POLICY NOTE

THE FOOD SAFETY (SAMPLING AND QUALIFICATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/326

The above instrument was made in exercise of the powers conferred by sections 30(9) and 48(1)(b) of the Food Safety Act 1990. The instrument is subject to negative procedure.

The purpose of this instrument is to extend recognition of relevant professional qualifications for Food Examiners to those issued in Switzerland to comply with the UK-Switzerland Recognition of Professional Qualifications (RPQ) Agreement.

Policy Objectives

The proposed instrument amends the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013, to include a qualification recognised under the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023 ("the Professional Qualification Regulations") in relation to food examination and to futureproof for any future RPQ agreements the UK may enter into, without the need for further amending SSIs.

The Professional Qualifications Regulations implement the UK's obligations arising from the RPQ Agreement made between the UK and Switzerland in London on 14 June 2023 and which comes into force on 1 January 2025. The above amendments are necessary to ensure that Scottish legislation complies with the UK's commitments under the UK-Switzerland RPQ Agreement in respect of the mutual recognition of professional qualifications of Food Examiners.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Food Safety (Sampling and Qualifications) (Scotland) Amendment Regulations 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

The mutual recognition of professional qualifications was formerly within the competence of the EU, when the UK was a Member State. However, the UK-Switzerland RPQ Agreement was made subsequent to EU exit, and the proposed SSI is consequential to the UK's obligations arising from the RPQ Agreement. This SSI is therefore not directly relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of Article 9 of Regulation (EC) 178/2002, Food Standards Scotland invited comments on the proposed amendments from Public Analysts in Scotland from 16 September to 14 October 2024. Information on the consultation was also published on the Food Standards Scotland website. Two responses were received which posed general questions on the subject area rather than expressed views on the policy of implementing the RPQ Agreement in relation to food examiners in Scotland.

Impact Assessments

No Business and Regulatory Impact Assessment was conducted as the changes will impact only a very small number of individual workers. No Data Protection Impact Assessment was conducted as no new data will be collected. Equality and Child Rights and Wellbeing Impact Assessments have been undertaken in line with current Scottish Government requirements. No issues were identified.

Financial Effects

The Minister for Public Health and Women's Health confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Food Standards Scotland
November 2024