SCOTTISH STATUTORY INSTRUMENTS

2026 No. 3

RETAINED EU LAW REFORM

FOOD

The Food Safety Act 1990 Amendment (Scotland) Regulations 2026

Made - - - -	*7th January 2026*
Coming into force - -	*15th January 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 12(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**a**) and all other powers enabling them to do so.

There has been consultation under 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**).

In accordance with paragraph 7(1) of schedule 5 of the 2023 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Food Safety Act 1990 Amendment (Scotland) Regulations 2026 and come into force on 15 January 2026.

(2) These Regulations extend to Scotland only.

Amendment of the Food Safety Act 1990

2.—(1) The Food Safety Act 1990(**c**) is amended as follows.

(2) In section 17(**d**) (enforcement of EU provisions)—

(a) in the heading, for "EU" substitute "assimilated",

(b) in subsection (1), for "EU" substitute "assimilated",

(**a**) 2023 c. 28.
(**b**) EUR 2002/178, to which there are amendments, but none are relevant to these Regulations.
(**c**) 1990 c. 16.
(**d**) As relevantly amended by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), articles 2, 3 and 6.

(c) in subsection (2)—

(i) in the words before paragraph (a), for "directly applicable EU provision" substitute "provisions of assimilated direct legislation",

(ii) in paragraph (a), for "EU" substitute "assimilated",

(iii) in paragraph (b), for "EU" substitute "assimilated".

JENNI MINTO
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
7th January 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions of the Food Safety Act 1990 (c. 16). These Regulations restate secondary assimilated law within the meaning of section 12(2)(b) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

Regulation 2 amends section 17 of the Food Safety Act 1990 to replace references to "EU" obligations and provisions with "assimilated" obligations and provisions and replaces a reference to "directly applicable EU provision" with "provision of assimilated direct legislation".

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