expect it to be used for human consumption. **Section 8** also states that if any part of a batch of food does not comply with food safety requirements the whole batch is presumed not to comply, unless the contrary is proved.

Section 14 makes it an offence to sell food which is not of the "nature or substance or quality" demanded by the purchaser and **Section 15** creates an offence of falsely describing, advertising or presenting food.

General Enforcement Provisions

Section 9 of the Food Safety Act gives enforcement officers powers to inspect any food intended for human consumption and to detain and seize food suspected of not complying with food safety requirements. It allows a Sheriff or Magistrate to condemn food when they are satisfied that food safety requirements are not met. **Section 10** provides for improvement notices to be issued where food hygiene or food processing regulations have been contravened. **Section 11** provides for prohibition orders to be issued by the courts where there is a risk of injury to health and the proprietor of the food business has been convicted of an offence under food hygiene or food processing regulations. **Section 12** provides emergency prohibition powers for use by authorised officers where there is an imminent risk of injury to health. **Section 13** gives Ministers powers to make emergency control orders prohibiting commercial operations in relation

to food, food sources or contact materials when there is an imminent risk of such food causing such injury to health.

Defences

Section 20 enables a prosecution to be taken against the real offender as opposed to the immediate offender. **Section 21** provides for a defence if the accused can prove to a court that they took all reasonable precautions and exercised all due diligence to avoid committing an offence. The accused is deemed to have satisfied this due diligence defence in certain circumstances. These deemed due diligence defences are not available to an accused who manufactured or imported the food. **Section 22** contains a special defence for businesses which publish an advertisement in good faith.

PART III: ADMINISTRATION AND ENFORCEMENT

Section 32 sets out who may enter premises to enforce the Act and explains what they can do while on premises. It also makes unauthorised disclosure of information obtained when using such powers an offence. **Section 33** makes it an offence intentionally to obstruct a person enforcing the Act or to provide false or misleading information.

Section 34 provides time limits for prosecutions.

Penalties and Modes of Trial

Section 35 sets out the penalties for offences. **Section 36** provides that officers of a body corporate as well as the corporation itself are liable for prosecution where they are proved to have acted negligently or consented to the alleged offence. **Sections 37 and 39** provide for appeals against the decision of an enforcement authority to serve an improvement notice, and to refuse certificates under **Section 11(6) or 12(8)**. **Section 38** does not apply in Scotland.

Offences against regulations and mode of trial may be detailed in the individual regulations having effect under the Act. Penalties and modes of trial in individual regulations having effect under the Act have been altered by specific penalty Regulations. These are the Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985 (Category 1) which lay down the maximum fines for summary convictions for offences under the regulations. Existing regulations with offences and penalties have also been amended by Consequential Modifications Orders made under the Act (see pages 3 and 4). The current values of fines are set out in the Criminal Procedure (Scotland) Act 1995.

PART IV: MISCELLANEOUS AND SUPPLEMENTAL

Section 54 provides for the Act to apply to the Crown and to Crown premises subject to special arrangements and certain exemptions. The Section came into effect on 1 April 1992. **Section 56** amends the Water (Scotland) Act 1980 to extend its controls on the quality of water used for domestic purposes to cover water used in food production.

1-C. STATUTORY INSTRUMENTS IMPLEMENTING THE FOOD SAFETY ACT 1990

SI Number

- 1990 No 1383 **THE FOOD SAFETY ACT 1990 (COMMENCEMENT (C40) NO 1) ORDER 1990** brought into force new powers for Ministers to use in emergencies, with effect from 29 June 1990;
- 1990 No 2372 **THE FOOD SAFETY ACT 1990 (COMMENCEMENT (C62) NO 2) ORDER 1990** brought into force the main provisions of the Act on 1 January 1991 and Section 54 which extends scope to the Crown with effect from 1 April 1992;
- 1990 No 2463 **THE FOOD (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990** set out the procedures to be followed by enforcement officers when taking samples for analysis or microbiological examination. They also set out qualification requirements for Public Analysts and Food Examiners. These regulations apply to Great Britain;
- 1990 No 2487 **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (NO 2) (GREAT BRITAIN) ORDER 1990** brings existing regulations into line with the updated provisions in the Food Safety Act;
- 1990 No 2614 **DETENTION OF FOOD (PRESCRIBED FORMS) REGULATIONS 1990** prescribe the forms of notice which may be issued in connection with the detention of food under Section 9 of the Act;
- 1990 No 2625 **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (SCOTLAND) ORDER 1990** brings existing regulations into line with the updated provisions in the Food Safety Act and provide for the continuation of milk and dairies legislation by amending regulations relating to milk so that provisions contained in previous legislation are now contained in those regulations;
- 1991 No 100 **FOOD SAFETY (IMPROVEMENT AND PROHIBITION - PRESCRIBED FORMS) REGULATIONS 1991** set out the forms of notice which may be used in connection with the improvement notices under Section 10 of the Act, prohibition orders under Section 11 or emergency prohibition notices or orders under Section 12;
- 1991 No 2825 **THE FOOD PREMISES (REGISTRATION) REGULATIONS 1991** provide for the registration of food premises (including vehicles and other movable structures) by food authorities;

- 1992 No 57 **THE FOOD SAFETY ACT 1990 (COMMENCEMENT No. 3) ORDER 1992** brings into force Section 59(4) of the Food Safety Act 1990 which repeals the provisions of the Food Act 1984 about the registration of food handlers and food businesses;
- 1992 No 117 **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (LOCAL ENACTMENTS) ORDER 1992** provides for the repeal or revocation of certain parts of local law which relate to the registration of food premises. These provisions are no longer necessary, as the Food Premises (Registration) Regulations 1991 have come into force;
- 1992 No 2766 **THE FOOD SAFETY ACT 1990 (CONSEQUENTIAL MODIFICATIONS) (LOCAL ENACTMENTS) (NO 2) ORDER 1992** further repeal or revocation of certain law which relate to the registration of food premises;
- 1993 No 2022 **THE FOOD PREMISES (REGISTRATIONS) (AMENDMENT) REGULATIONS 1993** exempt childminders caring for no more than six children from the requirement to register their premises as a food business.
- 1997 No 723 **THE FOOD PREMISES (REGISTRATIONS) (AMENDMENT) REGULATIONS 1997** exempt people who prepare food at home for sale in WI Country Markets Ltd. from the requirement to register their premises as a food business.

1-D. CODES OF PRACTICE FOR LOCAL AUTHORITIES

Codes of Practice issued under Section 40 of the Food Safety Act 1990 are not legislation. They are documents issued by Ministers for the guidance of food authorities, and the provisions can be enforced by direction and court order. In general, these Codes of Practice apply to Great Britain, although some have been revised for Scotland only.

Twenty Codes of Practice have been issued so far:-

No.	Title
1.	Responsibility for Enforcement of the Food Safety Act 1990 (ISBN 0-11-3213549).
2.	Legal Matters (ISBN 0-11-321353-0).
3.	Inspection Procedures - General (ISBN 0-11-321355-7).
4.	Inspection, Detention and Seizure of Suspect Food (ISBN 0-11-321350-6).
5.	The Use of Improvement Notices (Revised April 1994) (ISBN 0-11-321777-3).

6.

6. Prohibition Procedures (ISBN 0-11-321349-2).
7. Sampling for Analysis or Examination (Revised November 2000).
- 8.^A Food Standards Inspections (Revised July 1996).
9. Food Hygiene Inspections (Revised November 2000)
10. Enforcement of Temperature Control Requirements of Food Hygiene Regulations. Enforcement of temperature monitoring and temperature measurement (revised February 1994) (ISBN 0-11-321465-0).
11. Enforcement of the Food Premises (Registration) Regulations (ISBN 0-11-3214782).
12. Quick Frozen Foodstuffs. Division of Enforcement Responsibilities; Enforcement of Temperature Monitoring and Temperature Measurement (Revised February 1994) (ISBN 0-11-321793-5).
13. Enforcement of the Food Safety Act 1990 in relation to Crown Premises (ISBN 0-11-321500-2).
14. Enforcement of the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992 (ISBN 0-11-321695-5).
15. Enforcement of the Food Safety (Fishery Products) Regulations 1992 (ISBN 0-11-321798-6).
- 16.^B Enforcement of the Food Safety Act 1990 in Relation to the Food Hazard Warning System (Revised August 1997) (ISBN 0-11-321583-5).
17. Enforcement of the Meat Products (Hygiene) Regulations 1994 (ISBN 0-11-321880-X).
18. Enforcement of the Dairy Products (Hygiene) (Scotland) Regulations 1995 and the Enforcement of the Dairy Products (Hygiene) Regulations 1995 (ISBN 0-11-321957-1).
19. Qualifications and Experience of authorised Officers (Revised November 2000) (Revised for Scotland only).
- 20.^A Exchange of Information between Member states of the EU on Routine Food Control Matters.

The above Codes of Practice are available from The Stationery Office - see page 1

^A - Copies of these Codes of Practice only are available from The Library, Nobel House, 17 Smith Square, London, SW1P 3JR. Telephone: (0)20-7238-6575. Cheques should be made payable to the Ministry of Agriculture, Fisheries and Food.

Copies of Code No. 7, 9 & 19 have recently been revised and are available from the FSA website on www.foodstandards.gov.uk or are available free of charge from *Food Standards Agency, Local Authority Enforcement Support Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ*

However, Codes 8 & 20 are priced as follows:

No. 8 (Revised) - £2.20

No. 20 - £1.18

A fixed charge of £1.50 will be charged for postage and packing. Copies of these Codes will only be sent out once payment has been received.

^B - Copies of these Codes of Practice are only available from:

Department of Health Distribution Centre, PO Box 777, London, SE1 6XH. Fax 0623 724 524.

1-E. FURTHER INFORMATION ON THE FOOD SAFETY ACT 1990

A detailed booklet:

"THE FOOD SAFETY ACT AND YOU - A GUIDE (PB 2507)

is available, free of charge, from:

FoodSense, Admail 6000, London SW1A 2XX

Tel: 0645 556000

Note: Enquiries relating the Food Safety Act and the enforcement of Codes of Practice should be addressed to the Food Standards Agency, Local Authority Enforcement Support Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone –01224 285111)

1-F. THE GENERAL PRODUCT SAFETY REGULATIONS

1994 No 2328 **The General Product Safety Regulations 1994** - implement Council Directive 92/59/EEC (OJ No. L228, 11.8.92, p.24) on general product safety. They apply to the United Kingdom and came into force on 3 October 1994. The Regulations impose requirements concerning the safety of products, including food and drink, which are intended for, or likely to be used by, consumers.

Note: Enquiries about the general product safety legislation should be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285157).

PART 2: FOOD LABELLING AND THE MARKING OF FOOD

Note: Enquiries regarding the legislation in this part should be addressed to The Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285155).

2-A: FOOD LABELLING REGULATIONS

SI Number

1996 No 1499 **THE FOOD LABELLING REGULATIONS 1996** - implement Council Directive 79/112/EEC (OJ No. L33 8.2.79) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (excluding the provisions relating to net quantity except in relation to certain additives), as now amended by Council Directive 85/7/EEC (OJ No. L2, 3.1.85), 86/197/EEC (OJ No. L144, 29.5.86) and 89/395/EEC (OJ No. L186, 30.6.89) and Commission Directives 91/72/EEC (OJ No. L42, 15.2.91) and 93/102/EC (OJ No. L291, 25.11.93);

They also implement Commission Directive 87/250/EEC (OJ No. L113, 30.4.87) on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer;

Council Directive 89/398/EEC (OJ No. L186, 30.6.89) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses;

Council Directive 90/496/EEC (OJ No. L276, 6.10.90) on nutrition labelling for foodstuffs;

Commission Directive 94/54/EC (OJ No. L300, 23.11.94), as now amended by Council Directive 96/21/EC (OJ No. L88, 5.4.96), concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC.

The Regulations, which apply to Great Britain, consolidate and replace the Food Labelling (Scotland) Regulations 1984, the Milk Labelling (Scotland) Regulations 1983 and the Food Labelling Regulations 1984. The principal provision of the Regulations is that all food which is ready for delivery to the ultimate consumer or

to a catering establishment, subject to certain exceptions, to be marked or labelled with:

- (a) the name of the food;
- (b) a list of ingredients;
- (c) the appropriate durability indication, that is to say;
 - (i) in the case of a food other than one specified in subparagraph (ii) of this paragraph, an indication of minimum durability (a “best before” date);
 - (ii) in the case of food which, from the microbiological point of view is highly perishable and in consequence likely after a short period to constitute an immediate danger to health, a “use by” date;
- (d) any special storage conditions or conditions of use;
- (e) the name or business name and an address or registered office of the manufacturer or packer, or of a seller established within the European Community;

and in certain circumstances:

- (f) particulars of the place of origin of the food, if failure to give such particulars might mislead and;
- (g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions;

(NB - There are certain exemptions and additional requirements listed in the main regulations.)

There are less onerous rules for foods which are non-prepacked or pre-packed for direct sale.

These Regulations also attach conditions to the use of claims for foods for particular nutritional uses, reduced or low energy value claims, protein claims, vitamin or mineral claims, cholesterol claims, other nutrient claims and claims which depend on another food; they prohibit medicinal claims. They also lay down a prescribed format for the nutritional labelling of foodstuffs.

These Regulations are amended by:

- 1998 No 141 The Bread and Flour Regulations 1998;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998 - these Regulations introduce quantitative ingredient listing (QUID) for certain foods.
- 1998 No 2424 The Drinking Milk Regulation 1998

1999 No 747	The Food Labelling (Amendment) Regulation 1999 – provide for the enforcement of Council Regulation (EC) No.11398 (OJ No. L159, 3.6.98, p4) concerning the compulsory indication, on the labelling of certain foodstuffs produced from genetically modified organisms, of particulars, other than those provided for in Directive 79/112/EEC. The products concerned are those which are to be delivered as such to the final consumer having been produced in whole or in part from genetically modified soya or maize.
1999 No 1136	The Miscellaneous Food Additive (Amendment) Regulations 1999.
1999 No 1483	The Food Labelling (Amendment) (No.2) Regulation 1999 Implement Commission Directive 1999/10/EC (OJ No. L69,16.3.1999, p.22) providing for derogations on QUID.
1999 No1540	The Natural Mineral Water, Spring Water and Bottled Water Regulation 1999.
2000 No 309	The Food Irradiation Provisions (Scotland) Regulations 2000

2-B: DECLARATION ON ADDITIVES

This is a general description of the requirements to declare additives used as ingredients in foods as provided by the Food Labelling Regulations 1996.

Additives used as ingredients to perform certain functions in pre-packed foods must be declared on the label. The appropriate category name of the additives function must be followed by its specific name or serial number. The categories are:

Acid	Flour treatment agent
Acidity regulator	Gelling agent
Anti-caking agent	Glazing agent
Anti-foaming agent	Humectant
Antioxidant	Modified starch
Bulking agent	Preservative
Colour	Propellant gas
Emulsifier	Raising agent
Emulsifying Salts	Stabiliser
Firming agent	Sweetener
Flavour enhancer	Thickener

There are other requirements of the regulations that apply to 3 specific categories and that applies when the additive serves more than one function.

Flavourings may be declared by either that name alone or by a more specific name.

In the case of acids, if the specific name includes the word “acid”, the category name may be omitted.

In the case of modified starches, neither the specific name nor the serial number need be indicated.

If an additive serves more than one function in a food the category name which represents its principal function must be used to describe it. Where no category name is available for the function performed by an additive in a food, the additive must be declared in the ingredients list by its specific name. A serial number cannot be used on its own.

In most instances, non-prepacked foods and foods which are prepacked on the premises where they are sold are exempt from the above requirements. Exceptions to this exemption are that any additive used in the food to perform the function of an antioxidant, artificial sweeteners, colour, flavour enhancer or preservative must be indicated next to the name of the food, or on a ticket or notice displayed in immediate proximity to the food using the category name. However, in the case of edible ices and flour confectionery there need only be an indication that these additives may be present on a notice displayed near the food.

2-C: LOT MARKING REGULATIONS

SI Number

1996 No 1502 **THE FOOD (LOT MARKING) REGULATIONS 1996** - set out the lot marking requirements to be applied to all foodstuffs sold for human consumption (unless specifically exempted) including wines and spirits. These regulations revoke and replace the Food (Lot Marking) Regulations 1992. They apply to Great Britain and came into force on 1 July 1996. Like the previous Regulations, these Regulations implement Council Directive 89/396/EEC (OJ No. L186, 30.6.89) on indications and marks identifying the lot to which a foodstuff belongs, as amended by Council Directives 91/238/EEC (OJ No. L107, 27.4.91) and 92/11/EEC (OJ No. L65, 11.3.92). The Directive establishes a framework for a common lot (or "batch") identification system throughout the Community in order to facilitate product recall along the whole of the food chain, for example where a product constitutes a health risk to consumers.

Note: Enquiries regarding food labelling legislation should be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285155).

2-D: WINE REGULATIONS

WINES: for the labelling of still wines and grape must (including restrictions on the use of the word 'wine') the following EEC Regulations apply:

(a) 2392/89 (OJ No. L232) - as amended by 3886/89 (OJ No. L378), 2356/91 (OJ No. L216), 3897/91 (OJ No. L368) and by the Act of Accession of the Kingdom of Sweden, the Republic of Austria and the Republic of Finland (OJ No. C241) and 1427/96 (OJ No. L184 including corrigendum OJ No. L233).

(b) 3201/90 (OJ No. L309) - as amended by Corrigendum (OJ No. L28, 2.2.91), 2384/91 (OJ No. L219), 3298/91 (OJ No. L312), 153/92 (OJ No. L17), 3650/92 (OJ No. L369), 1847/93 (OJ No. L164) (OJ No. L168), 1362/94 (OJ No. L150 including corrigendum OJ No. L268), 2603/95 (OJ No. L267), 692/96 (OJ No. L97), 1056/96 (OJ No. L140), 609/97 (OJ No. L93), 1472/97 (OJ No. L200), 2543/97 (OJ No. L347), 847/98 (OJ No. L120), 2770/98 (OJ No. L346) and 1470/99 (OJ No. L170) apply and should be consulted.

For the labelling of sparkling wines and aerated sparkling wines the following EC Regulations apply:

(a) 2333/92 (OJ No. L231) as amended by the Act of Accession of the Kingdom of Sweden, the Republic of Austria and the Republic of Finland (OJ No. C241) and 1429/96 (OJ No. L184) and 1419/97 (OJ No. L196).

(b) 554/95 (OJ No. L56) as amended by 1915/96 (OJ No. L252) apply and should be consulted.

For the labelling of liqueur wines, semi-sparkling wines and aerated semi-sparkling wines the following EEC Regulations apply:

(a) 3895/91 (OJ No. L368)

(b) 3901/91 (OJ No. L368)

For the labelling of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails the following EEC Regulations apply:

(a) 1601/91 (OJ No. L149) as amended by 3279/92 (OJ No. L327) and by the Act of Accession of the Kingdom of Sweden, the Republic of Austria and the Republic of Finland (OJ No. C241), 3378/94 (OJ No. L366) and 2061/96 (OJ No. L277) apply and should be consulted.

The Common Agricultural Policy (Wine) Regulations, 1996, SI 1996/696 - the "principal Regulations" (as amended by The Common Agricultural Policy (Wine) (Amendment) Regulations, 1999, SI 1999/482) provide for the enforcement of EC Regulations in the UK, concerned with the production and marketing of wine and related products.

Further information on wine legislation can be obtained from the Ministry of Agriculture, Fisheries and Food, Food and Drink Industry Division, Branch C, Room 201, Whitehall Place (East Block), London WC1A 2HH. (Telephone (0)20 7270- 8137/8929; fax (0)20 7270 8733).

SI Number

1996 No 696 **THE COMMON AGRICULTURAL POLICY (WINE) REGULATIONS 1996** - these Regulations apply throughout the UK. They provide for the enforcement of EC Regulations in the UK, concerned with the production and marketing of wine and related products.

These Regulations are amended by:

1997 No 542 The Common Agricultural Policy (Wine) (Amendment) Regulations 1997.

1999 No 482 The Common Agricultural Policy (Wine) (Amendment) Regulations 1999

2-E: BEEF LABELLING SCHEME REGULATIONS

SI Number

1998 No 616 **THE BEEF LABELLING (ENFORCEMENT) REGULATIONS 1998** - provide for the enforcement in Great Britain of Title II of Council Regulation (EC) No. 820/97 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and Commission Regulation (EC) No. 1141/97 (laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products). Council Regulation (EC) No. 820/97 and Commission Regulation (EC) No. 1141/97 were repealed by Council Regulation (EC) No. 1760/2000 (establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products) and Commission Regulation (EC) No 1825/2000 (laying down detailed rules for the application of Regulation (EC) No 1760/2000), respectively. SI No. 616 will be repealed and a new set of Regulations will come into force at the end of May 2001.

Note: Enquiries regarding the legislation above should be addressed to the Scottish Executive Environment and Rural Affairs Department, Room 349, Pentland House, 47 Robb's Loan, EDINBURGH, EH14 1TY. (Telephone 0131-244-6953 Fax 0131-244-6950).

PART 3: REGULATIONS ON THE COMPOSITION AND LABELLING OF PARTICULAR FOODS

Note: Enquiries regarding the legislation in this part should, unless otherwise stated, be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285155).

3-A: BREAD AND FLOUR

SI Number

1995 No 3202 **THE BREAD AND FLOUR REGULATIONS 1995** - these Regulations replaced the Bread and Flour (Scotland) Regulations 1984. They specify requirements for the composition, labelling and advertising of bread and flour and restrict the use of specified ingredients in the preparation of flour and bread which may be used. The Regulations also prescribe the levels of nutrients required in flour.

These Regulations are amended by:

- 1996 No 1499 The Food Labelling Regulations 1996;
- 1996 No 1501 The Bread and Flour (Amendment) Regulations 1996.
- 1998 No 141 **THE BREAD AND FLOUR REGULATIONS 1998** - revoke and replace the Bread and Flour Regulations 1995 and the Bread and Flour (Amendment) Regulations 1996. They specify requirements for the composition, labelling and advertising of bread and flour and restrict the use of specified ingredients in the preparation of flour and bread. These Regulations also prescribe the levels of nutrients required in flour.
- The Regulations are amended by:
- 1999 No 1136 The Miscellaneous Food Additives (Amendment) Regulations 1999.

3-B: CASEINS AND CASEINATES

SI Number

- 1985 No 2026 **THE CASEINS AND CASEINATES REGULATIONS 1985** implement:
- Council Directive 83/417/EEC (OJ No. L 237, 26.8.83, p 25) on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) Intended for human consumption;
- These Regulations prescribe reserved descriptions, composition and manufacturing characteristics for edible acid casein, edible rennet casein and edible caseinates. The Regulations impose requirements for the labelling of casein products additional to those in the Food Labelling Regulations 1996.
- The Regulations are amended by:
- 1986 No 836 **THE CASEINS AND CASEINATES (SCOTLAND) REGULATIONS 1986** - implement:
- Council Directive 83/417/EEC of 25 July 1983 on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption;
- first Commission Directive 85/503/EEC of 25 October 1985 on methods of analysis for edible caseins and caseinates.
- These Regulations prescribe reserved descriptions, composition and manufacturing characteristics for edible acid casein, edible

rennet casein and edible caseinates. The Regulations impose requirements for the labelling of casein products additional to those in the Food Labelling Regulations 1996.

These Regulations are amended by:

- 1989 No 2321 The Caseins and Caseinates (Amendment) Regulations 1989 which implement first Commission Directive 85/503/EEC (OJ No. L 308, 20.11.85, p12) on methods of analysis for edible caseins and caseinates and first Commission Directive 86/424/EEC (OJ No. L 243, 15.7.86 p.29) laying down methods of sampling for chemical analysis of edible caseins and caseinates;
- 1990 No 1 The Caseins and Caseinates (Scotland) Amendment Regulations 1990 which implement first Commission Directive 86/424/EEC of 15 July 1986 laying down methods of sampling for chemical analysis of edible caseins and caseinates;
- 1990 No 2625 The Food Safety Act (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.

3-C: COCOA AND CHOCOLATE PRODUCTS

SI Number

- 1976 No 914 **THE COCOA AND CHOCOLATE PRODUCTS (SCOTLAND) REGULATIONS 1976** - implement Council Directive 73/241/EEC on the approximation of the laws of the Member States relating to Cocoa and Chocolate products intended for human consumption as amended by Council Directives 74/411/EEC, 74/644/EEC and 75/155/EEC.

The Regulations define cocoa and chocolate products and specify requirements for their composition, labelling and advertisement. This includes the application of reserved descriptions and the prohibition, with certain exceptions, of the use of those descriptions for other products. Control is also exercised over the extent to which other foodstuffs may be added.

These Regulations are amended by:

1980	No 1888	The Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980;
1980	No 1889	The Miscellaneous Additives in Food (Scotland) Regulations 1980;
1981	No 137	The Food Labelling (Scotland) Regulations 1981;
1982	No 108	The Cocoa and Chocolate Products (Scotland) Amendment Regulations 1982 which implement Council Directives 78/609/EEC, 80/608/EEC and amending Directive 73/241;
1983*	No 270	The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
1984	No 1519	The Food Labelling (Scotland) Regulations 1984;
1985*	No 1068	The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
1990	No 2625	The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995;
1995	No 3267	The Food (Miscellaneous Revocations and Amendments) Regulations 1995;
1996	No 1499	The Food Labelling Regulations 1996.
1999	No 1483	The Miscellaneous Food Additives (Amendment) Regulations 1999

* See entry on penalties on page 4

3-D: COFFEE AND COFFEE PRODUCTS

SI Number

1979 No 383 **THE COFFEE AND COFFEE PRODUCTS (SCOTLAND) REGULATIONS 1979** - implement Council Directive 77/436/EEC of 27 June 1977 on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts.

The Regulations define and lay down compositional, labelling and advertising requirements for coffee, coffee mixtures, coffee extracts, chicory extracts, and blends, including the application of reserved descriptions and the prohibition of the use of those

descriptions for other products. Control is also exercised over the use of added ingredients. The Regulations also lay down the prescribed Community methods of analysis for determining the caffeine and dry matter content in coffee and chicory extracts.

These Regulations are amended by:

- | | | |
|-------|---------|--|
| 1981 | No 137 | The Food Labelling (Scotland) Regulations 1981; |
| 1982 | No 409 | The Coffee and Coffee Products (Scotland) (Amendment) Regulations 1982 implement First Commission Directive 79/1066/EEC of 13 November 1979 laying down Community methods of analysis for testing coffee extracts and Chicory extracts; |
| 1983* | No 270 | The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983 |
| 1985* | No 1068 | The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985; |
| 1987 | No 2014 | The Coffee and Coffee Products (Scotland) Amendment Regulations 1987 implement Council Directive 85/573/EEC of 19 December 1985 amending Directive 77/436/EEC on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts; |
| 1990 | No 2625 | The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990; |
| 1991 | No 1476 | The Food Safety (Exports) Regulations 1991; |
| 1992 | No 2596 | The Food (Forces Exemptions) (Revocations) Regulations 1992; |
| 1995 | No 3187 | The Miscellaneous Food Additives Regulations 1995; |
| 1996 | No 1499 | The Food Labelling Regulations 1996; |
| 1998 | No 1398 | The Food Labelling (Amendment) Regulations 1998. |
| 1999 | No 1136 | The Miscellaneous Food Additive (Amendment) Regulations 1999. |
| 2001 | No 38 | The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001 – these Regulations implement Directive 1999/4/EC of the European Parliament and the Council relating to coffee extracts and chicory extracts. They revoke and replace the Coffee and Coffee Products (Scotland) Regulations 1979, as amended. |

The Regulations:-

- prescribe definitions and reserved descriptions for coffee extracts and chicory extracts;

- provide for the Regulations to apply to coffee extracts and chicory extracts ready for delivery to the ultimate consumer or to a catering establishment, except for the product known as *café torrefacto soluble*;
- prohibit the labelling of food with a reserved description other than food to which the description relates;
- require reserved descriptions and specified declarations to be applied to designated products, and prescribe the manner of marking or labelling to be employed; certain provisions of the Food Labelling Regulations 1996, which govern the labelling of coffee extract and chicory extract products except so far as specifically provided for in these Regulations, are applied to these specific requirements;
- provide for penalties and enforcement, include a transitional provision and a defence in relation to exports (in accordance with Articles 2 and 3 of Council Directive 89/397/EEC), apply various provisions of the Food Safety Act 1990 and make amendments and revocations.

* See entry on penalties on page 4

3-E: CONDENSED AND DRIED MILK

SI Number

1977 No 1027 **THE CONDENSED MILK AND DRIED MILK (SCOTLAND) REGULATIONS 1977** - implement Council Directive 76/118/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to certain partly or wholly dehydrated preserved milk for human consumption.

These regulations define condensed milk and dried milk products and specify requirements for their composition, labelling and advertisement, including the application of reserved descriptions and the prohibition of the use of those descriptions for other products.

These Regulations are amended by:

- 1981 No 137 The Food Labelling (Scotland) Regulations 1981
- 1982 No 1209 The Condensed Milk and Dried Milk (Scotland) Amendment Regulations 1982 which implement Council Directive 78/630/EEC of 19 June 1978 amending for the first time Directive 76/118/EEC and First Commission Directive 79/1067/EEC of 13 November 1979 laying down Community methods of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption;
- 1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1987 No 26 The Condensed Milk and Dried Milk (Scotland) Amendment Regulations 1987 which implement Council Directive 83/635/EEC of 13 December 1983 amending for the second time Directive 76/118/EEC;
- 1989 No 1975 The Condensed Milk and Dried Milk (Scotland) Amendment Regulations 1989 which implement First Commission Directive 87/524/EEC of 6 October 1987 laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;
- 1995 No 3187 The Miscellaneous Food Additives Regulations 1995;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.

* See entry on penalties on page 4

3-F: DRINKING MILK

SI Number

- 1976 No 1888 **THE DRINKING MILK (SCOTLAND) REGULATIONS 1976** - specify which types of milk may be sold for drinking i.e. raw milk, non-standardised and standardised whole milk, semi-skimmed milk or skimmed milk

These Regulations are amended by:

- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 3136 The Milk and Dairies (Standardisation and Importation) (Scotland) Regulations 1992;
- 1995 No 1372 The Dairy Products (Hygiene) (Scotland) Regulations 1995;
- 1996 No 2465 The Dairy Products (Hygiene) (Scotland) Amendment Regulations 1996.
- 1990 No 2507 **THE MILK AND DAIRIES (SCOTLAND) REGULATIONS 1990** - Specify the requirements for the production, handling and distribution of liquid milk. Only Regulations 1, 2, 10, 18, 19 and 20 remain in force.

These Regulations are amended by:

- 1995 No 1372 The Dairy Products (Hygiene) (Scotland) Regulations 1995.
- 1998 No 2424 **THE DRINKING MILK REGULATIONS 1998** - make provision for the enforcement and execution of EC Council Regulation 2597/97 (OJ No. L351, 23.12.97, p.13) on marketing and quality standards for drinking milk in Great Britain.

Note: Enquiries about drinking milk legislation should be addressed to the Food Standards Agency, General Food Hygiene Division, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285137).

3-G: DRINKING WATER IN CONTAINERS

SI Number

- 1994 No 743 **THE DRINKING WATER IN CONTAINERS REGULATIONS 1994** - implement Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption in relation to water which is bottled or sold in a bottle. Directive 80/778/EEC has been replaced by 98/83 and will be implemented by The National Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Scotland) Regulations 2000.

The Regulations specify quality standards for water sold in containers. They do not cover those waters officially recognised as

natural mineral waters in accordance with the Natural Mineral Water Regulations 1985 and those waters with a product licence under the provisions of the Medicines Act 1968.

3-H: ERUCIC ACID

SI Number

- 1977 No 1028¹ **THE ERUCIC ACID IN FOOD (SCOTLAND) REGULATIONS 1977** -Erucic acid is a normal constituent of some foods and is neither an additive nor a contaminant. These Regulations restrict the erucic acid content of oil or fat and of food to which oil or fat has been added. These Regulations are amended by:
- 1982 No 18² The Erucic Acid in Food (Scotland) Amendment Regulations 1982;
- 1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991.

* See entry on Penalties on page 4

¹ & ² These regulations implement (respectively): Council Directive 76/621/EEC of 20 July 1976 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils and fats; and Council Directive 80/891/EEC of 25 July 1980 on the Community method of analysis for determining the erucic acid content in oils and fats intended for human consumption and foodstuffs containing added oils or fats.

3-I: FLOUR - SEE BREAD AND FLOUR

3-J: FRUIT JUICES AND NECTARS

SI Number

- 1977 No 1026 **THE FRUIT JUICES AND FRUIT NECTARS (SCOTLAND) REGULATIONS 1977** - implements Council Directive 75/726/EEC relating to fruit juices and certain similar products.
- These Regulations define fruit juices and fruit nectars and specify requirements for composition, description, labelling and advertisement. Control is also exercised over the addition of other ingredients

These Regulations are amended by:

- | | | |
|-------|---------|---|
| 1977 | No 1883 | The Fruit Juices And Fruit Nectars (Scotland) Amendment Regulations 1977; |
| 1979 | No 1641 | The Lead in Food (Scotland) Regulations 1979; |
| 1981 | No 137 | The Food Labelling (Scotland) Regulations 1981; |
| 1982 | No 1619 | The Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1982; |
| 1983* | No 270 | The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983; |
| 1985* | No 1068 | The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985; |
| 1989 | No 581 | The Preservatives in Food (Scotland) Regulations 1989; |
| 1990 | No 2625 | The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990; |
| 1991 | No 1284 | The Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1991; |
| 1991 | No 1476 | The Food Safety (Exports) Regulations 1991; |
| 1992 | No 2596 | The Food (Forces Exemptions) (Revocations) Regulations 1992; |
| 1995 | No 236 | The Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1995 implement Commission Directive 93/45/EEC of 17 June 1993 concerning the manufacture of nectars without the addition of sugars or honey; |
| 1995 | No 3187 | The Miscellaneous Food Additives Regulations 1995; |
| 1995 | No 3267 | The Food (Miscellaneous Revocations and Amendments) Regulations 1995; |
| 1996 | No 1499 | The Food Labelling Regulations 1996; |
| 1997 | No 1413 | The Miscellaneous Food Additives (Amendment) Regulations 1997. |

* See entry on penalties on page 4

3-K: HONEY

SI Number

- 1976 No 1818 **THE HONEY (SCOTLAND) REGULATIONS 1976** - implement Council Directive 74/409/EEC of 22 July 1974 on the harmonisation of the laws of Member States relating to honey.
- These Regulations lay down compositional requirements for the various types of honey; reserve the word "honey" and require it, amplified in certain cases by specified qualifications, to be applied to the product when traded; and specify how honey is to be labelled.
- The Regulations are amended by:
- 1981 No 137 The Food Labelling (Scotland) Regulations 1981;
- 1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.

* See entry on penalties on page 4

3-L: INFANT FORMULA AND FOLLOW-ON FORMULA

SI Number

- 1995 No 77 **THE INFANT FORMULA AND FOLLOW-ON FORMULA REGULATIONS 1995** - implement Commission Directive 91/321/EEC of 14 May 1991 (OJ No. L175, 4.7.91) on infant formula and follow-on formula.

These regulations specify compositional requirements and place restrictions on the conditions for sale, labelling and packaging, advertising, promotion of and provision of information on infant and follow-on formulae. The regulations also place controls on the export of infant formulae to third countries by implementing Council

Directive 92/52/EEC of 18 June 1992 on infant formulae and follow-on formulae intended for export to third countries.

These Regulations are amended by:

- 1997 No 451 The Infant Formula and Follow-on Formula (Amendment) Regulations 1997 which implement Commission Directive 96/4/EC of 16 February 1996 (OJ No. L49, 28.2.96).
- 2000 No 271 The Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2000 – 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. 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 0.01mg/kg, measured when ready for use or when reconstituted according to the manufacturer's instructions.

3-M: JAM AND SIMILAR PRODUCTS

SI Number

- 1981 No 1320 **THE JAM AND SIMILAR PRODUCTS (SCOTLAND) REGULATIONS 1981** - implement Council Directive 79/693/EEC of 24 July 1979 on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée.

These Regulations specify compositional and labelling requirements for jams, jellies, marmalade, mincemeat, fruit curd and chestnut puree, including jams and jellies containing extra fruit and a range of products with reduced sugar content. Control is exercised over the use of additional ingredients.

These Regulations are amended by:

- 1982 No 1779 The Food Labelling (Scotland) Amendment Regulations 1982;
- 1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
- 1983 No 1497 The Sweeteners in Food (Scotland) Regulations 1983;
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1988 No 2084 The Sweeteners in Food (Scotland) Amendment Regulations 1988;

- 1989 No 581 The Preservatives in Food (Scotland) Regulations 1989;
- 1990 No 2180 The Jam and Similar Products (Scotland) Amendment Regulations 1990 implement Council Directive 88/593/EEC of 18 November 1988 amending Directive 79/693/EEC;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;
- 1995 No 3123 The Sweeteners in Food Regulations 1995;
- 1995 No 3124 The Colours in Food Regulations 1995;
- 1995 No 3187 The Miscellaneous Food Additives Regulations 1995;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.
- 1999 No 1136 The Miscellaneous Food Additives (Amendment) Regulations 1999.

* See entry on penalties on page 4

3-N: MEAT PRODUCTS AND SPREADABLE FISH PRODUCTS

SI Number

- 1984 No 1714 **THE MEAT PRODUCTS AND SPREADABLE FISH PRODUCTS (SCOTLAND) REGULATIONS 1984** - implements no EC Directive. Specifies requirements for the composition of certain products and the labelling and description for all meat products and spreadable fish products.
- These Regulations are amended by:
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1986 No 1288 The Meat Products and Spreadable Fish Products (Scotland) Amendment Regulations 1986;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991;
- 1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;

- 1995 No 3123 The Sweeteners in Food Regulations 1995;
- 1995 No 3124 The Colours in Food Regulations 1995;
- 1995 No 3187 The Miscellaneous Food Additives Regulations 1995;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.
- 1999 No 1136 The Miscellaneous Food Additives (Amendment) Regulations 1999.

3-O: MILK AND MILK PRODUCTS

SI Number

- 1990 No 816 **THE MILK AND MILK PRODUCTS (PROTECTION OF DESIGNATIONS) (SCOTLAND) REGULATIONS 1990** - make provision for the enforcement of Council Regulation (EEC) No 1898/87 of 2 July 1987 and Commission Decision 88/566/EEC of 28 October 1988 (listing the products referred to in Article 3(1) of Regulation 1898/87) which defines dairy names to be protected and prohibits their use for products other than those defined in the Regulation as milk or milk products. There are certain exemptions for a number of products where the "dairy" reference is clearly understood not to imply that the product is a dairy product (e.g. cream sherry, butter beans).
- These Regulations are amended by:
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
- 1995 No 3267 The Food (Miscellaneous Revocations and Amendments) Regulations 1995;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.

3-P: THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER

SI Number

- 1985 No 71 **THE NATURAL MINERAL WATERS REGULATIONS 1985** - implements Council Directive 80/777/EEC on the approximation of

the laws of Member States relating to the exploitation and marketing of natural mineral waters.

These Regulations define and protect the designation of "natural mineral water" by requiring such water to be officially recognised by a responsible authority; prescribe conditions for the exploitation of the water at source and for marketing; and specify the composition and controls for the labelling and advertisement of "natural mineral water".

These Regulations are amended by:

- 1990 No 2487 The Food Safety Act 1990 (Consequential Modifications) (No.2) (Great Britain) Order 1990;
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1998 No 1398 The Food Labelling (Amendment) Regulations 1998.
- 1999 No 1540 **THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER REGULATIONS 1999** - implements Council Directive 80/777/EEC on the approximation of the laws of Member States relating to the exploitation and marketing of natural mineral waters as amended by Directive 96/70/EEC of the European Parliament and of the Council. They also implement Council Directive 80/778/EEC relating to the quality of water intended for human consumption, in relation to other drinking water, which is bottled or sold in a bottle.
- (SI 1999 is to be replaced by The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Scotland) Regulations 2000).
- 2000 No 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000, (part v).

Note: Enquiries relating to protection of designation regulations and the natural mineral water, spring water and bottled drinking water regulations should be addressed to: Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285135).

3-Q: QUICK FROZEN FOODS

SI Number

- 1990 No 2615 **QUICK FROZEN FOODSTUFFS REGULATIONS 1990** - implement Council Directive 89/108/EEC of 21 December 1988 on the approximation of Member State laws relating to quick frozen foodstuffs for human consumption.

These Regulations set out conditions for the packing, labelling and temperature controls during manufacture to retail sale, of quick frozen foodstuffs other than ice cream.

These Regulations are amended by:

1992 No 2596 The Food (Forces Exemptions) (Revocations) Regulations 1992;

1994 No 298 The Quick Frozen Foodstuffs (Amendment) Regulation 1994 - implement Commission Directives:

92/1/EEC of 13 January 1992 on the monitoring of temperatures in the means of transport, warehousing and storage of quick frozen foodstuffs intended for human consumption; and

92/2/EEC also of 13 January 1992 laying down the sampling procedure and the Community analysis for the official control of quick frozen foods intended for human consumption.

Note: Enquiries relating to quick frozen foods should be addressed to: Food Standards Agency, Enforcement Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285122).

3-R: SLIMMING FOODS

SI Number

1997 No 2182 **THE FOODS INTENDED FOR USE IN ENERGY RESTRICTED DIETS FOR WEIGHT REDUCTION REGULATIONS 1997** - implement Commission Directive 96/8/EC of 26 February 1996 (OJ No. L55, 6.3.96) on foods intended for use in energy-restricted diets for weight reduction.

These Regulations introduce specific labelling and compositional controls and place restrictions on the advertising of slimming foods (individual meal replacements and daily dietary replacements). The Regulations come into force on 31 March 1999 after which time it will be an offence to sell, label or manufacture a slimming food which does not comply with the Regulations.

3-S: SPREADABLE FATS

SI Number

1995 No 3116 **THE SPREADABLE FATS (MARKETING STANDARDS) REGULATIONS 1995** - these Regulations enforce Council Regulation 2991/94, which lays down compositional, labelling and marketing standards for spreadable fats (butter, margarine,

mixtures and reduced fat spreads). The Regulations revoke the Butter (Scotland) Regulations 1966 and the Margarine (Scotland) Regulations 1970, but retain the fortification requirements for vitamins A and D in margarine.

1998 No 452 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) REGULATIONS 1998** - Implement detailed rules on the application of Council Regulations 2991/94 and 1898/87 which are laid down in Commission Regulation (EC) No. 577/97, amended by Regulations 1278/97, 2181/97 and 623/98.

1998 No 2538 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) (NO 2) REGULATIONS 1998** - enforce Commission Regulations 623/98 (OJ No.L85, 20.3.98, p.3) and 1298/98 (OJ No. L180, 24.6.98, p.5) laying down further detailed rules.

1999 No: 540 **THE SPREADABLE FATS (MARKETING STANDARDS) (AMENDMENT) REGULATIONS 1999** - enforce Commission Regulation 2521/98(OJ No. L315, 25.11.98, p.12) which amends the rules concerning the indication of the fat content of spreadable fats and verification of the declared fat content.

1999 No 34 Spreadable Fats (Marketing Standards) (Scotland) Regulations

Note: Enquiries relating to spreadable fats legislation should be addressed to: Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285134.)

3-T: SUGAR

SI Number

1976 No 946 **THE SPECIFIED SUGAR PRODUCTS (SCOTLAND) REGULATIONS 1976** - implement Council Directive 73/437/EEC of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption.

These Regulations define and control the composition and labelling of a number of sugars, each of which is given a reserved name. They also lay down Community methods of analysis for testing certain sugars intended for human consumption.

These Regulations are amended by:

1981 No 137 The Food Labelling (Scotland) Regulations 1981;

1980 No 1889 The Miscellaneous Additives in Food (Scotland) Regulations 1980;

1982	No 410	The Specified Sugar Products (Scotland) Amendment Regulations 1982 implement First Commission Directive 79/786/EEC of 26 July 1979 laying down Community methods of analysis for testing certain sugars intended for human consumption;
1983*	No 270	The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
1985*	No 1068	The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
1990	No 2625	The Food Safety Act (Consequential Modifications) (Scotland) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 2596	The Food (Forces Exemptions) (Revocations) Regulations 1992;
1995	No 3124	The Colours in Food Regulations 1995;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995;
1996	No 1499	The Food Labelling Regulations 1996;
1998	No 1398	The Food Labelling (Amendment) Regulations 1998.
1999	No 1136	The Miscellaneous Food Additives(Amendment) Regulations 1999.

- See entry on Penalties on page 4

3-U: WEANING FOODS

SI Number

1997	No 2042	<p>THE PROCESSED CEREAL-BASED FOODS AND BABY FOODS FOR INFANTS AND YOUNG CHILDREN REGULATIONS 1997 - implement Commission Directive 96/5/EC of 16 February 1996 (OJ No. L49, 28.2.96) on processed cereal-based foods and baby foods for infant and young children.</p> <p>These Regulations introduce specific labelling and compositional controls on processed cereal-based foods and other baby foods. The Regulations come into force on 31 March 1999 after which time it will be an offence to sell, label or manufacture a baby food which does not comply with the Regulations.</p>
1999	No 275	<p>THE PROCESSED CEREAL-BASED FOODS AND BABY FOODS FOR INFANTS AND YOUNG CHILDREN (AMENDMENT) REGULATIONS 1999 - which implement Commission Directive 98/36/EC of 2 June 1998 (OJ No. L167,</p>

12.6.98) laying down further compositional criteria including maximum limits for vitamins, minerals and trace elements in fortified weaning foods.

- 2000 No. 214 **The Processed Cereal-based Foods and Baby Foods for Infants and Young Children Amendment (Scotland) Regulations 2000** – these regulations, which apply to Scotland only, amend the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997 in implementation of Commission Directive 1999/39/EC amending Directive 96/5/EC on Processed cereal-based foods and baby foods.

3-V: REVOCATIONS

SI Number

- 1991 No 1231 **THE FOOD (MISCELLANEOUS REVOCATIONS) REGULATIONS 1991** - revokes Orders which prescribed compositional standards for mustard, self-raising flour, curry powder, tomato ketchup and suet. Those foods were required to comply with prescribed standards by virtue of article 1 of the Food Standards (General Provisions) Order 1944. These Regulations also revoke:

The Salad Cream (Scotland) Regulations 1966, which prescribed compositional requirements for salad cream.

- 1995 No 3267 **THE FOOD (MISCELLANEOUS REVOCATIONS AND AMENDMENTS) REGULATIONS 1995** - these Regulations revoke the following Regulations in Scotland:

The Food Standards (General Provisions) Order 1944;

The Food Standards (Fish Cakes) Order 1950;

The Skimmed Milk with Non-Milk Fat (Scotland) Regulations 1960;

The Soft Drinks (Scotland) Regulations 1964;

The Ice Cream (Scotland) Regulations 1970;

The Potassium Bromate (Prohibition as a Flour Improvement) (Scotland) Regulations 1990.

3-W: FOODS FOR SPECIAL MEDICAL PURPOSES

- 2000 No. 130 **Foods for Special Medical Purposes (Scotland) Regulations 2000** – these regulations come into force on 1st November 2001

and implement Directive 1999/21/EC on dietary foods for special medical purposes.

- Article 1(2) of the Directive classifies such foods as foods specially processed or formulated for the dietary management of specified types of patients under medical supervision whose treatment calls for a special diet, and regulation 2 of these Regulations defines dietary food as food within that classification.
- Article 2 of the Directive calls for member States to ensure that such food may only be marketed if it complies with the Directive, and Articles 3 and 4 of the Directive lay down requirements for formulation, composition and instructions for use of such food, and for its naming and labelling, and regulation 3(1) of these Regulations prohibits the sale of dietary food unless those criteria are met.
- Article 5 of the Directive requires notification to competent authorities of placing on the market of products covered by the Directive when manufactured, or imported from outside the European Community. Regulation 3(2) of these Regulations imposes that notification requirement, and Regulation 3(3) specifies which authorities are to be recipients of the notification. For dietary foods manufactured in Scotland, or imported into Scotland from outside the United Kingdom, the Food Standards Agency is the relevant authority.
- Enforcement responsibilities, offences and penalties and application of provisions of the Food Safety Act 1990 are set out in Regulations 4, 5 and 7 of these Regulations. The Regulations also provide a defence in relation to exports in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the Official Control of Foodstuffs.

PART 4: REGULATIONS DEALING WITH THE CHEMICAL SAFETY OF FOOD

Note: Enquiries regarding the legislation in this part should, unless otherwise stated, be addressed to: Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285156).

4-A: FOOD ADDITIVES LABELLING

SI Number

- 1992 No 1978 **THE FOOD ADDITIVES LABELLING REGULATIONS 1992** - implement certain provisions in Council Directive 89/107/EEC (OJ No. L40, 11.2.89, p.27) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption. These Regulations define food additives and lay down labelling requirements at retail and wholesale level for additives sold as such.
- These Regulations are amended by:
- 1995 No 3123 The Sweeteners in Food Regulations 1995;
- 1995 No 3124 The Colours in Food Regulations 1995;
- 1995 No 3187 The Miscellaneous Food Additives Regulations 1995.
- 1996 No 1499 The Food Labelling Regulations 1996;
- 1999 No 1136 The Miscellaneous Food Additives (Amendment) Regulations 1999.

4-B: AFLATOXINS

SI Number

- 1992 No 3236 **AFLATOXINS IN NUTS, NUT PRODUCTS, DRIED FIGS AND DRIED FIG PRODUCTS REGULATIONS 1992** - prohibit the import from non-EC countries of these products except through a designated place of entry. The import must be in accordance with the sample/analysis procedure specified. Import is prohibited for products which have a level of aflatoxins over 4 micrograms per kilogram, unless products are to be further processed in which case a level of 10 micrograms per kilogram applies on import.
- 1997 No 3046 **THE FOOD (PISTACHIOS FROM IRAN) (EMERGENCY CONTROL) (AMENDMENT) ORDER 1997** - makes provisions for the enforcement of European Commission Decision No 97/830/EC (OJ No. L343, 13.12.97) repealing the Commission Decision No 97/613/EC (OJ No. L248, 11.9.97) on the temporary suspension of imports of pistachios and certain products derived from pistachios originating in or consigned from Iran and imposing special conditions on the import of such products. Further details are available from the contact address below.

1999 No 1603

THE FOOD CONTAMINANTS (AMENDMENT) REGULATIONS

1999 - make provisions for the enforcement of European Commission Regulation No: 1525/98 (OJ No. L201, 17.7.98) setting harmonised maximum limits for certain foodstuffs and implement Commission Directive 98/53/EC (OJ No. L201, 17.7.98) laying down methods of sampling and analysis. Maximum limits are laid down for total aflatoxins and aflatoxin B1 in groundnuts, nuts, dried fruit, cereals and their products and for aflatoxin M1 in milk and milk products. These Regulations revoke and replace the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations 1992. Further details are available from the contact on the next page.

Products at retail sale must comply with a maximum limit of 4 micrograms per kilogram.

Commission Regulation No 1525/98 setting harmonised maximum limits for certain foodstuffs will apply from 1 January 1999. This Regulation sets maximum limits for aflatoxin B in addition to total aflatoxins. Maximum limits are also laid down for cereals, dried fruits and milk in addition to the products covered by the existing UK legislation. Higher limits are allowed for nuts, groundnuts and dried fruit which are to be subject to further processing. The associated Commission Directive 98/53/EC lays down sampling methods and methods of analysis and must be implemented by 31 December 2000. An amendment will be made to The Contaminants in Food Regulations 1997 [S.I. No. 1499] in order to make provision for the enforcement and execution of this legislation.

1999 No 171

THE CONTAMINANTS IN FOOD AMENDMENT (SCOTLAND) REGULATIONS 1999

– these Regulations, which apply to Scotland only, amend the Contaminants in Food Regulations 1997 by bringing up to date the definition of “Commission Regulation (EC) No.194/97” setting maximum levels for certain contaminants in foodstuffs, so as to cover its further amendment by Commission Regulation (EC) No. 1566/1999 which altered the date by which the maximum aflatoxin limits laid down for nuts, dried fruit and cereals have to be reconsidered by the Standing Committee on Foodstuffs from 1 July 1999 to 1 July 2001.

4-C: ARSENIC

SI Number

1959 No 928

THE ARSENIC IN FOOD (SCOTLAND) REGULATIONS 1959 - lay down a general limit of 1 milligram per kilogram for arsenic in

food. [NB - the schedule to the Regulations gives details of foods to which a separate limit applies].

The Regulations are amended by:

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| 1960 | No 2344 | The Arsenic in Food (Scotland) Amendment Regulations 1960; |
| 1962 | No 1668 | The Food and Drugs (Legal Proceedings) (Scotland) Regulations 1962; |
| 1973 | No 1039 | The Arsenic in Food (Scotland) Amendment Regulations 1973; |
| 1983* | No 270 | The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983; |
| 1985* | No 1068 | The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985; |
| 1990 | No 2625 | The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990; |
| 1991 | No 1476 | The Food Safety (Exports) Regulations 1991; |
| 1992 | No 1971 | The Flavouring in Food Regulations 1992; |
| 1995 | No 3202 | The Bread and Flour Regulations 1995. |

- See entry on penalties on page 4

4-D: CHEMICAL CONTAMINANTS

SI Number

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|------|---------|--|
| 1997 | No 1499 | THE CONTAMINANTS IN FOOD REGULATIONS 1997 - make provision for the enforcement and execution of Commission Regulation (EC) No 194/97, which sets maximum levels for nitrate in lettuce and spinach. They also provide for the operation of the optional derogation contained in the Commission Regulation. This exempts crops grown for the domestic market, from the limits for a transitional period provided that growers follow codes of Good Agricultural Practice and that levels of nitrate in these vegetables do not pose a risk to consumers' health. |
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4-E: CHLOROFORM

SI Number

1980 No 289 **THE CHLOROFORM IN FOOD (SCOTLAND) REGULATIONS 1980** - make it an offence to sell or import food containing added chloroform.

These Regulations are amended by:

1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;

1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;

1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;

1991 No 1476 The Food Safety (Exports) Regulations 1991.

* See entry on penalties on page 4

4-F: COLOURS

SI Number

1995 No 3124 **THE COLOURS IN FOOD REGULATIONS 1995** - implement European Parliament and Council Directive 94/36/EC (OJ No. L237, 10.9.94) on colours for use in foodstuffs and Commission Directive 95/45/EC (OJ No. L226, 22.9.95) laying down specific criteria of purity concerning colours for use in foodstuffs. They define "food additive" and "colour"; list the permitted colours and, by cross-reference, the purity criteria with which they must comply; set down conditions of use for colours in food; control the sale of colours direct to the public and prohibit the sale and use of colours and the sale of food containing colours, which do not comply with these provisions.

2000 No 481 **THE COLOURS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2000** - amend the Colours in Food Regulations 1995 so as to cover Commission Directive 1999/75/EC (O.J. No. L206, 5.8.1999,p.19), which changed the specification for "E160a(i) Mixed Carotenes".

4-G: EXTRACTION SOLVENTS

SI Number

- 1993 No 1658 **THE EXTRACTION SOLVENTS IN FOOD REGULATIONS 1993** - implement the provisions of Council Directive 88/344/EEC (OJ No. L157, 24.6.88) as amended by Council Directive 92/115/EEC (OJ No. L409, 31.12.92) on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients. They lay down a list of permitted extraction solvents and, in certain cases, restricted conditions of use. The Regulations lay down specifications of purity and prescribe labelling requirements for extraction solvents.
- These Regulations are amended by:
- 1995 No 1440 The Extraction Solvents in Food (Amendment) Regulations 1995 - which implement European Parliament and Council Directive 94/52/EC (OJ No. L331, 21.12.94); and
- 1998 No 2257 The Extraction Solvents in Food (Amendment) Regulations 1998 - which implement European Parliament and Council Directive 97/60/EC (OJ No. L331,3.123.97).
- 2000 No 131 The Colours in Food (Amendment) (Scotland) Regulations 2000 - these Regulations, which extend to Scotland only, amend the Colours in Food Regulations 1995 by bringing up to date a reference to Directive 1995/45/EC laying down specific criteria concerning colours for use in foodstuffs so as to cover its amendment by Directive 1999/75/EC, which changed the specification for "E160a(I) Mixed Carotenes".

4-H: FLAVOURINGS

SI Number

- 1992 No 1971 **THE FLAVOURINGS IN FOOD REGULATIONS 1992** - implement certain provisions in Council Directive 88/388/EEC (OJ No. L184, 15.7.88) on the approximation on the laws of Member States relating to flavourings for use in foodstuffs and to source materials for their production, as amended by Commission Directive 91/71/EEC (OJ No. L42, 15.2.91).
- These regulations define categories of flavourings to be controlled; lay down limits for certain undesirable substances which are present in some flavourings and should therefore be restricted; prohibit the sale or importation of food having in it or on it any flavouring which is not a permitted flavouring (i.e. does not comply with the general provisions) and set down labelling requirements for business and consumer sales of flavourings sold as such.
- These Regulations are amended by:

4-I: FOOD CONTACT MATERIALS AND ARTICLES

Note1: An Explanatory Note on the food contact materials and articles legislation is available from the Food Standards Agency, Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285157).

Note2: The Materials and Articles in Contact with Food Regulations 1987 and the Plastic Materials and Articles in Contact with Food Regulations 1998 cover Great Britain only. Northern Ireland has separate, but similar, provisions, and any enquiries should be addressed to the Health Protection Branch, Department of Health and Social Services Northern Ireland (DHSS NI), Annexe 4, Castle Buildings, Stormont, Belfast BT4 3RA. (Telephone 01232 522333).

SI Number

1987 No 1523 **THE MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1987** - re-enact the Materials and Articles in Contact with Food Regulations 1978, as amended; and implement Council Directive 83/229/EEC (OJ L123, 11.5.83) as amended by Commission Directive 86/388/EEC (OJ L128, 14.8.86).

These Regulations:

- set out the general requirement that all food contact materials and articles should not transfer their constituents to food in quantities which could endanger human health or make the food otherwise unacceptable to consumers;
- lay down requirements for labelling materials and articles as suitable for food contact use;
- restrict the use of vinyl chloride monomer (VCM) in the manufacture of food contact plastics, by setting a residual limit of 1 milligram VCM per kilogram of material or article, and a migration limit of 0.01 milligrams VCM per kilogram of food, and laying down the laboratory methods for testing compliance with these restrictions; and
- place controls on food contact Regenerated Cellulose Film (RCF), by establishing a "positive list" of substances that can be used in the manufacture of coated and uncoated RCF, and setting migration limits for some substances.

The 1978 Regulations implemented the framework Council Directive 76/893/EEC, which was replaced by Council Directive 89/109/EEC (OJ L40, 11.2.89). The 1987 Regulations, which re-

enact the 1978 Regulations, did not require amendment to implement 89/109/EEC.

These Regulations are amended by:

- 1990 No 2487 The Food Safety Act 1990 (Consequential Modifications) (No.2) (Great Britain) Order 1990;
- 1991 No 1476 The Food Safety (Exports) Regulations 1991, which implement Articles 2 and 3 of Council Directive 89/397/EEC (OJ L186, 30.6.89).
- 1994 No 979 The Materials and Articles in Contact with Food (Amendment) Regulations 1994 - which implement Commission Directive 93/10/EEC (OJ L93, 17.4.93) as amended by Commission Directive 93/111/EEC (OJ L310, 14.2.93) and Commission Directive 92/15/EEC (OJ L102, 16.4.92) amending Council Directive 83/229/EEC (OJ L123, 11.5.83).
- 1998 No 1376 **THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS 1998** - implement Commission Directive 97/48/EC (OJ L222, 12.8.97), the second amendment to Council Directive 82/711/EEC and revoke and replace the following Regulations:
- SI 1992 No 3145, The Plastic and Materials in Contact with Food Regulations 1992, which implemented Commission Directive 90/128/EEC (OJ L349, 13.2.90), as amended by Commission Directive 92/39/EEC (OJ L168, 23.6.92) - the first amendment to 90/128/EEC - as read with Council Directives 82/711/EEC (OJ L297, 23.10.82) and 85/572/EEC (OJ L372, 30.12.95);
 - SI 1995 No 360, The Plastic Materials and Articles in Contact with Food (Amendment) Regulations 1995, which implemented Commission Directive 93/8/EEC (OJ L90, 14.4.93) the first amendment to 82/711/EEC (OJ L297, 23.10.82) - and Commission Directive 93/9/EC (OJ L90, 14.4.93) - the second amendment to 90/128/EEC;
 - SI 1996 No 694, The Plastic Materials and Articles in Contact with Food (Amendment) Regulations 1996, which implemented Commission Directive 95/3/EEC (OJ L41, 23.2.95) - the third amendment to 90/128/EEC; and
 - SI 1996 No 2817, The Plastic Materials and Articles in Contact with Food (Amendment) (No. 2) Regulations 1996, which implemented Commission Directive 96/11/EC (OJ L61, 12.3.96) - the fourth amendment to 90/128/EEC.

The 1998 Regulations:

- set an overall migration limit for all food contact plastics of 10 milligrams per square decimetre of plastic surface area, in general, or 60 milligrams per kilogram of food, specifically for containers (or similar receptacles) with a capacity of from 0.5 to 10 litres, or which have a contact area that cannot be determined, and for sealing devices, such as caps, gaskets and stoppers;
- establish “positive lists” of monomers and starting substances permitted for use in the manufacture of food contact plastics. Many of the substances have a time limit on their use. Some of the substances have specific migration limits. The Regulations also establish an “incomplete list” of additives approved by the EC’s Scientific Committee for Food for use in food contact plastics; and
- lay down the basic rules necessary, including test times, temperatures and simulants, for testing migration from food contact plastics, and thereby for checking compliance with the compositional requirements of the Regulations

2000 No. 431

THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD (AMENDMENT) (SCOTLAND) REGULATIONS

2000 – these Regulations amend the Plastic Materials and Articles in Contact with Food Regulations 1998. These Regulations implement Commission Directive 1999/91/EC amending Directive 90/128/EC relating to plastic materials and articles intended to come into contact with foodstuffs.

These Regulations:

- update the lists of monomers and additives which can be used in the manufacture of plastic materials and articles intended to come into contact with food;
- impose restrictions and specifications in respect of some of those monomers and additives; in particular, a new type of restriction for additives is introduced (maximum permitted quantity of the substance in the finished material or article expressed as mg per 6dm² of the surface in contact with food);
- bring products obtained by bacterial fermentation within the scope of the 1998 Regulations and impose restrictions and specification for such products;
- include a transitional provision; and
- make some consequential amendments and correct two errors in the 1998 Regulations.

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- 1997 No 1957 **THE COOKING UTENSILS (SAFETY) REGULATIONS 1972 -**
These Regulations (which do not implement EC legislation) restrict the lead content of tin or other metallic coatings on kitchen utensils.
- 1988 No 1647 **THE CERAMIC WARE (SAFETY) REGULATIONS 1988 -**
implement Council Directive 84/500/EEC (OJ L277, 20.10.84). These Regulations require compliance with British Standard 6748:1986 which sets limits for the migration of lead and cadmium from ceramic articles.
- 1995 No 1012 **THE N-NITROSAMINES AND N-NITROSATABLE SUBSTANCES IN ELASTOMER OR RUBBER TEATS AND DUMMIES (SAFETY) REGULATIONS 1995 -** implement Commission Directive No 93/11/EEC concerning the release of these substances from elastomer or rubber teats and soothers. These Regulations apply to the supply of teats or dummies intended to be brought into contact with foodstuffs. They prohibit the supply of any products which do not comply with the requirements.

Note: Enquiries about the Rubber Teats and Dummies Regulations (SI 1995 No. 1012) should be addressed to the Consumer Safety Unit, Consumer Affairs and Competition Policy Directorate, Department of Trade and Industry, 4.H.2, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20 7215-0361).

Enquiries about the Cooking Utensils and Ceramic Ware Regulations (SI 1972 No. 1957 and SI 1988 No. 1647) should be addressed to the Consumer Safety Unit, Consumer Affairs and Competition Policy Directorate, Department of Trade and Industry, 4.G.6, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20 7215-0362).

4-J: LEAD

SI Number

- 1979 No 1641 **THE LEAD IN FOOD (SCOTLAND) REGULATIONS 1979 -** lay down a general limit of 1 milligram per kilogram for lead in food. [NB - the schedule to the Regulations gives details of those foods for which a separate limit applies].
- These Regulations are amended by:
- 1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
- 1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
- 1985 No 1438 The Lead in Food (Scotland) Amendment Regulations 1985;

1990	No 2625	The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1992	No 1971	Flavourings in Food Regulations 1992;
1995	No 3124	The Colours in Food Regulations 1995 - (minor amendment to revoke reference to SI 1973/1340);
1995	No 3267	The Food (Miscellaneous Revocations and Amendments) Regulations 1995.

4-K: MINERAL HYDROCARBONS

SI Number

1966	No 1263	THE MINERAL HYDROCARBONS IN FOOD (SCOTLAND) REGULATIONS 1966 - prohibit (subject to certain exceptions relating to lubricants, chewing compounds and the rind of cheese and permitted miscellaneous additives) hydrocarbons in the composition or preparation of food; lay down specifications for mineral hydrocarbon and a test for the presence of polycyclic hydrocarbon. These Regulations are amended by:
1983*	No 270	The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;
1985*	No 1068	The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985;
1990	No 2625	The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
1991	No 1476	The Food Safety (Exports) Regulations 1991;
1995	No 3187	The Miscellaneous Food Additives Regulations 1995.

- See entry on penalties on page 4

4-L: MISCELLANEOUS ADDITIVES

SI Number

1995	No 3187	THE MISCELLANEOUS FOOD ADDITIVES REGULATIONS 1995 - implement European Parliament and Council Directive 95/2/EC (OJ No. L61, 18.3.95) on food additives other than colours
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and sweeteners ("miscellaneous additives"), together with various directives governing purity criteria. They define each class of miscellaneous food additive and list those which are permitted; specify the purity criteria with which they must comply; set conditions on their use; control their sale direct to the public; and prohibit the sale and use of miscellaneous additives and the sale of food containing them, which do not comply with these provisions.

1997 No 1413

The Miscellaneous Additives (Amendment) Regulations 1997 - implement EC Directives 96/85/EC (OJ No. L86, 19.12.96) amending Directive 95/2/EC on food additives other than colours and sweeteners, and 96/77/EC (OJ No. L339, 2.12.96) laying down specific purity criteria on food additives other than colours and sweeteners. The Regulations also amend the 1995 Regulations to authorise a variation to the existing 2 year national authorisation to permit propane, butane and iso-butane to be used in water based emulsion sprays until December 1997. In addition, they amend the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 to reflect an EC prohibition on the simultaneous use of added acids and added sugar in fruit juices and make two minor amendments to bring the text of the 1995 Regulations more closely in line with the wording used in Directive 95/2/EC.

1999 No 1136

The Miscellaneous Food Additives (Amendment)

Regulations 1999 - implement European Parliament and Council Directive 98/72/EC (OJ No. L295, 15.10.98. p18) amending Directive 95/2/EC on food additives other than colours and sweeteners, and Commission Directive 98/86/EC (OJ No.L334, 9.12.98. p 1) amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners. The Regulations add flour treatments agents, previously regulated at national level, to the list of EC harmonised additives categories controlled as miscellaneous additives; add four new additives to the list of miscellaneous additives generally permitted for use in most processed foods; provide for additional uses of additives in various foods; add a number of new substances to the list or permitted carriers and solvents; provide for additional uses of certain additives in specified foods for infants and young children, including such foods for special medical purposes; and place additional restrictions on the use of additives in plain pasteurised cream and reduce the level of sulphur dioxide permitted in certain sugars.

2001 No 103

The Miscellaneous Food Additives (Amendment) (Scotland)

Regulations 2001 – these Regulations amend the Miscellaneous Food Additives Regulations 1995. 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).

4-M: PESTICIDES

SI Number

- 1994 No 1985 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDING STUFFS) REGULATIONS 1994-** implement the provisions of Council Directives:
- 90/642/EEC (OJ L350, 14.12.90), 93/57/EEC (OJ L211, 23.8.93) and 93/58/EEC (OJ L211, 23.8.93) setting maximum residue levels (MRLs) for fruit and vegetables, cereals and animal products. They also introduce some national MRLs pending the adoption of Community provisions;
- 1995 No 1483 The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1995 implement EC Directives 94/29/EC (OJ L189, 23.7.94) and 94/30/EC (L189, 23.7.94) setting further MRLs for fruit and vegetables, cereals and animal products.
- 1996 No 1487 The Pesticides (Maximum Residue Levels in Crops, Food and Feedingstuffs) (Amendment) Regulations 1996 implement EC Directives 95/38/EC (L197, 22.8.95), and 95/39/EC (OJ L197, 22.8.95) setting further MRLs for fruit and vegetables, cereals and animal products. They also implement Directive 95/61/EC (OJ L292, 7.12.95) by establishing MRLs for certain "open positions" set in Directive 93/58/EC.
- 1997 No 567 The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Amendment) Regulations 1997 implement EC Directives 96/32/EC (OJ No. L144, 18.6.96)) and 96/33/EC (OJ No. L144, 18.6.96) setting further MRLs for fruit and vegetables, cereals and animal products.
- 1998 No 2922 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDINGSTUFFS) (AMENDMENT) REGULATIONS 1998** - implement EC Directive 97/41/EC extending the scope of existing pesticide maximum residue levels (MRL) for raw and fresh food, to processed and composite foodstuffs.
- 1999 No 1109 **THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS,FOOD AND FEEDING STUFFS (AMENDMENT) REGULATIONS 1999** - implement EC Directive 98/82/EC setting

MRLs for fruit and vegetables, cereals and animal products. They also establish MRLs for certain "open positions".

1999 No 3489

THE PESTICIDES (MAXIMUM RESIDUE LEVELS IN CROPS, FOOD AND FEEDINGSTUFFS) (ENGLAND AND WALES) REGULATIONS 1999 - consolidate the present Maximum Residue Level Regulation. The consolidation of the regulation will make the legislation more user-friendly and accessible to those who need to ensure that the MRLs are observed. The Regulations which implement Commission Directive 1997/71/EC, which sets 160 MRL for the new pesticide, azoxystrobin.

4-N: SWEETENERS

SI Number

1995 No 3123

THE SWEETENERS IN FOOD REGULATIONS 1995 - implement European Parliament and Council Directive 94/35/EC (OJ No. L237, 10.9.94) on sweeteners for use in foodstuffs and Commission Directive 95/31/EC (OJ No. L178, 28.7.95) laying down specific criteria concerning sweeteners for use in foodstuffs. They define "food additive" and "sweetener"; list the permitted sweeteners and, by cross-reference, the purity criteria with which they must comply; set down conditions of use for sweeteners in food; control the sale of sweeteners direct to the public (table top sweeteners) and specify additional labelling requirements for these products; and prohibit the sale and use of sweeteners and the sale of food containing sweeteners, which do not comply with these provisions.

These Regulations are amended by:

1996 No 1477

The Sweeteners in Food (Amendment) Regulations 1996.

1997 No 814

The Sweeteners in Food (Amendment) Regulations 1997 - implement EC Directive 96/83/EC (OJ No. L48, 19.2.97) amending Directive 94/35/EC on sweeteners for use in foodstuffs. The Regulations extend the use of sweeteners to certain additional categories of food and add certain technical provisions to bring the 1995 Regulations into line with two other GB Regulations on Colours and Miscellaneous Additives. They also amend the title of the food category "vitamins and dietary preparations" to reflect more closely the needs of the market.

1999 No 982

The Sweeteners in Food (Amendment) Regulations 1999 - implement Directive 98/66/EC (OJ No. L257, 19.9.98). They bring up to date a reference to Directive 95/31/EC on specific purity criteria so as to cover its amendment by Directive 98/66/EC which

changed the specification for isomalt. They also bring up to date references to the 1995 Regulations in other Regulations.

4-O: TETRACHLOROETHYLENE

SI Number

1989 No 837 **THE TETRACHLOROETHYLENE IN OLIVE OIL (SCOTLAND) REGULATIONS 1989** - make provision for the enforcement of Article 1 of Commission Regulation (EEC) No 1860/88 which provides that olive oils and olive-pomace oils with tetrachloroethylene content of more than 0.1 milligram per kilogram may not be offered for retail sale.

These Regulations are amended by:

1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) 1990;

1991 No 1476 The Food Safety (Exports) Regulations 1991.

2000 No 229 The Tetrachloroethylene in Olive Oil (Scotland) Revocation Regulations 2000 – these Regulations amend the Food Safety Act (Consequential Modifications) (Scotland) Order 1990 by removing the references to the Tetrachloroethylene in Olive Oil Regulations 1989. The 1989 Regulations made provision for the enforcement of Article 1 of Commission Regulation (EEC) No. 1860/88 on the establishment of special marketing standards for Olive Oil. That Commission Regulation has now been revoked by Commission Regulation (EEC) No. 2568/91 enforcement of which is provided for in the Olive Oil Marketing Standards (Amendment) Regulations 1992.

4-P: TIN

SI Number

1992 No 496 **THE TIN IN FOOD REGULATIONS 1992** - prohibit for sale or import any food containing a level of tin exceeding 200 milligrams per kilogram.

Q: TRYPTOPHAN

SI Number

1990 No 1792 **THE TRYPTOPHAN IN FOOD (SCOTLAND) REGULATIONS 1990** - prohibit the addition of tryptophan (an amino acid) to food intended for human consumption, and its consequent sale or supply.

These Regulations are amended by:

1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;

1991 No 1476 The Food Safety (Exports) Regulations 1991.

R: VETERINARY MEDICINES

Please see page 58 to 60 for :

1997 No: 1729 **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1997**

1997 No: 2893 **THE CHARGES FOR INSPECTIONS AND CONTROLS REGULATIONS 1997**

1998 No: 2880 **THE CHARGES FOR INSPECTIONS AND CONTROLS (AMENDMENT) REGULATIONS 1998**

PART 5: EGGS & POULTRY

Note: Enquiries regarding the legislation in Sections A and B should be addressed to the Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ. (Telephone 01224 285164). Enquiries regarding Sections C and D should be addressed to the Scottish Executive Environment and Rural Affairs Department, Milk, Pig, Eggs and Poultry Branch, Room 349, Pentland House, 47 Robb's Loan, EDINBURGH, EH14 1TY. (Telephone 0131-244-6953 Fax 0131-244-6950).

5-A: EGG PRODUCTS

SI Number

1993 No 1520 **THE EGG PRODUCTS REGULATIONS 1993** - implement Council Directive 89/437/EEC on hygiene and health problems affecting the production and placing on the market of egg products. The Regulations require that all egg products for human consumption be prepared in approved establishments, subject to certain exceptions. The Regulations make provisions for all egg products to be heat treated, and lay down hygiene and health requirements for the production and placing on the market of egg products.

These Regulations are amended by:

1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995 (in relation to potable water).

1996 No 1499 The Food Labelling Regulations 1996.

2000 No 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000

5-B: UNGRADED EGGS

SI Number

1990 No 1323 **THE UNGRADED EGGS (HYGIENE) REGULATIONS, 1990** - prohibit the sale direct from the producer to the consumer of any egg which contains a crack visible to the naked eye without candling.

These Regulations are amended by:

1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990.

1990 No1336 The Ungraded Eggs (Hygiene) (Scotland) Regulations

5-C: EGGS - MARKETING STANDARDS

SI Number

- 1995 No 1544 **THE EGGS (MARKETING STANDARDS) REGULATIONS 1995**
- make provision, in Great Britain, for the enforcement and execution of specified regulations of the European Communities which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks. The Regulations also implement the public health conditions in relation to the sale of shell eggs and to the use of eggs in catering kitchens laid down in Council Decision 94/371/EC. Similar provisions exist in Northern Ireland.
- These Regulations are amended by:
- 1996 No 1725 The Egg (Marketing Standards) (Amendment) Regulations 1996;
- 1997 No 1414 The Egg (Marketing Standards) (Amendment) Regulations 1997;
- 1998 No 1665 The Egg (Marketing Standards) (Amendment) Regulations 1998
- 2000 No 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000.

5-D: POULTRY MEAT - WATER CONTENT

SI Number

- 1983 No 1372 **THE POULTRY MEAT (WATER CONTENT) (SCOTLAND) REGULATIONS 1983** - provide for the enforcement in Scotland of Council Regulation 2967/76/EEC (as amended) laying down common standards for the water content of frozen and deep frozen chickens, hens and cocks.
- These Regulations are amended by:
- 1984 No 1576 The Poultry Meat (Water Content) (Scotland) (Amendment) Regulations 1984;
- 1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990.

PART 6: OTHER LEGISLATION

6-A: ALCOHOLIC LIQUOR DUTIES ACT 1979 - Section 71

Prescribes a penalty for misdescribing liquor as spirits or as wine fortified with spirits. In practice, therefore, this Section reinforces Section 15 of the Food Safety Act 1990 as far as these products are concerned.

Note: All enquiries concerning Customs and Excise legislation should be addressed to HM Customs and Excise, Portcullis House, 21 India Street, Glasgow G2 4PZ. (Telephone 0141-221 3828).

6-B: BOVINE SPONGIFORM ENCEPHALOPATHY (BSE)

NB Not all the statutory instruments listed in this section make direct provisions for food safety, some for example lay down requirements for animal feedingstuffs. However, they have been included in this list for the sake of completeness.

SI Number

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|--------------|--|
| 1988 No 2264 | The Zoonoses Order 1988 , made under the Animal Health Act 1981, came into force on 22 December 1988. The Order designated BSE as a zoonosis, enabling powers under the Act to be used to reduce any risk to human health from BSE. |
| 1994 No 2627 | The Bovine Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994 , made under the Animal Health Act 1981, came into force on 2 November 1994. It implemented Commission Decision 94/381/EC and Commission Decision 94/474/EC. The Order extended the ban on use of SBO's in animal feed, banning the use of mammalian protein in ruminant feedingstuffs and making notifiable laboratory suspicion of spongiform encephalopathies in species other than cattle, sheep and goats. |
| 1996 No 1193 | The Bovine Animals (Enforcement of Community Purchase Scheme) Regulations 1996 , made under the European Communities Act 1972, came into force on 1 May 1996. They make provision for the enforcement of certain new requirements of Commission Regulation 716/96. The new legislation creates offences in respect of breaches of the provisions of these Regulations and specifies the penalties involved. They apply to approved operators of incinerators or rendering plants, approved under the Specified Bovine Material (No 2) Order 1996 and to licensed operators of slaughterhouses licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995, whose premises are designated under the terms of Commission Regulation 716/96. |

1996 No 2097 **The Fresh Meat (Beef Controls) No. 2 Regulations 1996**, made under the Food Safety Act 1990, came into force on 1 September 1996. The Regulations prohibit the sale for human consumption of meat from any bovine animal slaughtered after 28 March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be proved by reference to documentary evidence that the animal was no more than two years and six months old. The Regulations provide an exemption from this prohibition for meat from certain third countries and meat from eligible cattle from herds registered under the Beef Assurance Scheme. The Regulations also set out the operating rules of the Beef Assurance Scheme.

1996 No 2522 **The Fresh Meat (Beef Controls) (No 2) (Amendment) Regulations 1996**, made under the Food Safety Act 1990, came into force on 4 October 1996. The Regulations amend provisions on the Beef Assurance Scheme contained in the Fresh Meat (Beef Controls) (No 2) Regulations 1996. The Beef Assurance Scheme provisions on feed are amended to:

i) allow herds which have used feed from any mills which have not had any mammalian meat and bonemeal on the premises in the previous four years to be eligible; and

ii) no longer restrict use of feed to specified sources.

The Regulations also clarify that the feed requirements are concerned with mammalian meat and bonemeal.

The Regulations also provide an exemption from the rule that the herd shall have been established for at least four years, where new herds are established entirely from animals in herds already registered under the Scheme.

1996 No 2458 **The Bovine Spongiform Encephalopathy (Amendment) Order 1996**, made under the Animal Health Act 1981 came into force on 24 September 1996. It introduces a revised definition for rendering, enables (provided certain conditions are met) the sale of mammalian meat and bone meal (MBM) products at premises where livestock feed is produced, and removes the record keeping requirements for retailers selling small packages (26 kg or less) of fertiliser containing MBM.

1996 No 3183 **The Bovine Spongiform Encephalopathy (No. 2) Order 1996** revokes the BSE Order 1996. In making provision for the slaughter of animals exposed to BSE, it implements in part Article 2 of Commission Decision 96/385 (OJ No. L151, 26.6.96).

1996 No 3184 **The Bovine Spongiform Encephalopathy Compensation Order 1996** revokes the BSE Compensation Order 1994 and the Compensation (Amendment) Order 1996 and introduces changes

to existing BSE compensation arrangements including those for “exposed animals” slaughtered under the cull.

- 1996 No 3186 **The Selective Cull (Enforcement of Community Compensation Conditions) Regulations 1996** implement certain of the requirements of Commission Regulation No. 1484/96 (OJ No. L188, 27.7.96) adopting the exceptional support measures for the beef market in the UK by application of Commission Decision 96/385 (OJ No. L151, 26.6.96).
- 1997 No 2387 **The Bovine Spongiform Encephalopathy (No.2) (Amendment) Order 1997**, made under the Animal Health Act 1981, came into force on 24 October 1997. The Order amends the Bovine Spongiform Encephalopathy (No.2) Order 1996, by allowing notices in Forms F and G, relating to exposed animals, to be served by veterinary inspectors, or inspectors as defined in the Animal Health Act 1981.
- 1997 No 2959 **The Beef Bones Regulations 1997** - made under the Food Safety Act 1990, came into force on 16 December 1997. The Regulations require all beef from animals aged over 6 months, whether home supplied or imported, to be deboned before it is sold to consumers; prohibit bone-in beef from such animals in Great Britain from being sold for human consumption or to be used in the preparation of food; and require that such bones be disposed of in accordance with the Animal By-Products Order 1992
- 1997 No 2964 **The Specified Risk Material Order 1997** - made under the Animal Health Act 1981, came into force on 1 January 1998. Remakes with amendments the provisions of the Specified Bovine Material Order 1997 and the Heads of Sheep and Goats Order 1996 (also revokes both Orders). Imposes controls on the import of specified risk material (SRM), requiring imported food and feedingstuffs to be certified by veterinary authorities of the exporting country, to certify products as SRM free. Prohibits use of SRM sourced from animals slaughtered in the UK in ingredients for cosmetic, pharmaceutical and medical products. Prohibits the use of all SRM in any animal feedstuff. Requires approval of premises processing SRM. Regulates transport, storage and sampling of SRM.
- 1997 No 2965 **The Specified Risk Material Regulations 1997** - made under the Food Safety Act 1990, came into force on 1 January 1998. This legislation extended GB domestic controls on the handling and permitted use of Specified Risk Material (SRM) from cattle, sheep and goats. In particular, it extended the existing controls on heads of sheep and goat SRM to include the removal of the spleen of all sheep and goats and the spinal cord and tonsils of those over 12 months of age or with one or permanent incisors erupted through the gum. Together with the Specified Risk Material Order 1997, it

remade and revoked the Specified Bovine Material Order 1997 and the Heads of Sheep and Goats Order 1996.

- 1997 No 3062 **The Specified Risk Material (Amendment) Regulations 1997** - made under the Food Safety Act 1990, came into force on 1 January 1998. This legislation amended the Specified Risk Material Regulations 1997 to make it clear that the requirement for spinal cord to be removed from sheep and goat carcasses aged over 12 months, does not apply to carcasses of animals slaughtered before 1 January 1998. It also clarified that the prohibition on the sale of food containing or derived from Specified Risk Material does not extend to those products not listed in the Specified Risk Material Order 1997.
- 1997 No 2365 **The Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1997** - makes a number of changes to the valuation arrangements under the selective cull - namely removing the option of having two valuers present for valuations of ten animals or fewer.
- 1998 No 954 **The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998** - made under the Agriculture Act 1970, came into force on 30 April 1998. The Regulations prohibit the sale of mammalian meat and bone meal for use as a fertiliser on agricultural land. Prohibits the sale or possession of mammalian meat and bone meal for use in fertiliser for non-agricultural land, unless it has been produced in accordance with the Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998. Revokes and re-enacts, with amendments, the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996.
- 1998 No 955 **The Fertilisers (Mammalian Meat and Bone Meal) (Conditions of Manufacture) Regulations 1998** - made under the European Communities Act 1972, came into force on 30 April 1998. The Regulations lay down minimum processing conditions for mammalian meat and bone meal used as or in fertilisers. Fertilisers containing mammalian meat and bone meal cannot be used on agricultural land.
- 1998 No 1135 **The Bovines and Bovine Products (Trade) Regulations 1998** - made under the European Communities Act 1972, came into force on 1 May 1998. The Regulations ban exports from Great Britain to EC Member States and third countries, of bovine animals and embryos, meat, meat products and controlled bovine by-products, derived from bovine animals slaughtered in the UK. Makes provisions for derogations in relation to exports eligible under the Export Certified Herds Scheme, or for meat, meat products and by-products sourced from bovine animals slaughtered outside the UK. Requires inspection and registration of exporting establishments. Revokes and replaces the Bovines

and Bovine Products (Despatch Prohibition and Production Restriction) Regulations 1997.

- 1998 No 2405 The Specified Risk Material (Amendment) Regulations 1998 (as amended by the Specified Risk Material (Coming into Force Date) (Amendment) Regulations 1998), made under the Food Safety Act 1990, came into force on 8 October 1998. They amend the Specified Risk Material Regulations 1997 to allow the export of unsplit carcasses of older sheep containing spinal cord to "listed" premises in France where spinal cord will be removed.
- 1998 No 3070 The BSE Offspring Slaughter Regulations 1998, made under the European Communities Act 1972, came into force on 4 January 1999. The Regulations implement a cull of all offspring born after 1 August 1996 to dams in which BSE has been confirmed to meet a requirement of Commission Decision 98/692/EC on a Date Based Export Scheme.
- 1998 No 3071 The Bovine Spongiform Encephalopathy (No. 2) (Amendment) Order 1998 was made under the Animal Health Act 1981. It amends the BSE No.2 Order 1996 (No. 3183) as a consequence of the BSE Offspring Slaughter Regulations 1998 to include a definition of an offspring animal.
- 1999 No 539 The Specified Risk Material (Inspection Charges) Regulations 1999, made under the Food Safety Act 1990, came into force on 29 March 1999. These Regulations enable the Minister to charge the occupiers of licensed slaughterhouses or cutting premises at which SRM is removed for the costs incurred in undertaking the inspections and controls permitted by the Specified Risk Material Regulations 1997. They also amend the 1997 Regulations to allow the withdrawal of these inspections and controls for non-payment of the charge and to prohibit the sale for human consumption of a carcass which has not been so inspected.
- 1999 No 882 The BSE (Feeding Stuffs and Surveillance) Regulations 1999 - made under the European Communities Act 1972, puts the existing feed sampling programme on a statutory basis, implementing the relevant part of EC Decision 95/287/EC (OJ No. L181/40, 1.8.95), and makes minor changes to the way in which we investigate BSE cases, to take account of the requirements of Commission Decision 98/272/EC (OJ No. L122/59, 24.4.98).
- 1999 No 921 The BSE (No.2) Amendment Order 1999 - enables the restriction of the movement of cattle inadvertently exposed to mammalian meat and bone meal (MBM); amends the definition of MBM to make it clear that it includes greaves and derivatives of MBM, including ash; allows for the recall of ruminant feed which contains mammalian protein without having to prove that the protein is in the form of MBM; removes the 56 day limit on investigating the past

history of BSE cases; and, enables the taking of samples for research from field cases.

1999 No 1103 The Bovines and Bovine Products (Trade) Regulations 1999 - implement in Great Britain the requirements of Council Decision 98/256/EC (OJ No. L13/32, 15.4.98), as amended by Commission Decisions 98/564/EC (OJ No. 273/37, 9.10.98) and 98/692/EC (OJ No. 328/28, 4.12.98), on emergency measures to protect against BSE. They prohibit the despatch from GB to third countries and Member States of bovine animals and embryos and meat and other products derived from bovine animals slaughtered in the UK. However, together with the equivalent Regulations in Northern Ireland, they provide for a derogation from this ban for - beef, beef products etc. from Northern Ireland produced in accordance with the Export Certified Herd Scheme rules and beef, beef products etc. from the UK produced in accordance with the Date Based Export Scheme rules. Furthermore, they make provision in respect of controls on products and by-products produced from UK and foreign origin bovines, and also prescribe controls governing the export of meat and other products derived from bovines slaughtered outside the UK.

1999 No 1154 The Bovines and Bovine Products (Trade) (Amendment) Regulations 1999 make a minor amendment to Regulation 13(2) of the Bovines and Bovine Products (Trade) Regulations 1999.

2000 No 345 **The Specified Risk Material Amendment (Scotland) Regulations 2000**, made under the Food Safety Act 1990, came into force on 1 October 2000. These regulate the use of material presenting risk as regards TSE and amend the SRM Regulation 97/2965 for Scotland only. This regulates the disposal of tallow derived from certain SRM. The amendments are (a) whole carcasses of sheep and goats are deemed to be SRM if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died (b) whole carcasses of bovines are deemed to be SRM if they are removed to be rendered or incinerated whole from the place where they were slaughtered or died (c) to allow the vertebral column of animals which fall under the Beef Assurance Scheme to be removed in authorised cutting premises as well as in a slaughterhouse.

2001 No 3 **The Specified Risk Material Amendment (Scotland) Regulations 2001**, made under the Food Safety Act 1990, came into force on 10 January 2001. These regulations extend to Scotland only. The amendment is to bring the definition of specified bovine material in regulation 4(1) of the principal Regulations into line with the definition of SRM in the Commission Decision by including the intestines of any bovine animal (which has died or was slaughtered elsewhere than in Australia or New Zealand) as specified risk material.

2001 No 173

The Restriction on Pithing (Scotland) Regulations 2001, made under the Food Safety Act 1990, came into force on 1 April 2001 and 1 July 2001. These regulations ban the use of the technique known as pithing (laceration after stunning the central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity) in the slaughter of bovine, ovine or caprine animals for sale for human or animal consumption from 1 April 2001. All parts of the carcass (other than the hide) of an illegally pithed animal are to be treated as SRM after 1 July 2001.

Revocations

The following Statutory Instruments have been revoked:

SI Number

1991	No 2246	The Bovine Spongiform Encephalopathy Order 1991
1994	No 673	The Bovine Spongiform Encephalopathy Compensation Order 1994
1996	No 961	The Beef (Emergency Control) Order 1996
1996	No 962	The Bovine Spongiform Encephalopathy (Amendment) Order 1996
1996	No 1043	The Beef (Emergency Control) (Amendment) Order 1996
1996	No 1091	The Beef (Emergency Control) (Amendment) (No2) Order 1996
1996	No 1125	The Fertilisers (Mammalian Meat and Bone Meal) Regulations 1996
1996	No 1166	The Beef (Emergency Control) (Amendment) (No3) Order 1996
1996	No 1192	The Specified Bovine Material (No2) Order 1996
1996	No 1941	The Specified Bovine Material (No. 3) Order 1996
1996	No 2007	The Bovine Spongiform Encephalopathy Order 1996
1996	No 2264	The Heads of Sheep and Goats Order 1996
1996	No 2265	The Bovine Products (Despatch to other Member States) Regulations 1996
1996	No 3185	The Specified Bovine Material (No. 3) (Amendment) Order 1996
1996	No 3268	The Specified Bovine Material (No. 3) (Amendment) (No. 2) Order 1996

1996	No 3000	The Bovine Products (Despatch to other Member States) (Amendment) Regulations 1996
1996	No 1351	The Bovine Spongiform Encephalopathy Compensation (Amendment) Order 1996
1997	No 389	The Bovine Products (Production and Despatch) Regulations 1997
1997	No 617	The Specified Bovine Material Order 1997
1997	No 1905	The Bovine and Bovines (Despatch, Prohibition and Production Restriction) Regulations 1997
1998	No 1135	The Bovines and Bovine Products (Trade) Regulations 1998

Note: Enquiries on BSE legislation should be addressed to the Food Standards Agency, Meat Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285145).

6-C: FEEDINGSTUFFS

THE AGRICULTURE ACT 1970 (as amended)

This is the primary legislation governing controls on feedingstuffs. One of its main requirements is that feedingstuffs when sold should be fit for their intended purpose and free from harmful ingredients. A statutory statement is required on the composition of the feed and other information. The following sets of regulations are made under (Part IV) of the above Act and cover Great Britain (Northern Ireland has separate but parallel legislation).

SI Number

1995	No 1412	THE FEEDING STUFFS REGULATIONS 1995 - implements the following main EC Directives: Council Directive 70/524/EEC (OJ No. L270, 14.12.70) concerning additives in feedingstuffs; Council Directive 74/63/EEC (OJ No. L38, 11.2.74) on undesirable substances and products in animal nutrition; Council Directive 77/101/EEC (OJ No. L32, 3.2.77) on the marketing of straight feedingstuffs; Council Directive 79/373/EEC (OJ No. L86 6.4.79) on the marketing of compound feedingstuffs; Council Directive 80/511/EEC (OJ No. L125, 21.5.80) authorising in certain cases, the marketing of compound feedingstuffs in unsealed packages and containers;
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Council Directive 82/471/EEC (OJ No. L213, 21.7.82) concerning certain products used in animal nutrition;

Council Directive 93/74/EEC (OJ No. L237, 22.9.93) on feedingstuffs intended for particular nutritional purposes.

These regulations contain detailed provisions on the composition and labelling of feedingstuffs. They contain a list of additives and protein sources which are permitted for use in feeds and limits for undesirable substances.

These Regulations are amended by:

1996 No 1260 The Feeding Stuffs (Amendment) Regulations 1996;

1998 No 104 The Feeding Stuffs (Amendment) Regulations 1998.

1982 No 1144 **The Feeding Stuffs (Sampling and Analysis) Regulations 1982** - implements the following Directives:

Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs;

New methods and amendments to existing methods are introduced by Commission amending directives. The most recent of which are:

Commission Directive 93/28/EEC (OJ No. L179, 22.7.93);

Commission Directive 94/14/EEC (OJ No. L94, 13.4.94).

The Regulations set out methods for certain additives and feed constituents, such as protein, fibre and ash for the enforcement of the labelling provisions, and also methods for certain undesirable substances.

These Regulations are amended by:

1984 No 52 The Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1984;

1985 No 1119 The Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1985;

1994 No 1610 The Feeding Stuffs (Sampling and analysis) (Amendment) Regulations 1994;

1998 No 1049 **THE FEEDING STUFFS (ESTABLISHMENTS AND INTERMEDIARIES) REGULATIONS 1998** - implements the following Directives:

Council Directive 95/69/EC, amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC; and

Article 1:10 of Council Directive 95/51/EC amending Directive 70/524.

The Regulations lay down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector. The Regulations apply to a wide range of establishments; those affected include manufacturers of certain feed additives, premixtures, compound feeds including these, and certain agricultural merchants and farmers who mix their own feed. The Regulations also cover establishments incorporating materials with undesirable substances above specified levels. The system of registration and approvals is linked to quality standards and their implications for food safety.

2000 No 453

The Feeding Stuffs (Scotland) Regulations 2000, made under the Food Safety Act 1990, came into force on 31 January 2001 and extend to Scotland. These regulations apply to farmed animals and pet animals. Sellers of feedingstuffs, feed materials, additives and pre-mixtures of additives are required to give purchasers 'statutory statements' containing information or instruction as to their storage, handling and use, and to mark them with that information.

2001 No 104

The Feeding Stuffs (Sampling & Analysis) Amendment (Scotland) Regulations 2001, made under the Food Safety Act 1990, came into force on 1 April 2001. These regulations extend to Scotland only, and implement Commission Directive 2000/45/EC establishing Community methods of analysis. They amend the 1999 Regulations by prescribing a revised method of analysis for the determination of vitamin A, and new methods for the determination of vitamin E and tryptophan in feeding stuffs and, in the cases of vitamin A and E, in pre-mixtures.

The Following Regulation was made under **The Medicines Act 1968**:

1992 No. 1520

The Medicines (Medicated Animal Feeding Stuffs) (No. 2) Regulations 1992 - these Regulations implement Council Directive 90/167/EEC laying down the conditions covering the preparation, placing on the market and use of medicated feedingstuffs in the Community.

These Regulations are amended by:

1996 No 769

The Medicines (Medicated Animal Feeding Stuffs) (Amendment) Regulations 1996;

1997	No 638	The Medicines (Medicated Animal Feeding Stuff) (Amendment) Regulations 1997;
1998	No	The Medicines (Medicated Animal Feeding Stuff) (Amendment) Regulations 1998.

Note: Enquiries on feeding stuffs standards legislation should be addressed to the Food Standards Agency, Meat Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285145)

6-D: THIRD COUNTRY IMPORTS

6-D(i) PRODUCTS OF ANIMAL ORIGIN: IMPORT AND EXPORT

SI Number

1996	No 3124	<p>THE PRODUCTS OF ANIMAL ORIGIN (IMPORT AND EXPORT) REGULATIONS 1996 - implement Council Directives: 89/662/EEC of 30 December 1989 (OJ No. L395) as amended concerning veterinary checks in intra-Community trade with a view to the completion of the internal market;</p> <p>90/675/EEC of 31 December 1990 (OJ No. L373) as amended laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries</p> <p>92/118/EEC of 15 March 1993 (OJ No. L62) as amended laying down animal and public and public requirements governing trade in and importing into the Community of products not covered by other vertical health Directives.</p> <p>These regulations give effect to the Community's checking regime for assuring that intra-Community trade in and imports from third countries of products of animal origin comply with harmonised EC or, in their absence national, animal and public health rules.</p> <p>The Regulations also make provision for The Secretary of State or the local authority to recover the cost of veterinary checks on import of animal origin from third countries. They also give force to the vertical health rules applying to intra-Community trade in, and imports from third countries, of so called "Balai" products.</p> <p>These Regulations have been amended by:</p>
1997	No 3023	<p>The Products of Animal Origin (Import and Export) (Amendment) Regulations 1997 - implementing in part:</p> <ul style="list-style-type: none"> • Council Directive 96/43 of 26 June 1996 (OJ No. L162), amending and consolidating Council Directive 85/73/EEC, in order

to ensure financing of veterinary inspections and controls on live animals and certain animal products;

- the agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, which is annexed to Council Decision 97/132/EC of 17 December 1996 (OJ No. L57); The Regulations give effect to Community provisions for standard minimum charges for veterinary checks on imports of certain meat and fishery products from third countries other than New Zealand; and to the provisions for minimum standard charges for veterinary checks on imports of products of animal origin from New Zealand.

1999 No 157	The Miscellaneous Products of Animal Origin (Import Conditions) Regulations
2000 No 62	The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations

6-D(ii) IMPORTED FOOD

SI Number

1985 No 913	THE IMPORTED FOOD REGULATIONS (SCOTLAND) 1985 - have largely been replaced by the Imported Food Regulations 1997 but still contain some provisions relating essentially to public health certification and health marketing requirements for fresh meat (including poultry and game meat) and meat products. They will be revoked in due course when the last of a programme of Regulations covering import conditions for products of animal origin is in place. These Regulations are amended by:
1990 No 2625	The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;
1996 No 3124	The Products of Animal Origin (Import and Export) Regulations 1996;
1996 No 3125	The Fresh Meat (Import Conditions) Regulations 1996 - implements the following main Directives: Council Directive 72/461/EEC of 31 December 1972 (OJ No. L302) as amended on health problems affecting intra-Community trade in fresh meat as amended; Council Directive 72/462/EEC of 31 December 1972 (OJ No. L302) as amended on health and veterinary inspection problems

upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries as amended;

Council Directive 94/59/EC of 8 December 1994 (OJ No. L315) which amends the Annexes to Council Directive 77/96 of 31 January 1977 (OJ No. L26) as amended on the examination for Trichinae upon importation from third countries of fresh meat derived from domestic swine.

1997 No 2537 **THE IMPORTED FOOD REGULATIONS 1997** - came into force on 17 November 1997 and consolidate and replace certain provisions of the 1985 Imported Food Regulations. The new Regulations apply to England, Wales and Scotland and cover, primarily, imports from third countries of products which are not of animal origin.

1999 No 3125 The Miscellaneous Products of Animal Origin (Import Conditions) Regulations 1999 - implement Council Directive 96/90/EC, which amends Directive 92/118/EEC. They lay down animal and public health conditions for imports from EU Member States and third countries of apiculture products for use in apiculture, frogs legs, honey and snails.

Note: Enquiries about the import of:

- products of animal origin should be addressed to the Food Standards Agency, Meat Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285142).

- fishery products and shellfish for human consumption should be addressed to the Food Standards Agency, Microbiological Safety Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285119).

- food which is not of animal origin entering the Community from third countries, or about the proposed new Imported Food Regulations, should be addressed to the Food Standards Agency, Enforcement Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285113).

6-E: SALMONELLA AND OTHER PATHOGENS IN POULTRY

SI Number

1989 No 661 **THE PROCESSED ANIMAL PROTEIN ORDER 1989** - this Order requires the testing for salmonella of processed animal protein intended for incorporation into feedingstuffs for livestock. Premises which process such material must be registered under the Order. The testing of samples must take place at laboratories authorised by MAFF.

- 1993 No 1898 **THE POULTRY BREEDING FLOCKS AND HATCHERIES ORDER 1993** - this Order requires the registration of poultry breeding flocks of 250 birds or more and hatcheries with incubator capacity of 1000 eggs or more. Samples must be taken from those premises and tested for salmonella at a laboratory authorised by MAFF. These Regulations implement in part EC Directive 92/117/EEC on Zoonoses (OJ No. L62/38, 15.3.93).
- 1989 No 285 **THE ZOONOSES ORDER 1989** - this Order designates organisms of the genus salmonella and the genus brucella as zoonoses, enabling powers (including powers relating to the slaughter of poultry) under the Animal Health Act 1981 to be used to reduce any risk to human health of these organisms.
- 1999 No 646 **THE ANIMAL BY-PRODUCTS ORDER 1999** - Part II of this Order requires the testing for salmonella and *Enterobacteriaceae* of rendered animal protein (and in the case of animal protein derived from high risk animal by-products, also for *Clostridium perfringens*) intended for incorporation into feedingstuffs for livestock. Part II of the Order also requires premises which render animal by-products and laboratories which test samples to be authorised by MAFF.

Note: Enquiries on salmonella in poultry legislation should be addressed to the Food Standards Agency, Microbiological Safety Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285119).

PART 7: OTHER PRIMARY LEGISLATION PROVIDING REGULATIONS AFFECTING FOOD

7-A: EUROPEAN COMMUNITIES ACT, 1972

Section 2(2) of the European Communities Act makes provision for any designated Minister or department to make regulations for the purpose of implementing any European Community obligations of the United Kingdom.

The following regulation has been made under this Act:

SI Number

1997 No 1729 **THE ANIMALS AND ANIMAL PRODUCTS (EXAMINATION FOR RESIDUES AND MAXIMUM RESIDUE LIMITS) REGULATIONS 1997** - these Regulations came into force on 11 August and implement two EC Directives. Council Directive 96/22/EC continues the existing ban on the use of hormonal growth promoters in food producing animals within the EC and extends it to beta-agonists under certain circumstances. Council Directive 96/23/EC harmonises, improves and extends the present controls on the surveillance of veterinary medicinal residues in meat.

In implementing these requirements, the Regulations revoke and re-enact provisions formerly contained in the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations 1991, the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982, the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988 and the Animals and Fresh Meat (Hormonal Substances) Regulations 1988.

These Regulations:

prohibit the sale, possession or administration to animals of specified unauthorised substances;

prohibit the possession, slaughter or processing of the meat of animals intended for human consumption which contain, or which have been administered with, specified unauthorised substances;

prohibit the sale or supply for slaughter of animals if the appropriate withdrawal period has not expired and prohibit the supply for slaughter or subject to exceptions, the sale of animals or the sale of animal products which contain unauthorised substances or an excess of authorised substances;

prohibit, subject to exception, the disposal for human or animal consumption of slaughtered animals containing specified unauthorised substances;

empower authorised officers to inspect and examine animals and to take samples and provide for the analysis of official samples;

provide for offences and penalties and for enforcement by each enforcement authority;

specify requirements relating to record keeping.

Note: Enquiries regarding the legislation in this part should be addressed to Food Standards Agency, Meat Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ. (Telephone 01224 285142)

1997 No 2893

THE CHARGES FOR INSPECTIONS AND CONTROLS REGULATIONS 1997

- These Regulations came into force on 1 January 1998 and give effect to Article 2 of Council Directive 85/73/EC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC. The text of Council Directive 85/73/EEC is set out in the Annex to Council Directive 96/43/EC.

In implementing these requirements, the Regulations revoke those provisions of the Meat (Hygiene, Inspection and Examinations for Residue) (Charges) Regulations 1995 (S.I. 1995/361, as amended) which relate to the subject matter of these Regulations (regulation 6).

The Regulations:

- lay down the provisions requiring the fees to be paid to cover the costs of residues surveillance under 96/23/EC;
- lay down the provisions relating to the liability for and recovery of those fees.
- enable the appropriate Minister to require information and supporting evidence to be supplied to him for the purpose of enabling the Minister to calculate those fees and create offences of supplying false information or misleading information and failing to comply with a demand to supply information.

1998 No 2880

THE CHARGES FOR INSPECTIONS AND CONTROLS (AMENDMENT) REGULATIONS 1998

- these Regulations, which came into force on 22 December 1998, amend the Charges for Inspections and Controls Regulations 1997. The 1997 Regulations provided that the charge for inspection of milk residues covered by regulation 3(1) would, in accordance with arrangements for collection thereof by the Milk Development Council, be payable by producers of milk. These Regulations replace those arrangements for collection of the charge by providing that, where it relates to raw milk, it is to be paid to the Minister by the operator of the raw milk collection establishment as provided for in Council Directive 85/73/EEC (or, if there is no such establishment, its producer). They also provide for an automatic right of recovery which can be used by the collection establishment against the producer.

These Regulations also amend the Dairy Produce Quotas Regulations 1997 to provide that the Minister may, for the purposes of charge collection, be given access to relevant information held by the Intervention Board for Agricultural Produce.

Note: Enquiries on the legislation listed in Part 7A should be addressed to the Food Standards Agency, Enforcement Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285113).

7-B: AGRICULTURE AND HORTICULTURE ACT 1964 (CHAPTER 28 PART III)

Provides for the application and enforcement in Great Britain of European Community Regulations specifying the grading, marketing and labelling requirements for certain fresh fruit and vegetables and makes certain acts or omissions that contravene those rules punishable offences. Similar legislation applies in Northern Ireland. The Act is amended by:

The Trade Description Act, 1968 - CHAPTER 29, and:

SI Number

1973	No 22	The Grading of Horticultural Produce (Amendment) Regulations 1973;
1983	No 1053	The Grading of Horticultural Produce (Amendment) Regulations 1983;
1986	Chapter 20	Horticultural Produce Act 1986 which extends the powers of the Horticultural Marketing Inspectorate (Marketing Officers in Scotland), who enforce the Regulations, to the control of the movement of produce.

Note: Enquiries on the legislation listed in Part 7B should be addressed to, Scottish Executive Environment and Rural Affairs Department, Environment and Fisheries Department, Horticulture and Marketing Unit, Pentland House, 47 Robb's Loan, EDINBURGH, EH14 1TY. (Telephone 0131-244 6303).

PART 8: FOOD CONTROL

8-A: OFFICIAL CONTROL OF FOODSTUFFS

The Official Control of Foodstuffs Directive (89/397/EEC) was a key framework directive for the harmonisation of aspects of food law between EC member states. Adopted in 1989, it aimed to help establish the Single Market in Europe by achieving a consistent approach in the level of food law enforcement between EC member states in the run up to establishing the intended Single Market in 1992. The Directive did this by laying down the general principles to be followed by the national enforcement authorities of each EC member state. It established the main principles that:

- food should be inspected regularly at the point of production to avoid the need for border controls between member states;
- inspection procedures should be harmonised between member states;
- there should be mutual recognition of standards within the European Community; and
- details of member states' food law enforcement programmes should be submitted annually to the European Commission.

This Directive was implemented in the UK through the Food Safety Act 1990 and through statutory Codes of Practice that guide UK enforcement authorities and which are made under that Act.

8-B: ADDITIONAL FOOD CONTROL MEASURES

The Official Control of Foodstuffs Directive was supplemented in October 1993 by the adoption of the Additional Food Control Measures Directive (93/99/EEC). This Directive continued the theme of harmonising food law enforcement between member states by:

- requiring that all member states have, or have access to, a sufficient number of qualified and experienced food control officials;
- setting standards for food control laboratories, and criteria for validating methods of analysis;
- establishing a small Commission Food Inspectorate;
- improving the exchange of information between member states and between the European Commission and member states.

Note: Enquiries relating to the legislation listed in parts 8A & B should be addressed to the Food Standards Agency, Enforcement Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285113).

8-C: FOOD CONTROL OF IRRADIATION

SI Number

1990 No 2490 **THE FOOD (CONTROL OF IRRADIATION) REGULATIONS 1990** - introduce a strict system of licensing for food irradiation plants, with restrictions on food which can be irradiated and the dose permitted. The regulations also include provisions for regular inspections and requirements for irradiated food, when stored or transported, to be accompanied by documentation stating that it has been irradiated thus enabling batches to be traced.

These Regulations are amended by: -

2000 No 2490* The Food Irradiation Provisions (Scotland) Regulations 2000 – which , in Scotland, implement EC Directive 1999/2/EC (OJ L66 13.3.99) providing for approximation of the laws of Member States concerning irradiation of food and ingredients and EC Directive 1999/3/EC (OJ L66 13.3.99) on the establishment of a Community list of foods and food ingredients treated with ionising radiation. These Regulations also amend the Food Labelling Regulations 1996 (as amended) by removing exemptions for ‘compound ingredients’, which have been irradiated.

* Amendments to the Food Irradiation Provisions (Scotland) Regulations 2000 are expected in 2001

Note: Enquiries relating to the legislation controlling Food Irradiation should be addressed to the Food Standards Agency, Novel Foods Branch, , 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285162).

PART 9: FOOD PROTECTION IN AN EMERGENCY

9-A: THE FOOD AND ENVIRONMENT PROTECTION ACT 1985

Part I of the Act empowers Ministers to make emergency orders where they consider that circumstances exist, or may exist which are likely to cause a hazard to human health through consumption of contaminated food. Such orders prohibit the distribution of affected produce from an area where foodstuffs have, or may have, been contaminated. In practice these powers are used only where there are no other statutory means of dealing with contaminated food (e.g. sector-specific legislation under the Food Safety Act 1990).

Part I of the Food and Environment Protection Act was amended by Section 51 of the Food Safety Act 1990.

9-B: RADIOACTIVE CONTAMINATION OF FOODSTUFFS AND FEEDING STUFFS

Fixes the maximum permitted levels for radioactive contamination of foodstuffs and feeding stuffs following a nuclear accident or radiological emergency made under Article 31 of the EC Treaty.

Council Regulation (Euratom) No. 3954/87

Subsequent Regulations relating to this Regulation are:-

Council Regulation (Euratom) No. 944/89

Council Regulation (Euratom) No. 2218/89

Council Regulation (Euratom) No. 2219/89

Council Regulation No. 770/90

Relevant EC Directives: Directive 80/836 (Euratom) as amended by Directive 84/467 (Euratom) and Council Directive 96/29/Euratom.

Note: Enquiries on the legislation listed in Parts 9A and B should be addressed to the Food Standards Agency, Novel Foods Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285162).

9-C: RADIOACTIVITY IN FOODSTUFFS AND FEEDINGSTUFFS ORIGINATING FROM THIRD COUNTRIES

Fixes the maximum permitted levels for radioactivity in foodstuffs and feeding stuffs originating from third countries (following the accident at the Chernobyl Nuclear Power Station) made under Article 113 of the EC Treaty.

Council Regulation [EEC] 737/90 subsequent regulations to this regulation are:- Council Regulation 616/2000 [extends validity of 737/90 from 31/3/2000 to 31/3/2010]
Commission Regulation 727/97 [list of products covered by 737/90]

Commission Regulation [EC] 1661/1999 [gives detailed rules for the import of wild mushroom products]

Note: Enquiries on the legislation listed in Part 9C should be addressed to the Food Standards Agency, Novel Foods Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285162).

PART 10: NOVEL FOODS/GENETICALLY MODIFIED ORGANISMS

10-A: NOVEL FOODS

SI Number

- 1997 No 1335 **THE NOVEL FOODS AND NOVEL FOOD INGREDIENTS REGULATIONS 1997** - make provision for the enforcement of EU Council Regulation 258/97 (OJ L 43 of 14.2.97) and designate the Food Standards Agency as the competent food assessment body. The EC Regulation requires that before novel foods and novel food ingredients are placed on the market they are subjected to a pre-market safety assessment.
- 1997 No 1336 **THE NOVEL FOODS AND NOVEL FOOD INGREDIENTS (FEES) REGULATIONS 1997** - provide for charges for assessment of novel foods and novel food ingredients.
- 2000 No 83 **THE GENETICALLY MODIFIED AND NOVEL FOODS (LABELLING) (SCOTLAND) REGULATIONS 2000** – make provision in Scotland for the continued enforcement of EC Regulation 1139/98 (OJ L159 3.6.98) (as amended by EC Regulation 49/2000 (OJ L6 11.1.00)) and Article 8 (1) of EC Regulation 258/97 (OJ L43 14.2.97). The Regulations also make provision in Scotland for the enforcement of EC Regulation 50/2000 (OJ L6 11.1.00). The Regulations require the labelling of foods and food ingredients sold to the ultimate consumer and mass caterers (i.e. catering establishments) containing genetically modified soya or maize, or foods and food ingredients containing additives and flavourings produced from GM sources. They provide flexible labelling arrangements for businesses selling foods loose or pre-packed for direct sale and establish a *de minimis* threshold of 1% for the adventitious contamination of **non-GM** material.
- 2000 No 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000 – part II of Schedule 6 and Part III of Schedule 6.

Note: Enquiries on novel foods legislation should be addressed to the Food Standards Agency, Novel Foods Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285162).

10-B: GENETICALLY MODIFIED ORGANISMS (GMOs)

SI Number

- 1992 No 3280 **THE GENETICALLY MODIFIED ORGANISMS (DELIBERATE RELEASE) REGULATIONS 1992** - Releases of genetically

modified organisms are controlled under part IV of the Environmental Protection Act 1990 and the Genetically Modified Organisms (Deliberate Release) Regulations 1992. Together these implement EC Directive 90/220/EEC (amended) on the deliberate release of genetically modified organisms in the environment. They provide the circumstances under which GMOs require consent for release into the environment and, in the case of placing on the market of crops, marketing consent.

These Regulations are amended by :

- 1995 No 304 The Genetically Modified Organisms (Deliberate Release) Regulations 1995;
- 1997 No 1900 The Genetically Modified Organisms (Deliberate Release and Risk Assessment-Amendment) Regulations 1997

Note: Enquiries relating to the deliberate release of genetically modified organisms legislation should be addressed to the Scottish Executive, Environment Group, GM Co-ordination Team, Victoria Quay, Edinburgh, EH6 6QQ (Telephone – 0131 244 7576).

- 1992 No 3217 **THE GENETICALLY MODIFIED ORGANISMS (CONTAINED USE) REGULATIONS 1992** - implement Council Regulation 90/219/EEC (OJ No. L117 8.5.90) on the contained use of genetically modified micro-organisms (GMMs) and also cover the human health and safety aspects of contained use activities involving GMOs that are not micro -organisms. (i.e. animals and plants) They set out requirements for risk assessment, control and notification of activities involving GMOs under containment.

The Regulations are amended by:

- 1996 No 967 The Genetically Modified Organisms (Contained Use) Amendment) Regulations 1996, which implement Commission Directive 94/81/EC and introduce updated criteria for classification of GMMs
- 1998 No 1548 The Genetically Modified Organisms (Contained Use) (Amendment) Regulations 1998, which take account of the adoption of EC Regulation No. 258/97 on Novel Food Ingredient.

Note: Enquiries relating to the contained use of genetically modified organisms legislation should be addressed to the Health and Safety Executive, Biotechnology Policy, Room 6.19, Rose Court, Southwark Bridge, London, SE1 9HS (Telephone – 020 7717 6234; Fax – 020 7717 6199).

PART 11: HYGIENE LEGISLATION

11-A: FISHERY PRODUCTS AND LIVE BIVALVE MOLLUSCS

1998 No 994 **THE FOOD SAFETY (FISHERY PRODUCTS AND LIVE SHELLFISH) (HYGIENE) REGULATIONS 1998** - These Regulations implement a number of EU Directives. They lay down the health conditions for the production and placing on the market of live bivalve molluscs as required by Council Directive 91/492/EEC (OJ No. L268, 24.9.91). They lay down the health conditions for the production and placing on the market of fishery products as required by Council Directive 91/493/EEC (OJ No. L268, 24.9.91) and implement Council Directive 95/71/EC (OJ No. L332, 30.12.95) which amends the Annex to Directive 91/493/EEC. They lay down the minimum hygiene rules applicable to fishery products caught on board fishing vessels as required by Council Directive 92/48/EEC (OJ NO. L187, 7.7.92) in accordance with Article 3 (1) (a) (I) of Directive 91/493/EEC and implement paragraph 1, Section II, Chapter II of Annex A to Council Directive 96/43/EC (OJ No. L162, 1.7.96) on the charging for veterinary inspections and controls on live animals and certain animal products, including fishery products.

The Regulations are amended by:

1999 No 399 The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment Regulations 1999 - These Regulations implement Council Directive 97/61/EC (OJ No. L295, 29.10.97) amending the Annex to Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs.

1999 No 1585 The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Amendment (No.2) Regulations 1999 - implement Council Directive 96/43/EC (OJ No. L162, 1 July 1996), Chapter III, Section and Annex B point 1(b) relating to charging for hygiene inspections of fishery products.

2000 No 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (Scotland) Regulations 2000

Note: Enquiries on fishery products legislation should be addressed to the Food Standards Agency, Microbiological Safety Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285119).

11-B: FOOD HYGIENE (GENERAL)

Directive 93/43 EEC (OJ No. L175, 19.7.93, p.1 on the hygiene of foodstuffs lays down general rules of hygiene and procedures for verification of compliance with these rules. The Directive covers the preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply of foodstuffs not covered elsewhere by product-specific hygiene Directives. It also covers gaps in the product-specific hygiene Directives. For example, few of these Directives cover the sale or supply of their foodstuffs, and where they do not then Directive 93/43 does. Directive 96/3/EC grants a derogation from certain dedicated transport provisions of Directive 93/43 above, as regards the transport of bulk liquid oils and fats by sea. Commission Directive 98/28/EC grants a derogation from certain dedicated transport provisions of Directive 93/43, as regards the bulk transport of raw sugar by sea.

SI Number

- 1982* No 1727 The Food (Revision of Penalties) Regulations 1982
- 1985* No 67 The Food (Revision of Penalties) Regulations 1985
- 1995 No 1763 **THE FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995** - brings EC Directive 93/43 into UK law. It places obligations on food business proprietors to ensure their activities are carried out in a hygienic way. The Regulations also implement Council Directive 80/778/EEC on the quality of water for human consumption, where it relates to water used in food production.
- 1995 No 2200 **THE FOOD SAFETY (TEMPERATURE CONTROL) REGULATIONS 1995** - requires food business proprietors to observe certain temperature controls on the holding of food, where otherwise there would be a risk to health.
- 1997 No 2537 **THE IMPORTED FOOD REGULATIONS 1997, REGULATION 10, SCHEDULE 2 AMENDS THE GENERAL FOOD HYGIENE REGULATIONS 1995** - implements the Commission Directive 96/3/EC which grants a derogation from certain provisions of Council Directive 93/43/EEC as regards the transport of bulk liquid oils and fats by sea.
- 1999 No 1360 **THE FOOD SAFETY (GENERAL FOOD HYGIENE) (AMENDMENT) REGULATIONS 1999** - implements Commission Directive 98/28 EC which grants a derogation from certain dedicated transport provisions of Council Directive 93/43. They permit, subject to certain conditions, the bulk transport of raw sugar by sea in receptacles, containers or tankers that are not exclusively for the transport of foodstuffs.

2000 No 62 Amended by Scottish SI The Food Standards Act 1999
(Transitional and Consequential Provisions and (Savings)
(Scotland) Regulations

* See entry on penalties on page 4

Note: Enquiries on food hygiene legislation should be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285157).

11-C: ICE CREAM

SI Number

1948 No 960 **THE ICE-CREAM (SCOTLAND) REGULATIONS 1948** - require that certain hygienic measures be observed in the manufacture and sale of ice cream. The main provisions are concerned with the registration of ice cream dealers; the cleanliness of the persons, premises and the vehicles concerned with the manufacture and sale of ice cream and the heat treatment of ice cream mixtures.

These Regulations are amended by:

1948 No 2271 The Ice-Cream (Scotland) Amendment Regulations 1948;

1960 No 2108 The Ice-Cream (Scotland) Amendment Regulations 1960;

1963 No 1101 The Ice-Cream (Scotland) Amendment Regulations 1963; Amended by Scottish SI 200 N0 62 The Food Standards Act 1999 (Transitional and Consequential Provisions and Savings). 1970 No 1191 The Cream (Scotland) Regulations Composition And Labelling.

1983* No 270 The Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983;

1985* No 1068 The Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985.

1990 No 2625 The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990;

1995 No 1372 The Dairy Products (Hygiene) (Scotland) Regulations 1995. Currently in draft form, but The Dairy Products (Hygiene) (Scotland) Regulations 1995 No 1372 will be replaced by The Dairy Products (Hygiene) (Scotland) Regulations 2001.

1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995.

For heat treatment requirements for dairy ice cream see Dairy Products (Hygiene) (Scotland) Regulations 1995.

* See entry on penalties on page 4

Note: Enquiries about these Regulations should be addressed to the Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285135).

11-D: MEAT HYGIENE

11-D(i). POULTRY MEAT, FARMED GAME BIRD MEAT & RABBIT MEAT

SI Number

1995 No 540 **THE POULTRY MEAT, FARMED GAME BIRD MEAT AND RABBIT MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995** - implement Council Directives:

91/495/EEC of 27 November 1990 (OJ No. L268) (part) concerning public health and animal health problems affecting the production and placing on the market of rabbit meat and farmed game meat;

92/116/EEC of 17 December 1992 (OJ No. L62) amending and updating Directive 71/118/EEC of 15 February 1971 (OJ No. L55) on health problems affecting trade in fresh poultry meat.

These Regulations apply to poultry meat derived from domestic fowls, turkeys, guinea fowls, ducks and geese, farmed game bird meat derived from quail, pheasants, partridges, ostriches etc. and farmed rabbit meat. They prescribe the conditions which must be satisfied for the production, cutting up and storage of such meat intended for sale for human consumption. The Regulations have transferred enforcement responsibility from local authorities to Agriculture Ministers acting through the Meat Hygiene Service (MHS).

These Regulations are amended by:

1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995;

1995 No 2148 The Wild Game Meat (Hygiene and Inspection) Regulations 1995;

1995 No 3205 The Minced Meat and Meat Preparations (Hygiene) Regulations 1995.

11-D(ii). FRESH RED MEAT

SI Number

- 1995 No 539 **THE FRESH MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995** - implement Council Directives:
- 91/495/EEC (part) of 27 November 1990 (OJ No. L268) concerning public health and animal health problems affecting the production and placing on the market of farmed game meat;
- 91/497/EEC of 29 July 1991 (OJ No. L268) laying down health conditions for the production and the placing on the market of fresh meat.
- The Regulations give effect to the EC Directive covering public health and animal health problems affecting the production and marketing of fresh meat and large farmed game. They cover all red meat premises involved in the production of red meat intended to be sold for human consumption. The Regulations have transferred enforcement responsibility from local authorities to Agriculture Ministers acting through the Meat Hygiene Service (MHS).
- These Regulations are amended by:
- 1995 No 731 The Welfare of Animals (Slaughter or Killing) Regulations 1995;
- 1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995;
- 1995 No 2148 The Wild Game Meat (Hygiene and Inspection) Regulations 1995;
- 1995 No 3124 The Colours in Food Regulations 1995;
- 1995 No 3189 The Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1995 implement:
- changes to Directive 91/497/EEC made by Directive 95/23/EEC of 22 June 1995 (OJ No. L243);
 - Council Decision 95/409/EC (part) of 22 June 1995 (OJ No. L243) laying down rules for the microbiological testing by sampling of fresh beef and veal and pigmeat intended for Sweden and Finland;
 - Commission Decision 95/287/EC (part) of 18 July 1995 (OJ No. L181) concerning certain protection measures relating to BSE.
- 1996 No 1148 The Fresh Meat Hygiene and Inspection (Amendment) Regulations 1996 - extend the provision allowing the slaughter in licensed

premises of animals not intended for human consumption to allow the slaughter of animal pursuant to, and in accordance with, a slaughter scheme introduced by or under Council Regulation (EEC) No 805/68;

- 1996 No 2235 The Deregulation (Slaughterhouses Act 1974 and Slaughter of Animals (Scotland) Act 1980) Order 1996;
- 1997 No 2074 The Fresh Meat (Hygiene and Inspection) (Amendment) Regulations 1997 - removes the provision from the principle Regulations for the Slaughter of "private kills" animals i.e. animals slaughtered for the owners personal consumption. This ensures that all red meat animals killed in approved slaughterhouses for human consumption are treated as if they were intended for sale and therefore, subject to the full inspection and health marking requirements.

11-D(iii). WILD GAME MEAT

SI Number

- 1995 No 2148 **THE WILD GAME MEAT (HYGIENE AND INSPECTION) REGULATIONS 1995** - implement (in part) Council Directive 92/45/EEC of 16 June 1992 (OJ No. L268) on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat.

The Regulations lay down the requirements to be met for the production of wild game meat for human consumption which is intended for consignment, or sale for consignment, to another EEA State. They require all such meat to be processed in a licensed premises and prescribe the conditions which must be satisfied for the processing and storage of such meat. Enforcement responsibilities lie with Agriculture Ministers acting through the Meat Hygiene Service (MHS).

These Regulations are amended by:

- 1995 No 3205 The Minced Meat and Meat Preparations (Hygiene) Regulations 1995.

11-D(iv). INSPECTION CHARGES

SI Number

- 1998 No 2095 **THE MEAT (HYGIENE AND INSPECTION) (CHARGES) REGULATIONS 1998** - implement the provisions relating to the charges for meat hygiene inspections of Council Directive

85/73/EEC on the financing of veterinary inspections and controls covered by Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC of which an amended and consolidated text is annexed to Council Directive 96/43/EC (OJ No. L162, 1.7.96, p.1). The charges encompass any monitoring of the welfare of animals slaughtered for human consumption in slaughterhouses carried out under the Welfare of Animals (Slaughter or Killing) Regulations 1995 (SI 1995/731).

These Regulations are amended by:

2001 No 89 The Meat (Hygiene and Inspection) (Charges) Regulations

1998 - These Regulations provide that, subject to certain provisions, the charge for inspections will be the lower of the standard charge (plus any additional charge for increased costs) and the time costs. The Regulations also make provision for charges at re-packaging centres and cold stores. The revised basis for calculating inspection charges is in accordance with Council Directive 85/73/EEC. The Regulations also set the standard charge for ostriches, other ratites and any other land mammals or birds.

The Regulations revoke the Meat (Hygiene, Inspection and Examinations for Residues) (Charges) Regulations 1995 (SI 1995/361) (regulation 5)

11-D(v). ANIMAL BY-PRODUCTS

SI Number

1992 No 3303 **THE ANIMAL BY-PRODUCTS ORDER 1992** (as amended) - made under the Animal Health Act 1981, came into force on 1 January 1993. The Order regulates the processing and disposal of animal waste and its placing on the market, with a view to preventing the transmission of pathogens to feedingstuffs. Requires premises processing and disposing of animal waste to be registered - includes hunt kennels, renderers and pet food manufacturers.

This Order is amended by:

1996 No 827 The Animal By-Products (Amendment) Order 1996 - made under the Animal Health Act 1981, came into force on 8 April 1996. The Order amends many aspects of the 1992 Order in relation to such areas as legislation/licensing of premises, heat treatment processes and hygiene standards in premises processing animal waste;

1997 No 2894 The Animal By-Products (Amendment) Order 1997 - made under the Animal Health Act 1981, came into force on 1 January 1998.

The Order amends the Animal By-Product Order 1992 and provides for directions to bury or burn animal by-products instead of being rendered or incinerated as previously required by the 1992 Order.

1995 No 614

THE ANIMAL BY-PRODUCTS (IDENTIFICATION)

REGULATIONS 1995 - require the immediate sterilisation and staining, at a slaughterhouse, game processing facility or any animal by-products premises, of any carcass (excluding poultry) which is not intended for direct human consumption and therefore defined as an animal by-product. Also make various provisions restricting the freezing, storage and movement of animal by-products.

These Regulations are amended by:

1997 No 2073

The Animal By-products (Identification) (Amendment) Regulations 1997 - adds to the definition of animal by-product to include carcasses or parts of carcasses of bovine animals which were slaughtered for human consumption but subsequently found to be over two years and six months at the time of slaughter (excluding those slaughtered under a scheme which allowed for the slaughter of older bovines).

11-D(vi). MEAT PRODUCTS AND OTHER PRODUCTS OF ANIMAL ORIGIN

SI Number

1994 No 3082

THE MEAT PRODUCTS (HYGIENE) REGULATIONS 1994 -

(OJ No. L57) concerning public health problems affecting the production and placing on the market of meat products and certain other products of animal origin.

The Regulations apply to meat products, meat based prepared meals, meat products in hermetically sealed containers and certain other products of animal origin intended for human consumption e.g. melted animal fats, gravies, meat powders, stomachs, bladders and intestines (tripe, natural sausage casings). They prescribe the conditions which must be satisfied for the manufacture, storage and distribution of meat products intended for sale for human consumption and the first stage processing (rendering or processing from raw materials) of other products of animal origin.

These Regulations are amended by:

1995 No 1763

The Food Safety (General Food Hygiene) Regulations 1995 Council Directive 95/68/EC of 22 December 1995 (OJ No. L332) and 97/76/EC of 16 December 1997 (OJ No. 10) amends Council

Directive 92/5/EEC. Regulations to implement Directive 95/68 will be made in due course.

11-D(vii). MINCED MEAT AND MEAT PREPARATIONS

SI Number

1995 No 3205 **THE MINCED MEAT AND MEAT PREPARATIONS (HYGIENE) REGULATIONS 1995** - implement Council Directive 94/65/EC of 14 December 1994 (OJ No. L368) concerning public health aspects affecting the production and placing on the market of minced meat and meat preparations.

The Regulations apply to the production of minced meat and meat preparations intended for human consumption. They take account of the different ways in which minced meat is prepared and consumed in different EC Member States and set separate standards for mince and meat preparations intended for the national market. Meat Preparations include beefburgers, chicken kiev, seasoned steaks and the traditional British sausage.

Note: Enquiries on meat hygiene legislation should be addressed to the Food Standards Agency, Meat Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285145).

11-E: MILK AND MILK PRODUCTS

SI Number

1995 No 1372 **THE DAIRY PRODUCTS (HYGIENE) (SCOTLAND) REGULATIONS 1995** - as amended implement Council Directive 94/46/EEC of 16 June 1992 amended by Directive 92/118 and 94/71, Decisions 94/330, 95/165 and 95/340 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products from cows, goats, ewes and buffaloes.

These Regulations are amended by:

1995 No 1763 The Food Safety (General Food Hygiene) Regulations 1995

1996 No 1499 The Food Labelling Regulations 1996

- 1996 No 2465 The Dairy Products (Hygiene) (Scotland) (Amendment) Regulations 1996.
- 1997 No 1729 The Animals and Animal Products (Examination for Residues and Maximum Residues Limits) Regulations 1997

The Regulations provide for:

- licensing of dairy farm premises and approval of dairy establishments (e.g. milk processors) subject to compliance with specified hygiene requirements;
- conditions for the heat treatment of milk and milk products¹;
- microbiological standards, handling, storage, transport, wrapping, packaging, health marking and labelling requirements² for dairy products;
- a ban on sales of raw cows drinking milk;
- derogations for low capacity dairy establishments and for certain cheeses and "traditional" milk based products;
- import requirements³.

¹ For heat treatment requirements for non dairy ice cream see Ice Cream (Scotland) Regulations 1948.

² For labelling requirements at retail level see Food Labelling Regulations 1996.

³ New Regulations are forthcoming which will implement EC rules on third country imports.

- 1998 No 2424 The Drinking Milk Regulations 1998.

For compositional standards of certain dairy products see Section 3.

Note: Enquiries on milk and milk products hygiene legislation should be addressed to the Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285135).

PART 12: MARKETING STANDARDS - DESCRIPTIONS & DESIGNATIONS

12-A: EGGS - MARKETING STANDARDS - SEE SECTION 5-C

12-B: FRESH FRUIT AND VEGETABLES MARKETING STANDARDS - SEE SECTION 7-B

12-C: OLIVE OIL

SI Number

1987 No 1783 **THE OLIVE OIL (MARKETING STANDARDS) REGULATIONS 1987**

These Regulations are amended by:

1990 No 2487 The Food Safety Act 1990 (Consequential Modifications) (No 2) (Great Britain) Order 1990;

1992 No 2590 The Olive Oil (Marketing Standards) (Amendment) Regulations 1992.

These regulations enforce the marketing standards for olive oil laid down in Articles 35 and 35a and the Annex to of EEC Council Regulation 136/66 of 22 September 1966 (OJ No. L172, 30.9.66) as amended by Council Regulation (EEC) 1915/87 of 2 July 1987 (OJ No. L183, 3.7.87) and (EEC) 356/92 of 10 February 1992 (OJ No. L39, 15.2 92). This makes the use of prescribed descriptions and definitions of olive oils and olive-pomace oils compulsory for the purposes of trade and prohibits the marketing by retail of certain categories of such oil.

1998 No 2410 The Olive Oil (Marketing Standards) (Amendment) Regulations 1998;

1999 No 1513 The Olive Oil (Designations of Origin) 1999 - enforce the Commission Regulation 2815/98 which provides for the geographical designation of origin of extra virgin and virgin olive oil on packaging of products intended for consumers in Member States.

Note: Enquiries on olive oil legislation should be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285156).

12-D: ORGANIC FOOD

SI Number

1992 No 2111 **THE ORGANIC PRODUCTS REGULATIONS 1992** - implement Council Regulation (EEC) 2092/91 of 24 June 1991 and set rules for the production of food to be sold as "organic". It is illegal to use the description "organic", in relation to food, unless it has been produced in accordance with the Regulation and by a registered producer. In the UK, producers must be registered either directly with the Register of Organic Food Standards (UKROFS), the designated authority to enforce Council Regulation 2092/91 in the UK, or with one of the six organic sector bodies which are themselves registered with UKROFS. Those involved in the preparation of organic food or in importing from countries outside the EC, must also be registered. All registered operators are subject to inspection from their sector bodies and from UKROFS to check the application of organic standards.

These Regulations are amended by:

1993 No 405 The Organic Products (Amendment) Regulations 1993;

1994 No 2286 The Organic Products (Amendment) Regulations 1994;

1997 No 166 The Organic Products (Amendment) Regulations 1997.

Note: Enquiries on organic food legislation should be addressed to the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robbs Loan, Edinburgh, (Telephone - 0131 244 6015).

12-E: PRESERVED FISH PRODUCTS

SI Number

1990 No 1139 **Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990**

1994 No 2127 **Preserved Tuna and Bonito (Marketing Standards) Regulations 1994**

The Regulations enforce the provisions of Community Regulations 2136/89 and 1536/92 respectively, by creating offences and penalties. The Community Regulations establish common marketing standards in the EU for the products concerned, with a view to improving quality and facilitating trade on fair terms. The standards are enforced in the UK by Local Authorities.

Note: Enquiries on preserved fish products legislation should be addressed to the Food Standards Agency, General Food Hygiene Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285138).

12-F: PROTECTION OF FOOD NAMES

A package of European legislation came into force in 1993 which provides for a system of the protection of food names on a geographical or traditional recipe basis. Under these Regulations a named food or drink registered at a European level will be given protection throughout the European Union.

Council Regulation (EEC) No 2081/92 (OJ L 208 of 1992) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Protected Designation of Origin (PDO) is open to products produced, processed and prepared within a particular geographical area, and with features and characteristics which must be due to the geographical area. The methods used to produce the product must be unique in that area.

Protected Geographical Indication (PGI) is open to products which must be produced or processed or prepared within a geographical area and have a reputation, features or certain qualities attributable to that area.

Subsequent regulation laying down detailed implementation rules:

Commission Regulation (EEC) No 2037/93 (OJ L 185 of 1993).

Council Regulation (EEC) No 2082/92 (OJ L 208 of 1992) on certificates of specific character for agriculture products and foodstuffs.

Open to products which are traditional or have customary names and have a set of features which distinguish them from other similar products. These features must not be due to the geographical area in which the product is produced nor be based entirely on technical advances in the method of production.

Subsequent regulation laying down detailed implementation rules:

Commission Regulation (EEC) No 1848/93 (OJ L 168 of 1993).

Note: Enquiries on protection of food names regulations should be addressed to the Food Standards Agency, Food Standards/Diet and Nutrition Branch, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ (Telephone - 01224 285157).

12-G: SPIRIT DRINKS

The Scotch Whisky Act 1988 - makes provision as to the definition of Scotch Whisky and production and sale of whisky.

SI Number

1990 No 997 **THE SCOTCH WHISKY ACT 1988 (COMMENCEMENT AND TRANSITIONAL PROVISIONS) ORDER 1990** - brings the Act into force;

1990 No 998 **THE SCOTCH WHISKY ORDER 1990** - clarify production rules for Scotch Whisky and specify a 40% minimum alcoholic strength.

The EC Spirit Drinks Regulation 1576/89 (Official Journal L160 of 1989). This Council Regulation lays down the general rules on the definition, description and presentation of spirit drinks produced in, imported into or exported from the Community.

Subsequent regulations relating to this regulation are as follows:

Commission Regulation 3773/89 (OJ L365 of 1989)

Commission Regulation 1014/90 (OJ L105 of 1990)

Commission Regulation 1759/90 (OJ L162 of 1990)

Commission Regulation 3207/90 (OJ L307 of 1990)

Commission Regulation 3750/90 (OJ L360 of 1990)

Commission Regulation 1180/91 (OJ L115 of 1991)

Commission Regulation 1781/91 (OJ L160 of 1991)

Council Regulation 3280/92 (OJ L327 of 1992)

Commission Regulation 3458/92 (OJ L350 of 1992)

Commission Regulation 2675/94 (OJ L285 of 1994)

Commission Regulation 3378/94 (OJ L366 of 1994)

Commission Regulation 2626/95 (OJ L269 of 1995)

Commission Regulation 2482/95 (OJ L256 of 1995)

Commission Regulation 1712/95 (OJ L163 of 1995)

Commission Regulation 2523/97 (OJ L346 of 1997)

Commission Regulation 2140/98 (OJ L270 of 1998).

SI Number

1990 No 1196 The Spirit Drinks (Scotland) Regulations 1990 - provide for the enforcement of and are made under the EC Spirit Drinks Regulation 1576/89.

These Regulations were amended by:

1995 No 484 The Spirit Drinks (Scotland) Amendment Regulations 1995.

Note: Enquiries on spirit drinks legislation should be addressed to the Scottish Executive Environment and Rural Affairs Department, Pentland House, 47 Robbs Loan, Edinburgh, (Telephone - 0131 244 6015).

12-H: OTHER LEGISLATION

The Trade Descriptions Act 1968 makes it an offence for a person acting in the course of a trade or business to make false or misleading statements about goods, or knowingly or recklessly to make false or misleading statements about services, accommodation or facilities. It contains Order making powers to require that goods bear or be accompanied by specific information in the course of their supply, and to define terms for the purposes of the Act. The Act prohibits the unauthorised use of devices or emblems signifying Royal approval or award.

The Consumer Protection Act 1987 (Part III) makes it an offence for a consumer to be given a misleading indication, by any means, of the price at which goods, services, accommodation or facilities are available. Guidance on how the requirements of Part III might be met is contained in The Code of Practice for Traders on Price Indications, available from the address below. The Act also contains powers to regulate specific price indications practices.

The General Products Safety Regulations 1994 (SI No 2328) - they implement into UK law the safety provisions of the General Product Safety Directive (92/59/EEC), the purpose of which is to fill gaps in existing Community safety legislation. The Regulations apply to a wide range of products including food.

Note: All enquiries concerning trade descriptions legislation should be addressed to Mr Kevin Davis, the Consumer Affairs and Competition Policy

Directorate, Department of Trade and Industry, Room 464, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0329).

THE PRICES ACT 1974

The Price Indications (Food and Drink on Premises) Order 1979, made under the Prices Act 1974, requires prices to be displayed on any premises where food and drink is or may be for sale for consumption by the public. The Order contains provisions on the number of prices to be shown, the inclusion of VAT and the circumstances under which the requirements differ, for example, whether the food or drink is supplied by self-service or not.

SI Number

1991	No 1382	THE PRICE MARKING ORDER 1991;
1991	No 1690	The Price Marking (Amendment) Order 1991;
1994	No 1853	The Price Marking (Amendment) Order 1994;
1995	No 1441	The Price Marking (Amendment) Order 1995;

The Price Marking Order 1991 implements the provisions of Council Directives 79/581/EEC as amended by 88/315/EEC and 95/58/EC in respect of foodstuffs. The Order requires the selling price and in certain circumstances, the unit price to be shown.

A proposal for a new directive is currently under discussion in Brussels which is likely to require most food products to be unit priced whether loose, catchweight or in fixed quantity pre-packs.

Note: All enquiries concerning price indications legislation should be addressed to Mr David Evans, the Consumer Affairs Directorate, Department of Trade and Industry, Bay 458, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0333).

PART 13: WEIGHTS AND MEASURES LEGISLATION

THE WEIGHTS AND MEASURES ACT 1985

Section 28 of the 1985 Act makes short weight an offence. Orders made under Section 22 require most pre-packed food to carry on the container an indication of the net quantity of the contents. When sold other than pre-packed, most food is required to be sold either by quantity or by number. The seller has to make the quantity known to the purchaser. Orders made under the Act limit the quantities in which certain goods may be pre-packed when offered for retail sale (prescribed quantities).

Part V of the 1985 Act provides for the "average" system of quantity control for prepacked goods.

The average system is designed primarily for application at the point of production or importation and requires the packer or importer to ensure that packages will pass an Inspector's reference test.

The Act is amended by the Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994 and the Units of Measurement Regulations 1994.

SI Number

1986 No 2049 **THE WEIGHTS AND MEASURES (PACKAGED GOODS) REGULATIONS 1986** - provide for the detailed application of the average system.

These Regulations are amended by:

1992 No 1580 The Weights and Measures (Packaged Goods) (Amendment) Regulations 1992;

1994 No 1258 The Weights & Measures (Packaged Goods) (Amendment) Regulations 1994;

1994 No 1852 The Weights and Measures (Packaged Goods and Quantity Marking and Abbreviation of Units) (Amendment) Regulations 1994.

These Regulations implement EC Directive 75/106/EEC as amended by Directives 78/891/EEC and 79/005/EEC on the making up by volume of certain pre-packaged liquids and EC Directive 76/211/EEC as amended by 78/891/EEC on the making up by weight or volume of certain pre-packed products where they relate to the average system.

1987 No 1538 **THE WEIGHTS AND MEASURES (QUANTITY MARKING AND ABBREVIATIONS OF UNITS) REGULATIONS 1987** - prescribe the units of measurement to be used for quantity marking, the manner of marking and the permitted symbols and abbreviations.

These Regulations are amended by:

- 1988 No 627 The Weights and Measures (Quantity Marking and Abbreviations of Units) (Amendment) Regulations 1988;
- 1994 No 1852 The Weights and Measures (Packaged Goods and Quantity Marking and Abbreviation of Units) (Amendment) Regulations 1994.
- 1986 No 1082 **THE UNITS OF MEASUREMENT REGULATIONS 1986** - define and authorise the use of SI units of measurements for economic, health, safety and administrative purposes and provide that certain imperial and other units are no longer authorised for the same purposes.

These Regulations are amended by:

- 1994 No 2867 The Units of Measurement Regulations 1994.

These Regulations implement the Units of Measurement Directive 80/181/EEC as amended by Directives 85/10/EEC and 89/617/EEC.

Note: Enquiries concerning weights and measures legislation (i.e. prescribed quantity legislation, packaged goods regulations, drained weight, unit pricing legislation, marking of goods and sales of loose goods (including draught beer and wine by the glass) and Metrication should be addressed to the Consumer Affairs Directorate, Department of Trade and Industry, Room 459, 1 Victoria Street, London SW1H 0ET. (Telephone (0)20-7215-0334).

Enquiries concerning the units of measurement legislation should be addressed to the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex, TW11 OJZ. (Telephone (0)20-8943-7272 or 7277).