

SPICe Briefing Food (Scotland) Bill

21 May 2014

14/35

Wendy Kenyon and Ishani Erasmus

The Scottish Government's Food (Scotland) Bill was introduced to the Scottish Parliament on 13 March 2014. It seeks to create a new body - Food Standards Scotland - to take over the work of the UK-wide Food Standards Agency in Scotland, and establishes new food law provisions. This briefing sets out the background to the Bill and examines the provisions within it.



CONTENTS

EXECUTIVE SUMMARY	3
BACKGROUND	4
<i>The role of the Food Standards Agency in the UK and Scotland</i>	4
<i>The role of local authorities in Food Safety and Standards</i>	5
FOOD SAFETY AND LABELLING IN EUROPE	6
THE SCUDAMORE REVIEW	7
DIET, OBESITY AND FOOD SAFETY IN SCOTLAND	8
DIET AND OBESITY	8
FOOD SAFETY	9
THE HORSEMEAT INCIDENT AND RESPONSE	10
THE EXPERT ADVISORY GROUP (CHAIR: JIM SCUDAMORE).....	11
EXPERT FOOD GROUP (CHAIR: RAY JONES)	13
CONSULTATIONS ON THE BILL	14
A HEALTHIER SCOTLAND: CONSULTATION ON CREATING A NEW FOOD BODY	14
CONSULTATION ON NEW PROPOSED ENABLING PRIMARY FOOD AND FEED LEGISLATION PROVISIONS	15
FOOD (SCOTLAND) BILL	16
PART 1: FOOD STANDARDS SCOTLAND	16
PART 2: FOOD AND FEEDING STUFFS.....	17
PART 3: FOOD LAW ENFORCEMENT	17
FINANCIAL INFORMATION	18
<i>Financial assets and liabilities</i>	19
<i>Financial issues identified elsewhere</i>	19
EFFECTS OF THE BILL ON SPECIFIC ISSUES	19
REFERENCES	21
RELATED BRIEFINGS	24

EXECUTIVE SUMMARY

Changes in the remit of the Food Standards Agency at a UK level announced in 2010 had significant implications for food policy in Scotland. In response, the Scottish Government launched an independent review on the merits of creating a discrete body in Scotland to perform the functions carried out at present by the Food Standards Agency in Scotland. This review recommended that a stand alone body be created, as well as making recommendations about new food law provisions.

In 2013, it was found that some beef meat products contained horsemeat. Subsequent reviews into the “horsemeat scandal” made recommendations for new food law provisions to prevent a repetition of the incident.

Two consultations have been carried out prior to the introduction of the Food (Scotland) Bill: one on the creation of a new food standards body for Scotland; and another on new food law provisions.

The Scottish Government’s Food (Scotland) Bill was introduced to the Scottish Parliament on 13 March 2014. It seeks to create a new body - Food Standards Scotland - to take over the work of the UK-wide Food Standards Agency in Scotland, and establishes new food law provisions. The food law provisions relate to food which does not comply with food information law (e.g. mislabelled food); an offence of failure to report breaches of food information law; a statutory requirement for the mandatory display by food businesses of inspection outcomes; and new administrative sanctions for non-compliance with food law.

BACKGROUND

The Food (Scotland) Bill seeks to create a new body - Food Standards Scotland (FSS) - to take over the work of the UK-wide Food Standards Agency in Scotland. The Food Standards Agency (FSA) was established in 2000 in the aftermath of the BSE crisis. It was given a wide remit which included the provision of transparent and independent advice in the fields of food safety, nutrition and labelling. The statutory objective of the FSA is to “protect public health from risk which may arise in connection with the consumption of food, and otherwise to protect the interests of consumers in relation to food”. The Meat Hygiene Service (which carries out meat inspections) was established in its current form in 1995 and was fully merged with the FSA in April 2010.

The role of the Food Standards Agency in the UK and Scotland

Prior to July 2010 the FSA was responsible in the whole of the UK for food safety and hygiene, food labelling and composition enforcement, diet and nutrition and nutrition labelling, novel foods, radiological safety and emergencies, and meat inspection. In July 2010 a number of “[Machinery of Government](#)” changes were announced by the UK Government (Cabinet Office, 2010). In these changes nutrition policy and nutrition labelling in England were transferred from the FSA to the UK Department of Health. The Department of Health became responsible for the work of the Scientific Advisory Committee on Nutrition (SACN). The Department for the Environment, Food and Rural Affairs (Defra) became responsible for non-safety-related food labelling and food composition policies in England. This included food labelling, where this does not relate to food safety or nutrition; food composition policy, standards and labelling; country of origin labelling; and leading on EU negotiations. In Scotland the FSA retained its pre-July 2010 remit. Table 1 shows which organisation currently has responsibility for which food related policy in different parts of the UK.

The Secretary of State for Health Andrew Lansley MP explained the motivation for the changes. “The transfer ... means we can give the general public more consistent information. It will also mean a more coordinated and coherent policymaking process; and a more effective potential partnership between Government and external stakeholders” ([Scudamore](#), 2012, p 24). However, in his review (see below) Professor Scudamore argued that these changes may have consequences for food standards in Scotland. These include:

1. That there is no longer a statutory obligation of primacy for consumer interests when developing nutrition and labelling policy in England
2. As nutrition and labelling policy is developed by and within UK Government Departments, there is the potential for discussions and decision making to be held behind closed doors and for the evidence base either to be ignored or not to be established in the first place. This may make it harder for of consumer representatives and the research community to challenge policies.
3. Responsibility for policy-making on food safety, nutrition and non-food-safety labelling is now split between DH, Defra and the FSA in England, but a number of issues require all three aspects to be considered together: for example issues such as animal cloning involve issues of food safety, and consumer information/ choice.
4. The transfer of staff from FSA to DH and to Defra meant that their expertise in nutrition and labelling was no longer formally available to FSA staff working on these issues for Scotland, Wales (labelling only) and Northern Ireland. As nutrition and labelling priorities changed in England, and as staff moved, the informal links have weakened.

- As DH is now responsible for [Scientific Advisory Committee on Nutrition](#) (SACN), there is no formal means for devolved priorities to be fed into SACN’s work programme, though the Chief Medical Officers can request advice.
- FSA Scotland was “denied access” to the Eatwell website, which was previously a UK-wide resource and had been removed following the Machinery of Government changes. A separate website [Eatwell Scotland](#) has been set up (Scudamore, 2012, p 25).

Table 1. Current responsibilities for food-related policies

FSA responsibilities				
Food safety and hygiene	FSA UK			
Labelling (safety, allergy)	FSA UK			
Food law enforcement	FSA UK and local authorities			
Split responsibilities	England	Wales	Scotland	Northern Ireland
Nutrition and Nutrition labelling	Department of Health	Welsh Government	FSA in Scotland	FSA in Northern Ireland
Labelling (other) and food compositional standards	Defra	FSA in Wales	FSA in Scotland	FSA in Northern Ireland
Responsibility of other departments	England	Wales	Scotland	Northern Ireland
Animal welfare	Defra	Welsh Government	Scottish Government	Northern Ireland Executive

Source: FSA website. <http://www.food.gov.uk/about-us/about-the-fsa/>

The role of local authorities in Food Safety and Standards

The FSA is responsible for protecting public health from the risks that may be caused by food. This includes risks resulting from the way food is produced or supplied. To do this, a system of “official controls” is in place. Official controls delivery as defined within Regulation (EC) No 882/2004 (Official Journal of the European Union, 29 April 2004), are the checks such as inspections, surveillance and sampling, that are carried out to monitor if businesses are complying with the requirements set out in food law. The majority of the checking and monitoring activity is carried out on behalf of the FSA by local authorities – known as competent authorities.

Between 2011 and 2013 the FSA carried out a [review of the “official controls”](#) function that local authorities carry out (Food Standards Agency, 2013). The review was needed because:

- The effectiveness of the system had been questioned in a number of reports, including the public inquiry into the September 2005 outbreak of E.coli O157 in Wales, and Lord Young’s report ‘Common Sense, Common Safety’ (Lord Young, 2010)

- The European Commission, through its Food and Veterinary Office (FVO), had expressed concern about the complexity of the UK delivery model.
- There was a need to understand the impact of budgetary pressures and consider how best to secure efficiency, resilience and sustainability in the system.

The review found that although the system of official controls was under pressure, local authorities had said they were still able to deliver the service. The FSA also recognised that the relationship between local authorities and the FSA was vital for the effective delivery of official controls.

The [Expert Advisory Group report](#) (EAG - see below) recognised that Scotland's Local Authorities have a responsibility for a wide range of public health related functions including the delivery of food safety and food standard controls principally through holistically trained Environmental Health Officers and specialist technical staff (Expert Advisory Group, 2013). Given the role of local authorities, the group argued that events like the horsemeat incident have significant resource implications for local authorities. It has been argued that in recent years budget cuts have led to reductions in staff in local authorities including in food standards and safety related areas. In particular the EAG group suggested that “sampling budgets need to be protected, especially if there is to be an increase in sampling activity by Local Authorities” (EAG para 32.2). They argue that one solution might be that “additional resources could be provided by the New Food Body for the provision of additional staff” (para 32.5).

FOOD SAFETY AND LABELLING IN EUROPE

Following food safety crises such as the outbreak of bovine spongiform encephalopathy and the dioxin crisis the European Commission published a [white paper on food safety](#) in 2000 (European Commission, 2000). It proposed the establishment of a European Food Safety Authority (EFSA) and a science-based, whole-chain approach to food safety, with an emphasis on traceability. The white paper also proposed the development of an EC-wide framework for national control systems to ensure a consistent level of health protection across all member states. Consumer engagement was also felt to be key: the public should be informed of food safety concerns and health risks as well as food quality and constituents in order to make informed choices.

Following the white paper, [Regulation \(EC\) No 178/2002](#) 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 was enacted (Official Journal of the European Union, 28 January 2002). The Regulation constitutes a framework and principles for food law. It contains measures to:

- ensure the safety and quality of foodstuffs and animal feed
- protect consumers against fraudulent or deceptive commercial practice
- protect the health and wellbeing of animals, plant health and the environment.

Following the regulation containing the general principles on food law, Regulation (CE) No 882/2004 on [official controls](#) was adopted by the European Parliament and the Council on 29 April 2004 (Official Journal of the European Union, 29 April 2004). It aims to ensure the effective organisation and co-ordination of official controls within and between member states and details methods for verification and ensuring compliance with feed and food law, animal health and animal welfare rules.

[The European Food Safety Authority](#) is tasked with assessing risks and providing scientific advice on food safety. The management of these risks is then the responsibility of the European Commission and Parliament and Member States.

[The Food and Veterinary Office](#) (FVO) helps to monitor and enforce compliance with European food safety and quality, animal welfare and plant health requirements. It also contributes to the development of policy and the control systems in this area.

In December 2014, most of the general food labelling rules in [EU Regulation 1169/2011](#) on the provision of food information to consumers apply, with nutrition declarations (i.e. information about nutrition) information becoming mandatory in December 2016 (Official Journal of the European Union, 25 October 2011). The Regulation updates and consolidates nine other Regulations and Directives. This will strengthen the existing labelling requirements, and include specification of ingredients, increased allergen information, durability, and nutrition information with a view to supporting more informed consumer choices.

The key provisions of the new Regulation include:

- Mandatory nutrition information on most prepacked foods
- Mandatory origin labelling of unprocessed meat from pigs, sheep, goats and poultry
- Highlighting allergens e.g. peanuts or milk in the list of ingredients
- Better legibility of labelling i.e. minimum size of text
- An extension of the allergen information rules to cover non pre-packed foods including those sold in restaurants and cafés.

Provisions on labelling of meat from animals not stunned before slaughter were also considered but not included in this regulation. This was in response to concerns about the welfare of animals slaughtered in keeping with certain religious traditions which are exempt from the [Welfare of Animals \(Slaughter or Killings\) Regulations 1995](#). (This legislation is the responsibility of Scottish Government).

THE SCUDAMORE REVIEW

In June 2011, following changes to the remit of the FSA set out above, [Scottish Ministers asked](#) (Scottish Government, 2011) Professor Jim Scudamore to lead an independent review on the merits of creating a discrete body in Scotland to perform the functions carried out at present by the Food Standards Agency in Scotland, including meat inspection functions, and include a financial appraisal of options. The final report entitled [Future arrangements to secure food standards and safety in Scotland](#) was published in March 2012 (Scudamore, 2012).

In carrying out their review the expert panel worked on the basis of two principles endorsed by stakeholders. First, that given Scotland's problems with diet, obesity and food-borne diseases, food safety should not be divorced from nutrition and labelling. Second, that advice on food safety, nutrition and labelling should be independent and transparent and should be provided by an organisation which should remain at arms-length from central government. A set of criteria were used against which to assess the suitability of options for a food standards body and meat inspection services. These were:

Food standards body

- Independence from government and industry
- Evidence-based and consumer focus
- Transparency and openness
- Handling incidents and emergencies
- Access to expertise
- Flexibility

- Response time

- Cost
- Consistency of policy across the UK
- Influence within Europe
- Fit with other Scottish Government policies

Meat inspection services

- Ensure consumer safety, compliance and effective audit function
- Relationship with industry
- Independence
- Cost
- Exports
- Future proofing for likely EU developments
- Operational guidance and advice to industry
- Public bodies policy
- Food policy

Whilst considering in detail different options for a meat inspection service for Scotland, the panel concluded that the final decision was linked to the decision about a food standards body. Four options were considered as a food standards body for Scotland: status quo; enhance the current structure; stand-alone FSA Scotland; FSA Scotland bolted onto an existing Scottish public body. Results of a detailed evaluation of the enhanced current structure and the stand-alone FSA Scotland, against the criteria set out above can be found in Annex G of the Scudamore report, p 80. The report concluded that both to enhance the current structure and to create a stand-alone FSA Scotland would be feasible.

The consumer representative on the panel (Sue Davies from Which?) felt strongly that to enhance the status quo “building on the established expertise, practices and reputation of the FSA” was the best option. She was “concerned that the lack of direct access to the greater resource of the FSA could undermine consumer protection” (p 50). However, the remaining members of the panel felt that a stand-alone option “would offer the best outcome for Scotland’s long-term interests, as the enhanced model did not offer the necessary certainty” and the stand alone model would be more flexible to meet Scottish needs (p 50).

The Scottish Government accepted all the recommendations of the Scudamore review. In a [news release on 27th June 2012](#) it stated “Ministers have agreed to create a new Scottish body for food safety, food standards, nutrition, food labelling and meat inspection” Scottish Government (2012).

DIET, OBESITY AND FOOD SAFETY IN SCOTLAND

One of the guiding principles used by the Scudamore review was that “Scotland has unique and complex problems in relation to diet, obesity and food-borne diseases.” Diet and obesity, and food safety are considered in more detail in this section.

DIET AND OBESITY

The Scudamore report stated that food and health challenges in Scotland fall into three main categories. First, continued high intake of saturated fat, total fat and added sugars relative to dietary targets. Second, a steady increase in the proportion of overweight or obese adults to over 63% (one of the highest levels of obesity in OECD countries). Third, increased risk of

disease due to obesity such as hypertension, type 2 diabetes, angina pectoris, myocardial infarction, osteoarthritis, stroke and a number of types of cancer.

The [Scottish Public Health Observatory](#) sets out the following key points related to obesity:

- In 2012, more than one in four of men and women in Scotland were considered obese.
- In 2012, men and women aged 55-74 years were proportionately more likely to be obese than other age groups.
- Obesity is linked to many diseases and conditions, and decreases life expectancy. For example, type 2 diabetes is almost 13 times more likely to occur in obese women than in women of normal weight.
- Scotland has some of the highest levels of obesity prevalence for men and women among OECD countries.
- It has been estimated that the total cost to Scottish society of obesity in 2007/8 was in excess of £457 million.

The [Scottish Public Health Observatory](#) sets out the following key points on diet and nutrition:

- Good nutrition is essential to both current health and wellbeing, and health and wellbeing in later life. Eating a healthy diet can help reduce the risk of coronary heart disease, stroke, some cancers, obesity, type 2 diabetes, high blood pressure, osteoporosis and tooth decay.
- A review of progress towards dietary targets, originally set in the Scottish Diet Action Plan 'Eating for health' (Scottish Office (1996)) for achievement in 2005 and subsequently revised in the Revised Dietary Goals for Scotland (Scottish Government (2013)), found that none have been met.
- The most recent estimates of fruit and vegetable consumption in Scotland indicate that only 19% of men and 21% of women consumed the recommended amount of five or more portions per day in 2012. The proportion of both men and women consuming five or more portions per day has remained fairly constant since 2003.
- People living in the most deprived areas of Scotland are less likely to meet five-a-day recommendations for daily fruit and vegetable consumption compared with those in the least deprived areas.
- In 2012, 13% of children aged 2-15 met the recommended daily intake of five or more portions.

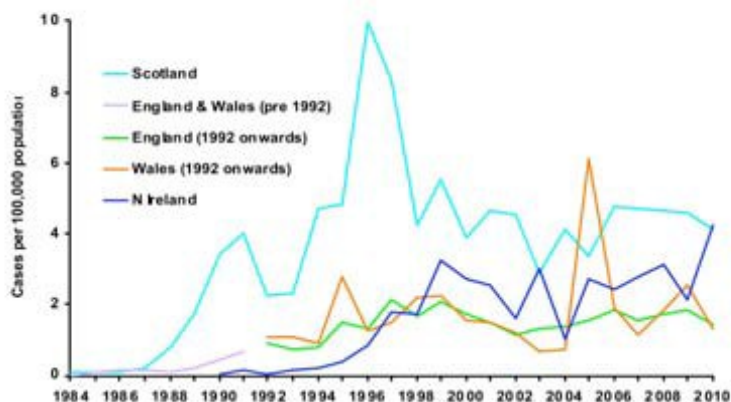
FOOD SAFETY

Foodborne illnesses such as Campylobacter, Listeria monocytogenes, E. coli O157, Salmonella and Norovirus are a priority for action for the FSA. Scudamore reports (p 16) that in Scotland each year:

- around 132,000 people suffer a foodborne illness
- around 2,330 people receive hospital treatment due to foodborne illness
- there are around 50 deaths caused by foodborne illness
- it costs nearly £140 million per year.

The profile of foodborne disease varies across the UK, with higher rates of particular illnesses reported in the Scottish population compared to other countries. For example, as chart 1 illustrates, E coli O157 is consistently reported more frequently in Scotland than in the rest of the UK. The spike in Scottish cases in 1996 indicates the Lanarkshire outbreak of E coli which resulted in 18 deaths.

Chart 1: Rates of E.coli O157 cases by country per 100,000 population



Source: Scudamore, 2012, p 17

THE HORSEMEAT INCIDENT AND RESPONSE

Towards the end of 2012 the Food Safety Authority of Ireland carried out a survey of beef products, looking for the presence of horsemeat and pork. On 15 January 2013 the Food Safety Authority of Ireland announced that some beef meat products contained horsemeat. A [report released by Ireland's Ministry for Agriculture, Food and the Marine](#) on 14 March 2013 confirmed that at least one meat company in Ireland knew there was a problem with horsemeat-tainted beef trim as far back as June 2012 (Department of Agriculture, Food and the Marine, 2013). It was acknowledged by the Irish authorities that no food safety issues arose in these circumstances.

Following the Irish, the FSA UK launched an investigation and required industry to carry out tests on beef products. Food companies are legally responsible for the safety of food they sell and the accuracy of their labelling. Results from the testing were reported in a [meeting of the FSA board](#) (Food Standards Agency, 4 June 2013). It was stated that (p13):

“Sampling results to date from both the retail and catering industry and local authority testing confirm that the contamination and adulteration of beef products, with horse or pork meat, has been limited to a relatively small number of products. ... More than 99% of samples, (5386) contained no horse DNA at or above the level of 1%. 44 samples, representing 17 products, contained horse DNA at or above the 1% threshold. These products and any other products containing horse DNA above 1% identified through other testing and investigations have been withdrawn from sale and are named on the FSA website.”

On the 23rd January 2013 Scottish Ministers asked the Food Standards Agency Scotland to work with Local Authorities to carry out an enhanced testing programme which looked for traces of horse DNA in beef products. Food businesses were also required to conduct their own testing programmes and report the results to the Food Standards Agency Scotland. The results of the

testing carried out during the incident in 2013 are set out in Appendix 5 of the report of the Expert Advisory Group (2013). Local authority testing in Scotland showed no horse DNA contamination issues reported to the FSA. Industry testing at a UK level showed that 47 out of 24,480 samples had tested positive for horse DNA, and that these 47 results related to 16 products, none of which were manufactured in Scotland.

Following the horsemeat incident the Scottish Government initiated two investigations¹, whose recommendations have had a direct bearing on the contents of the Bill, as set out below:

- Public Health Minister Michael Matheson asked **The Expert Advisory Group** led by former Chief Vet Professor Jim Scudamore to look at food and feed safety and standards in Scotland ahead of the establishment of a new food body.
- Cabinet Secretary for Rural Affairs and the Environment Richard Lochhead commissioned Ray Jones' **Expert Food Group** to consider traceability and labelling in the red meat sector.

THE EXPERT ADVISORY GROUP (CHAIR: JIM SCUDAMORE)

The [Expert Advisory Group \(EAG\) reported](#) on June 2013, finding that the horsemeat incident had been well handled in Scotland due to the way in which the Scottish Government, local authorities, industry and the FSA Scotland worked together (Expert Advisory Group, 2013). However, the Group made 69 recommendations (summarised at the beginning of the report), many of which relate to the operation of the new food body for Scotland. The Scottish Government and the FSA provided a [joint response](#) to the report, which listed each recommendation and their response to it (Scottish Government, 2013). Whilst many of the recommendations relate to the operation of the food body once established, some relate to the Food (Scotland) Bill. Table 2 sets out recommendations from the EAG relevant to the Bill, the Scottish Governments response and a comment relating the recommendation and response to the Bill.

Table 2. Selected recommendations from the EAG Report, SG response and comments

No	Recommendation	Joint SG/FSA Response	In Bill?
44	The Scottish Government should include new primary legislative powers in the New Food Body bill to <ul style="list-style-type: none"> a) Enable the creation of appropriate non-criminal enforcement sanctions. b) Enable authorised officers to detain food which is considered safe but where there are doubts over composition or its description or labelling. c) Enable authorised officers to seize and destroy foods for non-compliance with food standards and labelling rules. 	The Scottish Government will include such powers in the NFB Bill.	<ul style="list-style-type: none"> a) Yes - Part 3 b) Yes - Section 32 (15B (2) (b)) c) Yes - Section 32 (15B (13))

¹ In the UK a number investigations related to the horsemeat incident were carried out. These include: House of Commons EFRA Committee report on the [Contamination of Beef Products](#), February 2013; A Follow up report from the EFRA Committee on [Food contamination](#), July 2013; [Independent review of FSA handling of horsemeat scandal](#), report published June 2013; Elliot Review of Food Supply networks, announced June 2013 is ongoing. Full reporting of meetings, briefing etc. and interim report is [available on website](#).

No	Recommendation	Joint SG/FSA Response	In Bill?
45	The Scottish Government should include enabling powers in the New Food Body bill to allow the New Food Body to require testing and reporting of the results when appropriate. As part of this process the Scottish Government should also assess whether statutory powers are needed to require the reporting of food fraud.	a) SG will include a statutory duty to report non-compliance with food standards regulations and b) consider whether additional powers to require testing by food business operators need to be included in the FSS Bill.	a) yes - Section 32 (15C) b) Food safety tests can be required where under the Food Safety Act 1990. No powers in the Bill to require testing for food fraud.
47	The Scottish Government should ensure that the sanctions for contravention of food standards are aligned with those currently in existence for food safety. FSA Scotland and the New Food Body should work with FSA and the EU commission to ensure appropriate penalties are in place to deal with food fraud.	The Scottish Government will include enabling powers in the FSS Bill and will work with Ministers across the UK to ensure that the EU considerations of regulatory change are taken into account. In addition, the FSA in Scotland intends to carry out a comprehensive review of the existing penalty provisions in Scottish Food Standards legislation.	The enabling provisions in the Bill will allow equivalence of sanctions across food standards and food safety, but will require subordinate legislation.
55	The Scottish Government should ensure that a committee with the same terms of reference as SFELC* should be enshrined in the bill to establish the New Food Body thereby enabling the New Food Body to continue to have access to an advisory committee such as SFELC.	The Scottish Government recognises the value of the work done by SFELC, and the opportunities it affords for the New Food Body to link in with a range of representatives of central and local government, consumers and industry. The Scottish Government agrees that FSS should continue to have access to SFELC, but considers that to enshrine a committee such as SFELC in the legislation to establish FSS would unduly compromise SFELC' s independence and flexibility.	Section 12(1) states that "Food Standards Scotland may establish committees". No specific committees are enshrined in the Bill.
63	The New Food Body should ensure that a fighting fund is available to respond to major incidents or significant investigations where specialist expertise is required.	The Scottish Government agrees that such funding should be included in the budget settlement for FSS.	No fighting fund or contingency fund is included.

* [The Scottish Food Enforcement Liaison Committee](#) (SFELC) is a non-statutory advisory Committee formed under the Food Standards Agency in Scotland. The Committee provides a forum for the FSA in Scotland to maintain and develop links with key stakeholders who provide expertise to contribute to the development, implementation and maintenance of policies in respect of its core functions. The EAG stated that they were impressed by the role of SFELC which is unique in its importance in bringing together all the parties with an interest in food safety and food standards in Scotland.

EXPERT FOOD GROUP (CHAIR: RAY JONES)

The Expert Food Group was the second review set up in response to the horsemeat incident by the Cabinet Secretary for Rural Affairs and the Environment. The remit of the Expert Food Group (EFG) was to consider “What more can be done in Scotland to extend to the whole supply chain the principles of traceability, labelling, assurance schemes and provenance, associated with primary red meat production and processing?” and “What more can be done to better understand what the consumers of Scottish red meat based produce want and the best way to meet their demands?” The [Expert Food Group reported](#) (Expert Food Group, 2013) in June 2013 and the [Scottish Government responded](#) in November 2013 (Scottish Government, November 2013). The report included 16 recommendations for the Scottish Government, the FSA Scotland, Quality Meat Scotland, and for Scotland Food and Drink. The report made two recommendations to the FSA relevant to the Bill.

- R2: Licence all new plants further processing meat, i.e. those which come under the control of EC Directive 853/2004, and assess all processing plants that enter the system via the grandfather clause² within three years.
- The Scottish Government responded that “The allocation of duties for approval of establishments under Regulation (EC) No 853/2004 between local authorities and the new food body formed part of the consultation by the Scottish Government on the scope of new food body’s responsibilities. **Scottish Ministers will decide on this as part of the formation of the new body.**”
- There is no mention of licencing of new meat processing plants in the Bill.
- R3: Provide approvals to food plants wishing to export to Third Countries and audit to ensure they maintain appropriate standards for the specific countries they export to.
- The Scottish Government responded that “A system of approval for most premises wishing to export food to third countries is in place.... The FSA works closely with organisations to ensure that systems are in place to facilitate exports, whilst providing the necessary safeguards and assurances on compliance. To support this work, a Memorandum of Understanding between organisations including the FSA, clarifies roles, responsibilities and expectations in relation to exports of products of animal origin. This was agreed in April 2013. We are also working to develop resources to support local authorities in fulfilling their responsibilities in relation to providing assurances on exports. **As part of the formation of the new food body, Scottish Ministers will decide on the scope of responsibilities. This will be informed by the responses from the Scottish Governments consultation on the establishment of the new food body in Scotland.**
- There is no mention of the scope of responsibilities of the FSS with respect to exports etc. in the Bill.

Whilst provisions are included in the Bill principally in response to the horsemeat incident, food fraud has been identified as an issue in other areas. In a recent draft report on the [food crisis, fraud in the food chain and the control thereof](#) by the European Parliament Committee on the Environment, Public Health and Food Safety it is stated that “recent food fraud cases have exposed different types of food fraud, such as replacing key ingredients with cheaper alternatives, wrongly labelling the animal species used in a meat product, incorrectly labelling weight, selling ordinary foods as organic, unfairly using origin or animal welfare quality logos, labelling aquaculture fish as wild caught, counterfeiting and marketing food past its ‘use-by’ date.” (European Parliament Committee on the Environment, Public Health and Food Safety,

² a legal clause that exempts certain parties from a new regulation

2013, p 4). The report highlights olive oil, fish and organic foods as the top three products most at risk of food fraud. The Committee considered that official controls should not only focus on food safety issues as they do currently, but also on preventing fraud (para 17).

CONSULTATIONS ON THE BILL

Two separate consultations have been carried out prior to the introduction of the Food (Scotland) Bill: A healthier Scotland: Consultation on creating a new food body and Consultation on new proposed enabling primary food and feed legislation provisions, both running between February and May 2013.

A HEALTHIER SCOTLAND: CONSULTATION ON CREATING A NEW FOOD BODY

[A Healthier Scotland: Consultation on Creating a New Food Body](#) built on the Scudamore report and the EAG and the EFG reports (Scottish Government, February 2013). The consultation document set out Scottish Ministers “overarching ambition to help people in Scotland live longer, healthier lives through eating safe, healthy food” (p1). The desire to create a new food body for Scotland is set out and the consultation asks about: the scope of the proposed new food body; flexibility to respond to Scottish circumstances; access to independent, expert advice and research; regulation and powers needed for the new body; official controls at fresh meat establishments; animal food and feed controls; EU obligations; and relationships with other organisations and consumers.

In August 2013 the Scottish Government published an [independent analysis of responses to the consultation](#) (Scottish Government, August 2013). One hundred and twenty six responses to the consultation were submitted, with 93% from organisations and 7% from individuals. The largest category of respondent was local authorities, comprising 19% of all respondents.

Many of the issues in the consultation relate to the detailed operation of the new food body which are outwith the scope of the Bill. The Bill establishes the new food body and sets out three core objectives, but leaves the details such as its precise remit and how it works with other organisations for further consultation and development once the body has been established (see para 14, 21 and 22 of the Policy Memorandum).

The consultation did however, ask about the need for further statutory powers for the new food body and 45% of respondents said that new powers would be needed. Local authorities in particular supported new statutory powers. Some of the powers that respondents to the consultation mentioned related to:

- Primary enabling legislation (see second consultation set out below)
- Fixed penalty and other notices (which are in Part 3 of the bill)
- Unannounced visits to approved premises (sections 19 and 20 relate to powers to enter premises to carry out observations. It does not specify whether visits must be announced or not)
- Reviewing and strengthening penalties for non-compliance with food law (Part 3)
- The same powers already applying to food hygiene to apply to food standards (enabling powers allow this via subordinate legislation)
- Powers to request stricter labelling (e.g. Slaughter without stunning; method of rearing) (not in the Bill).

A recurring theme from those who did not think that the new food body required further statutory powers was that powers were already there but needed to be enforced more effectively.

Much of the [Scottish Government's response](#) to the consultation relates to detailed implementation of policy that will be determined once FSS has been established. However, in the response the Scottish Government states which provisions it intended to include in the Bill (Scottish Government, 2013, page 6 para 4.5), all of which are indeed included:

- provide a statutory basis for a compulsory scheme for food businesses to display the outcome of food inspections (included in section 33 of Bill)
- introduce new administrative, non-criminal enforcement sanction options for breaches of food law (part 3 of the Bill)
- allow officers to seize and detain food where there is suspicion that it does not meet food standards requirements (section 32 of the Bill)
- give Courts discretion over options for dealing with seized and detained food which is safe but does not meet standards requirements (section 32 of the Bill))
- introduce a statutory requirement to report food fraud (Section 32, 15C of the Bill).

CONSULTATION ON NEW PROPOSED ENABLING PRIMARY FOOD AND FEED LEGISLATION PROVISIONS

The second consultation was carried out by the Food Standards Agency in Scotland called Consultation on New Proposed Enabling Primary and Feed Legislation Provisions (Food Standards Agency, May 2013). The key proposals on which the consultation sought views are set out below. All of these provisions are in the Food (Scotland) Bill:

- New primary legislative powers to provide a statutory basis for a scheme to enable Scottish Ministers to make, if agreed in the future, any food business operator display the outcome of an official food inspection (section 33 of Bill)
- New primary legislative powers to enable Scottish Ministers to create, if required, new enforcement sanctions such as administrative penalties or forms of restorative justice in relation to food and feed law (part 3 of Bill)
- New primary legislative powers to enable the detention of any food, where there are reasonable grounds to suspect that it does not meet the requirements of food law in relation to food standards or labelling, similar to those which already exist for foods not complying with food safety legislation (section 32).

The [summary of responses](#) was published on 23 August 2013 (Food Standards Agency, August, 2013). Most respondents, especially local authorities, agreed that a statute based scheme to enforce the display of the outcome of an official food inspection was needed. Those who disagreed argued that: no evidence was presented to support the claim that such a scheme would deliver public health or be an important commercial driver (West Lothian Council, p 3); or that such a scheme would add costs to businesses and the public purse and divert scarce resources from elsewhere (SFQC Ltd, p2).

Many respondents agreed that administrative penalties for non-compliance with food law were needed. Those who did not argued that such sanctions may not “allow businesses to use the court system to defend themselves, thereby not providing enough protection” and that they would “develop a parking fine mentality rather than drive a culture of compliance” (Scottish Retail Consortium, p 10 and 11). East Lothian Council had “reservations as to how this will be perceived by business operators; we are concerned that food enforcement officers may be viewed as cash generators for the local authority” (p9).

Similarly, many respondents agreed that new powers were needed to enable the detention of food that does not meet food standards or labelling requirements. However, some argued that there was already legislation available that needed to be enforced properly (SFQC Ltd, p22). The Scottish Retail Consortium (p 22) stated such sanctions would be disproportionate and unjustified as the issue was not related to food safety.

FOOD (SCOTLAND) BILL

The [Food \(Scotland\) Bill](#) was introduced to the Scottish Parliament on March 13, 2014. The Bill seeks to:

- create Food Standards Scotland, a new, independent body which will replace the UK-wide Food Standards Agency in Scotland.
- establishes new food law provisions: related to food which does not comply with food information law (e.g. mislabelled food); an offence of failure to report breaches of food information law; a statutory requirement for the mandatory display by food businesses of inspection outcomes; and new administrative sanctions for non-compliance with food law.

PART 1: FOOD STANDARDS SCOTLAND

Part 1 of the bill seeks to create the body “Food Standards Scotland” (FSS) which, following subsequent secondary legislation will replace the functions of the FSA in Scotland. The Bill sets objectives for FSS which are wider (particularly in relation to diet) than the objectives of the current FSA. The objectives, set out in section 2 (1) of the Bill are:

- a) to protect the public from risks to health which may arise in connection with the consumption of food,
- b) to improve the extent to which members of the public have diets which are conducive to good health,
- c) to protect the other interests of consumers in relation to food.

Section 3 of the Bill relates to function of the FSS. These functions allow the FSS to develop policy; advise, inform and assist Ministers and public bodies; inform the public; and monitor the performance of enforcement authorities with respect to food matters and animal feeding stuffs. Section 15 allows FSS to do “anything which it considers necessary or expedient for the purposes of or in connection with its functions.” (p 7)

Outwith the Bill, a Section 104 Order under the Scotland Act 1998 will designate the Food Standards Scotland as a non-ministerial office of the Scottish Administration, alongside the Scottish Government. Ministers will appoint the Chair and board members, but FSS will not be directly accountable to Ministers and will have operational autonomy. The FSS will be accountable directly to the Scottish Parliament for policy delivery, fulfilment of statutory duties and performance against objectives.

Part 1 also contains sections about governance, accountability, staffing and operational matters related to the new body. For example, section 6 (1)(b) states that FSS will consist of no fewer than 3 nor more than 7 other (in addition to the chair) members appointed by Scottish Ministers.

Section 16 inserts reference to the FSS into various pieces of legislation that confer duties and responsibilities on public bodies. Included in this section is the Freedom of Information

(Scotland) Act 2002, Public Services Reform Act 2010. However, there is no mention of any sustainability role in this section, nor any mention of the Climate Change (Scotland) Act 2009.

Part 1 contains a number of sections (18 – 21) related to obtaining information related to food or feedstuffs. This relates to carrying out research, but is also about inspections and visits which may be made to businesses in any parts of the food chain. Powers, offences and sanctions are set out related to information collection and inspections.

Sections 22 – 28 allow FSS to set performance standards for enforcements agencies (generally local authorities). Allows for reporting of enforcement activity, and provides for powers and offences in relation to enforcement action.

The Scottish Government has set up a [website and blog](#) aimed at stakeholders which provides information on progress of setting up the new food standards body.

PART 2: FOOD AND FEEDING STUFFS

Part 2 introduces new food law provisions. First, relating to contravention of food information law. Officers currently have powers to detain or seize and remove food deemed *unsafe*, but have no powers for food which is safe but which does not meet food information requirements. Section 32 creates new provisions related to contravention of food information law. This would be used when the description on a food label does not match the contents (as was the case in the recent horse meat incidents). New provisions are inserted into the Food Safety Act 1990 to enable wrongly labelled food to be detained, and to place a duty on businesses to inform the FSS when food information law has been contravened.

Second, section 33 allows Minister to create (at some point in the future) a mandatory food hygiene information scheme. Under the scheme the results of inspections of food premises carried out by “a food authority” - usually a local authority – would have to be publically displayed within the food premises.

Third, section 34 provides a very wide ranging power allowing Scottish Ministers to make regulations related to animal feed stuff and their production. It is unclear from the Bill and associated document exactly what this provision might be used for. The Policy Memorandum states that this is “ a delegated power for Ministers to use for specific but as yet unknown issues...to offer some scope for future proofing against unforeseen circumstances where regulations could be appropriate” (page 6, para 27).

PART 3: FOOD LAW ENFORCEMENT

Sections 35 to 51 provide for a range of new administrative sanctions for use when offences related to Scotland’s food law are committed. These provisions include fixed penalty notices³ and compliance notices⁴. The Policy Memorandum states that these administrative sanctions will mean that “offences are dealt with more quickly and at less cost... .. and will allow enforcement officers more flexibility to deal more appropriately with food offences... and will reduce the burden on the courts and reduce costs of local authorities in respect of prosecuting through the court system” (page 6, para 28).

³ notice offering the person to whom it is issued the opportunity to discharge liability to conviction for the relevant offence in relation to which the notice is issued by paying to the appropriate enforcement authority a specified sum of money.

⁴ a notice requiring the person to whom it is issued to take steps to ensure that the person ceases to commit a relevant offence.

FINANCIAL INFORMATION

The Financial Memorandum summarises the cost implications of the Bill. Table 3 sets out the proposed Food Standards Scotland budget for 2015/16.

The Financial Memorandum explains that “the FSA is a UK-wide body with three devolved offices. Those devolved offices are largely funded by the relevant devolved administration ... the central FSA retains the bulk of direction, expertise and decision-making as well as all responsibility for official controls of meat hygiene inspections across Great Britain” (p 15). It states that “It is anticipated that the budget for Food Standards Scotland will be met from existing resources: the Scottish Consolidated Fund, industry charges and through a budget transfer arrangement with the FSA in respect of central costs associated with running the FSA in Scotland” (p 20, para 40).

The Financial Memorandum states that “The financial grant provided to FSS will exceed that currently provided to the FSA in Scotland by approximately £5 million, as FSS will have to fill roles previously delivered from York and London. The intention is to have this increase offset through a financial transfer from the FSA UK-wide budget to the Scottish Government to represent the activities which will now be delivered in Scotland rather than on a UK-wide basis. The level of that financial transfer is the subject of on-going negotiations.”

Table 3. Estimated Food Standards Scotland Budget 2015/16

Description		Including	(£000s)
Administration	Staff and Board	Remuneration of 8 members and staff costs for 75 HQ staff	4,000
	Non-Staff Cash	Corporate services: HR, IT, legal and financial etc.; and accommodation and utilities	1,650
Programme	HQ Based	Monitoring enforcement by food authorities Research Training and education	7,000
	Field Operations	FSS field inspections (e.g. meat processing plants etc.) 65 staff and equipment costs	5,600
Annually Managed Expenditure			900
Capital			50
Total Budget			19,200
Income	Industry	Charges for services (e.g. meat charging)	3,300
	Government Depts.	Fees paid for work done on behalf of UK Government Departments (e.g. Defra)	200
Total Income			3,500
Net Running Cost			15,700

Source: Food (Scotland) Bill Explanatory Notes, p 16.

The Financial Memorandum does not break down current FSA Scotland funding. However, the Scudamore report (p 33) sets out how the FSA in Scotland’s total budget of **£10,900,000** for 2011/12 was allocated internally:

- Staff costs: £2,650,000
- Administrative Costs (inc. Depreciation): £1,800,000
- Programme Costs: £6,400,000
- Capital: £50,000

Financial assets and liabilities

The Financial Memorandum states that there will be a direct transfer of existing staff from the FSA to FSS. This has financial implications with respect to pension arrangements for both existing and retired staff.

The memo states that “The majority of staff in FSA in Scotland are existing members of the Principal Civil Service Pension Scheme (PCSPS). Liability for future employer contributions for those members will transfer to the FSS. No additional costs will be incurred as a result of the transfer.”

However, 51 current staff are members of the Local Government Pension Scheme (as are 83 deferred and pensioner members). The Financial Memorandum appears to set out ongoing liability for this pension of £9.5 million to be transferred to the FFS. The memo also indicates a likely payment (i.e. liability for FSS) of between £1.8 million and £12.5 million to be made within 15 years as a cessation payment for the fund.

The Financial Memorandum states that part 1 of the Bill has no financial implications for other bodies such as local authorities, NHS Health Scotland or for business (p 21).

Financial issues identified elsewhere

The previous section details financial issues raised by the Financial Memorandum. However, other financial issues have emerged from reports and consultations discussed above. First, the EAG report (2013) recommended that the new food body should have a “fighting fund” available to respond to major incidents or significant investigations where specialist expertise is required. In their response, the Scottish Government agreed that “such funding should be included in the budget settlement for FSS.” (Recommendation 63, p 16). There appears to be no mention of a “fighting fund” or any contingency within the Financial Memorandum.

Second, the EAG report (para 32.10) states that “the recommendations in this report will require additional resources for the FSA Scotland, the New Food Body and the Local Authorities in Scotland”. It is unclear whether these “additional resources” are sufficiently provided for in the Financial Memorandum.

Third, a number of responses to the second consultation - Consultation on New Proposed Enabling Primary Food and Feed Legislation Provisions referred to additional costs the provisions would impose on businesses. For example, SFQC Ltd said that a statute based scheme to enforce the display of the outcome of an official food inspection would add costs to businesses and the public purse and divert scarce resources from elsewhere (p2).

Finally, a news release from the [FSA on 31 October 2013](#) states that the FSA in Scotland will move to new offices in 2014 (Food Standards Agency News Release, 31 October 2013). There is no discussion in the Financial Memorandum of the financial implications of this move.

EFFECTS OF THE BILL ON SPECIFIC ISSUES

The Policy Memorandum includes information on how the Scottish Government has assessed the effects of the Bill against a number of issues: equal opportunities; human rights; island communities; local government; and sustainable development. No issues are raised with respect to equal opportunities, human rights or island communities.

The Policy Memorandum states that “the Bill itself has no significant direct effect on local government” (p12, para 60). As set out above, the majority of the checking and monitoring

activity as part of “official controls” are currently carried out on behalf of the FSA by local authorities. It is proposed that local authorities will continue this function on behalf of FSS following the passage of the Bill. New food and feed law provisions in parts 2 and 3 of the Bill give local authorities new powers and sanctions. The policy memorandum states that “this impact will be relatively minor” and that “costs associated with the new administrative penalty regime will be offset by savings...” (p 12, para 61)

The Policy Memorandum also examines the effect of the Bill on sustainable development (para 62-64). Sustainable development comprises social, economic and environmental elements. With respect to social elements, it is stated that the Bill will support public health through the regulation of food and feed safety and standards, and through ‘protection from food borne disease and bad eating habits’. On economic elements, the policy memorandum notes that sustainability is a ‘desired characteristic of [economic] growth’. It argues that the Bill will encourage growth through productivity and enhancing the Scottish food industry’s reputation, but does not consider whether such growth is sustainable. An unpublished pre-screening environmental assessment of the Bill determined that no full environmental assessment was needed since “the Bill does not lead to any significant environmental effects” (para 64).

REFERENCES

- Cabinet Office (2010) *Machinery of Government changes*. Available at: <https://www.gov.uk/government/speeches/machinery-of-government-changes-20-july-2010> [Accessed 20 May 2014]
- Committee on the Environment, Public Health and Food Safety (2013) *Draft report on the food crisis, fraud in the food chain and the control thereof*. European Parliament. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-519.759+02+DOC+PDF+V0//EN&language=EN> [Accessed 20 May 2014]
- Creating A New Food Body. Available at: <http://www.scotland.gov.uk/Topics/Health/Healthy-Living/Food-Health/NewFoodBody> [Accessed 20 May 2014]
- Department of Agriculture, Food and the Marine (2013) *Equine DNA and Mislabelling of Processed Beef Investigation*. Available at: <http://www.agriculture.gov.ie/media/migration/publications/2013/EquineDNAreportMarch2013190313.pdf> [Accessed 20 May 2014]
- Eatwell Scotland Available at: <http://www.eatwellscotland.org/index.html> [Accessed 20 May 2014]
- Elliot C. (2013) *Food supply networks: integrity and assurance review*. Westminster: London. Available at: <https://www.gov.uk/government/groups/review-into-the-integrity-and-assurance-of-food-supply-networks> [Accessed 20 May 2014]
- Environment, Food and Rural Affairs Committee (February 2013) *Contamination of Beef Products*. House of Commons: London. Available at: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/946/94602.htm> [Accessed 20 May 2014]
- Environment, Food and Rural Affairs Committee (June 2013) *Food Contamination*. House of Commons: London. Available at: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/141/14102.htm> [Accessed 20 May 2014]
- European Commission (2000) *White paper on food safety*. Available at: http://ec.europa.eu/dgs/health_consumer/library/pub/pub06_en.pdf [Accessed 20 May 2014]
- European Food Safety Authority. Available at: <http://www.efsa.europa.eu/> [Accessed 20 May 2014]
- European Parliament Committee on the Environment, Public Health and Food Safety (2013) *Draft report on the food crisis, fraud in the food chain and the control thereof*. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-519.759+02+DOC+PDF+V0//EN&language=EN> [Accessed 20 May 2014]
- Expert Advisory Group (2013) Report of the Expert Advisory Group. Available at: <http://www.scotland.gov.uk/Resource/0042/00426914.pdf> [Accessed 20 May 2014]
- Expert Food Group (2013) *Expert Food Group report to the Scottish Government*. Available at: <http://www.scotland.gov.uk/Resource/0043/00438166.pdf> [Accessed 20 May 2014]

Food (Scotland) Bill [as introduced] Session 4 (2014) SP Bill 48. Edinburgh: Scottish Parliament. Available at:
[http://www.scottish.parliament.uk/S4_Bills/Food%20\(Scotland\)%20Bill/b48s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Food%20(Scotland)%20Bill/b48s4-introd.pdf)
[Accessed 20 May 2014]

Food (Scotland) Bill: Explanatory Notes (and other accompanying documents) Session 4 (2014) SP Bill 48-EN. Edinburgh: Scottish Parliament. Available at:
[http://www.scottish.parliament.uk/S4_Bills/Food%20\(Scotland\)%20Bill/b48s4-introd-en.pdf](http://www.scottish.parliament.uk/S4_Bills/Food%20(Scotland)%20Bill/b48s4-introd-en.pdf)
[Accessed 20 May 2014]

Food (Scotland) Bill: Policy Memorandum. Session 4 (2014) SP Bill 48-PM. Edinburgh: Scottish Parliament. Available at:
[http://www.scottish.parliament.uk/S4_Bills/Food%20\(Scotland\)%20Bill/b48s4-introd-pm.pdf](http://www.scottish.parliament.uk/S4_Bills/Food%20(Scotland)%20Bill/b48s4-introd-pm.pdf)
[Accessed 20 May 2014]

Food Standards Agency (2013) *Review of the official controls*. Available at:
http://webarchive.nationalarchives.gov.uk/20130318074835/http://www.food.gov.uk/policy-advice/ocreview/#anchor_5 [Accessed 20 May 2014]

Food Standards Agency (August, 2013) *Consultation on New Proposed Enabling Primary Food and Feed Legislation Provision. Summary report of responses to consultation from stakeholders*. Available at:
<http://multimedia.food.gov.uk/multimedia/pdfs/consultationresponse/foodandfeed-responses.pdf>
[Accessed 20 May 2014]

Food Standards Agency (May 2013) *Consultation on New Proposed Enabling Primary And Feed Legislation Provisions*. Available at:
<http://multimedia.food.gov.uk/multimedia/pdfs/consultation/consultpack-newprov-scot> [Accessed 20 May 2014]

Food Standards Agency News Release (31 October 2013) *New office for the Food Standards Agency in Scotland*. Food Standards Agency: Aberdeen. Available at:
<http://food.gov.uk/scotland/news-updates/news/2013/oct/office> [Accessed 20 May 2014]

Food Standards Agency. 4 June 2013. *Draft minutes of the FSA open board meeting held on 17 April 2013*. Available at: <http://multimedia.food.gov.uk/multimedia/pdfs/board/board-papers-2013/fsa-130601.pdf> [Accessed 20 May 2014]

Food Standards Agency. Available at: <http://www.food.gov.uk/about-us/about-the-fsa/>
[Accessed 20 May 2014]

Lord Young (2010) *Common Sense, Common Safety*. Available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60905/402906_CommonSense_acc.pdf. [Accessed 20 May 2014]

Official Journal of the European Union, 25 October 2011. *Regulation (EU) No 1169/2011*. Luxembourg: Office for Official Publications of the European Communities. Available at:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>
[Accessed 20 May 2014]

Official Journal of the European Union, 28 January 2002. *Regulation (EC) No 178/2002*. Luxembourg: Office for Official Publications of the European Communities. Available at:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:031:0001:0024:EN:PDF>
[Accessed 20 May 2014]

Official Journal of the European Union, 29 April 2004. *Regulation (EC) no 882/2004*. Luxembourg: Office for Official Publications of the European Communities. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:165:0001:0141:EN:PDF> [Accessed 20 May 2014]

Scottish Government (2011) *Food standards in Scotland*. News release 23 June 2011. Edinburgh: Scottish Government. Available at: <http://www.scotland.gov.uk/News/Releases/2011/06/23093327> [Accessed 20 May 2014]

Scottish Government (2012) *Food standards body for Scotland*. News release 27 June 2012. Edinburgh: Scottish Government. Available at: <http://www.scotland.gov.uk/News/Releases/2012/06/foodstandards27062012> [Accessed 20 May 2014]

Scottish Government (2013) *Expert Advisory Group report: the lessons to be learned from the 2013 horsemeat incident joint response by the Scottish Government and the Food Standards Agency*. Available at: <http://www.scotland.gov.uk/Resource/0043/00437268.pdf> [Accessed 20 May 2014]

Scottish Government (2013) *Revised Dietary Goals for Scotland*. Available at: <http://www.scotland.gov.uk/Resource/0042/00421385.pdf> [Accessed 20 May 2014]

Scottish Government (August 2013) *A Healthier Scotland: Creating a New Food Body: Consultation Analysis*. Available at: <http://www.scotland.gov.uk/Resource/0043/00430842.pdf> [Accessed 20 May 2014]

Scottish Government (February 2013) *A Healthier Scotland: Consultation on Creating a New Food Body*. Available at: <http://www.scotland.gov.uk/Publications/2013/02/2691> [Accessed 20 May 2014]

Scottish Government (November 2013) *Ray Jones report recommendations for Scottish Government*. Available at: <http://www.scotland.gov.uk/Resource/0043/00438167.pdf> [Accessed 20 May 2014]

Scottish Government (2013) *The Scottish Government's response to 'a healthier Scotland: consultation on creating a new food body'*. Available at: <http://www.scotland.gov.uk/Resource/0044/00440751.pdf> [Accessed 20 May 2014]

Scottish Office (1996) *Scottish Diet Action Plan 'Eating for health'*. Available at: <http://www.scotland.gov.uk/Resource/0040/00400745.pdf> [Accessed 20 May 2014]

Scottish Public Health Observatory Available at: <http://www.scotpho.org.uk/> [Accessed 20 May 2014]

Scudamore J. (2012) *Future arrangements to secure food standards and safety in Scotland*. Available at: <http://www.scotland.gov.uk/Resource/0039/00391041.pdf> [Accessed 20 May 2014]

The Scottish Food Enforcement Liaison Committee. Available at: <http://www.food.gov.uk/enforcement/enfcomm/sfelc/> [Accessed 20 May 2014]

Troop (2013) *Review of FSA Response to Incident of Contamination of Beef Products with horse and pork meat and DNA*. Food Standards Agency: London. Available at: <http://multimedia.food.gov.uk/multimedia/pdfs/fsa-response-review.pdf> [Accessed 20 May 2014]

Welfare of Animals (Slaughter or Killings) Regulations 1995. Available at: <http://www.legislation.gov.uk/ukxi/1995/731/contents/made> [Accessed 20 May 2014]



SPICe

The Information Centre

RELATED BRIEFINGS

[SB 07/46 Local food and food policy](#)

Scottish Parliament Information Centre (SPICe) Briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of these papers with MSPs and their staff who should contact Wendy Kenyon on extension 85379 or email wendy.kenyon@scottish.parliament.uk

. Members of the public or external organisations may comment on this briefing by emailing us at SPICe@scottish.parliament.uk. However, researchers are unable to enter into personal discussion in relation to SPICe Briefing Papers. If you have any general questions about the work of the Parliament you can email the Parliament's Public Information Service at sp.info@scottish.parliament.uk.

Every effort is made to ensure that the information contained in SPICe briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

www.scottish.parliament.uk