EXECUTIVE NOTE

THE LICENSING (FOOD HYGIENE REQUIREMENTS) (SCOTLAND) (NO. 2) ORDER 2011

SSI 2011/177

The above order was made in exercise of the powers conferred by sections 39(4) and (5) of the Civic Government (Scotland) Act 1982 and sections 50(7) and 50(7A) of the Licensing (Scotland) Act 2005. This instrument is subject to negative resolution procedure.

Policy Objectives

The Licensing (Scotland) Act 2005 like its predecessor the Licensing (Scotland) Act 1976 required that premises licensed to sell alcohol should have obtained food safety certification before their licence could be granted. The same requirement was made of any applicant for a street traders licence under the Civic Government (Scotland) Act 1982 who wished to sell food from a vehicle, kiosk or moveable stall.

Both section 50 of the Licensing (Scotland) Act 2005 and section 39 of the Civic Government (Scotland) Act 1982 contained references to food safety legislation which were now out of date and therefore required applicants to obtain certification which was no longer relevant. Sections 175 and 186 of the Criminal Justice and Licensing (Scotland) Act 2010 removed the outdated legislative references and replaced them with an order making power to enable Scottish Ministers to update the required references to food safety legislation which had taken place and might be made in the future.

The purpose of this order is to update the legislation with which any food hygiene certificate should show compliance.

Consultation

The Scottish Government have consulted all licensing boards in Scotland, the key licensed trade associations, the Law Society of Scotland and have received useful feedback from a number of local authority environmental health officers.

Regulatory Impact

This instrument does not change the regulatory impact of either the Civic Government (Scotland) Act 1982 or the Licensing (Scotland) Act 2005 it simply updates the legislative references for Food Hygiene Regulations.

Financial Effects

This instrument has no financial effects on the Scottish Government or any other bodies.

Justice Directorate
March 2011