SCOTTISH STATUTORY INSTRUMENTS

2024 No. 387

FOOD

The Bread and Flour Amendment (Scotland) Regulations 2024

Made - - - -	*18th December 2024*
Laid before the Scottish Parliament	*20th December 2024*
Coming into force in accordance with regulation 1	

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 16(1)(a) and (e), 18(1)(c), 26(1)(a) and 48(1) of the Food Safety Act 1990(**a**), and all other powers enabling them to do so.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**b**).

The Scottish Ministers have had regard to relevant advice given by Food Standards Scotland in accordance with section 48(4A)(**c**) of the Food Safety Act 1990.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Bread and Flour Amendment (Scotland) Regulations 2024.

(2) These Regulations come into force in accordance with paragraphs (3) and (4).

(3) The following regulations—

(a) this regulation,

(b) regulation 2(1), for the purpose of commencing the regulations mentioned in sub-paragraphs (c) and (d),

(c) regulation 2(2),

(d) regulation 2(3),

come into force on 3 February 2025.

(4) The following regulations—

(**a**) 1990 c. 16. Section 16(1) and section 48(1) were amended by paragraph 8 of schedule 5 of the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Amendments made by schedule 5 of the 1999 Act which extend to Scotland are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c. 46) by virtue of section 40(2) of the 1999 Act. The functions conferred on the Secretary of State under sections 16(1)(e) and 48(1) of the 1990 Act, so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**b**) EUR 2002/178, to which there are amendments, but none are relevant to these Regulations.

(**c**) Section 48(6) was amended by paragraph 3 of the schedule of the 2015 Act, in its application to Scotland, so that references to the Food Standards Agency in section 48 are to be read as references to Food Standards Scotland. Section 48(4A) was inserted by paragraph 21 of schedule 5 of the 1999 Act.

(a) regulation 2(1), for the purpose of commencing the regulations mentioned in sub-paragraphs (b) and (c),

(b) regulation 2(4),

(c) regulation 2(5),

come into force on 13 December 2026.

(5) In these Regulations, "the 1998 Regulations" means the Bread and Flour Regulations 1998(**a**).

(6) These Regulations extend to Scotland only.

Amendment of the 1998 Regulations

2.—(1) The 1998 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "bread", insert—

""common wheat" means *Triticum aestivum L.*;",

(b) after the definition of "third country", insert—

""wholemeal flour" means flour consisting of the whole of the product obtained from the milling or grinding of cleaned cereals.".

(3) In regulation 4 (composition of flour)—

(a) in paragraph (1)—

(i) for "Subject to paragraph (2)", substitute "Subject to paragraphs (1A) and (2)",

(ii) before "wheat" insert "common",

(b) after paragraph (1), insert—

"(1A) The requirements specified in paragraph (1) do not apply in the case of—

(a) wholemeal flour,

(b) flour produced by a small mill.

(1B) For the purposes of paragraph (1A), a "small mill" is a production site which has a maximum annual production capacity of 500 metric tonnes of flour, and has produced less than 500 metric tonnes of flour for each of the last three calendar years.",

(c) in paragraph (2), omit sub-paragraph (a),

(d) for paragraph (3), substitute—

"(3) The substances specified in items 2-4 of Schedule 1 must be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.".

(4) In regulation 7 (offences and penalties), at the end, insert—

"(4) A person is to be considered not to have contravened or failed to comply with regulation 4(4) in the following circumstances—

(a) the composition of the flour complies with regulation 4, as read with Schedules 1 and 2, of these Regulations, as these Regulations have effect, immediately prior to 13 December 2026,

(b) the flour is placed on the market or labelled no later than 13 December 2026.".

(**a**) S.I. 1998/141 as relevantly amended by S.S.I. 2021/477.

(5) For schedule 1 (essential ingredients of flour), substitute the schedule of these Regulations.

JENNI MINTO
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
18th December 2024

SCHEDULE

Regulation 2(5)

"SCHEDULE 1

ESSENTIAL INGREDIENTS OF FLOUR

Column 1 ***Substance***	***Column 2*** ***Required quantity, in milligrams per hundred grams of flour, and conditions of use***
1. Calcium carbonate	(a) not less than 300, (b) not more than 455, and (c) conforming with the criteria for E 170 calcium carbonate in the Annex to Commission Regulation (EU) 231/2012(**a**).
2. Iron	(a) not less than 2.10, (b) in the form of any, or any combination of two or more, of the following— (i) ferric ammonium citrate conforming to the criteria in the monograph for ferric ammonium citrate contained in the British Pharmacopoeia 1973(**b**) at page 201, (ii) ferrous sulphate conforming to the criteria in the monograph for ferrous sulfate heptahydrate contained in the British Pharmacopoeia 2023(**c**) at page I-1037, (iii) dried ferrous sulphate conforming to the criteria in the monograph for dried ferrous sulfate contained in the British Pharmacopoeia 2023 at page I-1036, (iv) iron powder conforming to the description, specification and requirements contained in Schedule 2.
3. Thiamin (Vitamin B1)	(a) not less than 0.24, (b) in a form conforming to the criteria in the monograph for thiamine hydrochloride contained in the British Pharmacopoeia 2023 at page II-1129.

(**a**) EUR 2012/231.
(**b**) The British Pharmacopoeia 1973 may be inspected at the University of Edinburgh, Main Library, George Square, Edinburgh.
(**c**) The British Pharmacopoeia 2023 may be inspected at Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen.

4. Niacin	(a) not less than 2.40, (b) in a form conforming to the criteria in the monograph for nicotinic acid contained in the British Pharmacopoeia 2023 at page II-404, or in a form conforming to the criteria in the monograph for nicotinamide contained in the British Pharmacopoeia 2023 at page II-399.
5. Folic acid	(a) 0.250, (b) in the form of pteroylmonoglutamic acid conforming to the criteria in the monograph for folic acid hydrate contained in the British Pharmacopoeia 2023 at page I-1110.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bread and Flour Regulations 1998 (S.I. 1998/141) ("the 1998 Regulations").

Regulation 2(2) inserts new definitions of "common wheat" and "wholemeal flour" in regulation 2(1) of the 1998 Regulations.

Regulation 2(3) amends regulation 4 of the 1998 Regulations concerning the composition of flour. Exemptions to the requirements of regulation 4(1) of the 1998 Regulations are provided for wholemeal flour and flour produced by a small mill. A definition of a small mill is inserted into regulation 4 of the 1998 Regulations.

Regulation 2(4) amends regulation 7 of the 1998 Regulations concerning offences and penalties to provide that transitional provision applies in certain specified circumstances.

Regulation 2(5) substitutes Schedule 1 of the 1998 Regulations, which makes provision concerning the essential ingredients of flour, with a new Schedule 1 as set out in these Regulations.

Regulation 2(2) and 2(3) of these Regulations come into force on 3rd February 2025. Regulation 2(4) and 2(5) of these Regulations, and new Schedule 1 of the 1998 Regulations, come into force on 13th December 2026.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. A copy of this may be obtained from Food Standards Scotland, Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL and online at www.legislation.gov.uk.

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