STATUTORY INSTRUMENTS

1967 No. 388 (S.29)

FOOD AND DRUGS

COMPOSITION

The Food (Control of Irradiation) (Scotland) Regulations 1967

Made - - -	13*th March* 1967
Laid before Parliament	20*th March* 1967
Coming into Operation	1*st June* 1967

In exercise of the powers conferred on me by sections 4 and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Food (Control of Irradiation) (Scotland) Regulations 1967 and shall come into operation on 1st June 1967.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Food and Drugs (Scotland) Act 1956;

"food" means food intended for sale for human consumption and includes—

(*a*) cream and any food containing milk, and

(*b*) drink, chewing gum and other products of a like nature and use and articles and substances used as ingredients in the preparation of food or drink or of such products,

but, except as provided in paragraph (*a*) of this definition, does not include—

(i) water or milk,

(ii) live animals or birds, or

(iii) articles or substances used only as drugs;

"ionising radiation" means electromagnetic radiation (that is to say, X- or gamma-ray photons with a wave length below 500 angstroms) or corpuscular radiation (that is to say, electrons, positrons, protons, neutrons, alpha particles or heavy particles) being electromagnetic radiation or corpuscular radiation capable of producing ions and emitted from a radioactive substance or from a machine or apparatus that is intended to produce ionising radiation, or from a machine or apparatus in which charged particles are accelerated by a voltage of not less than 5 kilovolts;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" shall be construed accordingly;

and other expressions have the same meaning as in the Act.

(a) 1956 c. 30.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Enforcement

3.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(b), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(c); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Subjection of food to irradiation

4. No person shall, in the preparation of any food, subject it to ionising radiation:

Provided that this regulation shall not prohibit the subjection of food to not more than 10 rad of ionising radiation where the energy of the radiation delivered does not exceed five million electron volts.

Sale etc. of irradiated food

5. No person shall sell, consign, deliver or import into Scotland food which has been subjected to ionising radiation prohibited by regulation 4 of these regulations.

Penalties

6.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(*a*) on summary conviction to—

(i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and

(ii) in the case of a continuing offence to a further fine not exceeding £10 for every day during which the offence is continued; or

(*b*) on conviction on indictment to—

(i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Application of various sections of the Act

7.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to

(a) 1889 c. 63. (b) 1897 c. 38. (c) 1947 c. 43.

the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(*a*) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

(*b*) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

William Ross
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
13th March 1967.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations prohibit the application of ionising radiation (defined in regulation 2) to food intended for sale for human consumption. An exception is made in respect of the application of a low level of such radiation (regulation 4). This will permit the continued use of certain types of nucleonic equipment which are at present used as measuring instruments.

The regulations also prohibit the sale or importation of food which has been subjected to ionising radiation other than that permitted by regulation 4.