SCOTTISH STATUTORY INSTRUMENTS

2024 No. 326

PROFESSIONAL QUALIFICATIONS

FOOD

The Food Safety (Sampling and Qualifications) (Scotland) Amendment Regulations 2024

Made - - - -	*6th November 2024*
Laid before the Scottish Parliament	*8th November 2024*
Coming into force - -	*1st January 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 30(9) and 48(1)(b) of the Food Safety Act 1990(**a**) and all other powers enabling them to do so.

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

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(**c**).

Citation and commencement

1. These Regulations may be cited as the Food Safety (Sampling and Qualifications) (Scotland) Amendment Regulations 2024 and come into force on 1 January 2025.

(**a**) 1990 c. 16. Section 30(9) was amended by schedule 5, paragraph 8 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 of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. In so far as not transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

(**b**) Section 48(4A) was inserted by schedule 5, paragraph 21 of the 1999 Act. Section 48(6) was inserted by the schedule , paragraph 3(11) of the Food (Scotland) Act 2015 (asp 1) and brought into force by S.S.I. 2015/99. Section 48(6) applies to the whole of section 48, including section 48(4A) and states that in the application of section 48 to Scotland, where references are made to the Food Standards Agency, these are to be read as references to Food Standards Scotland.

(**c**) EUR 178/2002. The duty to consult under section 48(4) of the Food Safety Act 1990 does not apply in this case as under subsection (4C) subsection (4) does not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.

Amendment of the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013

2.—(1) The Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of "qualified" insert—

> ""specified state" means a state specified in schedule 1 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023(**b**).".

(3) In schedule 2 (qualifications of food examiners)—

(a) in part 1 in paragraph 7, for ", Iceland, the Principality of Liechtenstein or the Kingdom of Norway" substitute "or in a specified state.",

(b) in part 2 in paragraphs 2 and 4, for ", Iceland, the Principality of Liechtenstein or the Kingdom of Norway" substitute "or in a specified state.".

JENNI MINTO
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th November 2024

(**a**) S.S.I. 2013/84; relevant amending instruments are S.S.I. 2019/52 and S.S.I. 2023/312.
(**b**) S.I. 2023/1286.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend legislation relating to persons who may act as a food examiner in Scotland for the purpose of, and in connection with, implementing provisions relating to the recognition of professional qualifications contained in the free trade agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications made at London on 14 June 2023.

Regulation 2 amends the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013 to allow for recognition of qualifications relevant to food examination attained from universities in, and aggregate time spent in examining food in government and university laboratories in, states specified in the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.

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