Food (Scotland) Bill – Stage 2

Section 11

Michael Matheson
1 In section 11, page 5, line 26, leave out subsection (2)

After section 12

Michael Matheson
2 After section 12, insert—

<Validity of things done>

The validity of anything done by Food Standards Scotland or its committees is not affected by—

(a) a vacancy in membership,
(b) a defect in the appointment of a member,
(c) a person’s membership having ended under section 7.>

Section 13

Michael Matheson
3 In section 13, page 6, line 11, at end insert <, or

(c) (subject to subsection (3)) a member of its staff.>

Michael Matheson
4 In section 13, page 6, line 12, leave out subsection (2)

Michael Matheson
5 In section 13, page 6, line 16, leave out <(2)> and insert <(1)(c)>

Michael Matheson
6 In section 13, page 6, line 19, leave out <subsection (1) or (2)> and insert <this section>

Section 16

Michael Matheson
7 In section 16, page 7, line 38, at end insert—

<( ) In the Public Records (Scotland) Act 2011, in the schedule (authorities to which Part 1 applies), after the entry relating to the Drinking Water Quality Regulator for Scotland insert—
In section 16, page 7, line 38, at end insert—

( ) In the Regulatory Reform (Scotland) Act 2014, in schedule 1 (regulators for the purposes of Part 1), before the entry relating to Healthcare Improvement Scotland insert—

“Food Standards Scotland”.>

In section 16, page 7, line 38, at end insert—

( ) In the Procurement Reform (Scotland) Act 2014, in Part 1 of the schedule (contracting authorities: Scottish Administration and Scottish Parliament), after paragraph 13A insert—

“13B Food Standards Scotland”.>

Section 29

Michael Matheson

In section 29, page 14, line 8, at end insert—

( ) The power in subsection (1) includes power to issue revised guidance (and references in this section to guidance are to be construed accordingly).>

Section 31

Michael Matheson

In section 31, page 15, line 3, leave out <under> and insert <conferred by>

Section 34

Michael Matheson

In section 34, page 19, line 10, after <equivalent> insert <or reasonably similar>

Michael Matheson

In section 34, page 19, line 12, at end insert—

( ) But an order under subsection (1) may not make provision creating an offence which is—

(a) punishable with imprisonment for a period of more than 2 years, or

(b) punishable on summary conviction with—

(i) imprisonment for a period of more than 12 months, or

(ii) a fine of more than £20,000.>
Section 48

Michael Matheson
14 In section 48, page 24, line 18, leave out <this section> and insert <subsection (1)>

Michael Matheson
15 In section 48, page 25, line 2, leave out <this section> and insert <subsection (1)>

Michael Matheson
16 In section 48, page 25, line 2, leave out second <under> and insert <referred to in>

Michael Matheson
17 In section 48, page 25, line 4, at end insert—
   <( ) But regulations under subsection (1) containing provision referred to in subsection (2)(a) may not modify section 37 or 44 in such a way that a person may be convicted of a relevant offence arising out of an act or omission if the person, having been issued with both a fixed penalty notice and a compliance notice—
   (a) makes payment in accordance with the fixed penalty notice, and
   (b) complies with the requirements of the compliance notice or though failing to comply, does not, by virtue of subsection (2) of section 43, commit an offence under subsection (1) of that section in relation to the notice.>

Section 50

Michael Matheson
18 In section 50, page 25, line 25, leave out <, and from time to time revise,>

Michael Matheson
19 In section 50, page 25, line 27, at end insert—
   <(1A) The Lord Advocate must publish any such guidance (in such manner as the Lord Advocate considers appropriate).
   (1B) Subsection (1A) does not apply to the extent that the Lord Advocate considers that publication would, or would be likely to, prejudice—
   (a) the effective exercise of the functions of enforcement authorities, or their authorised officers, under this Part,
   (b) the prevention or detection of crime,
   (c) the apprehension or prosecution of offenders, or
   (d) the administration of justice.>

Michael Matheson
20 In section 50, page 25, line 29, leave out <or revised guidance>
In section 50, page 25, line 29, at end insert—

<( ) The power in subsection (1) includes power to issue revised guidance (and references in this section to guidance are to be construed accordingly).> 

Section 52

Leave out section 52 and insert—

<Meanings of “food” and “animal feeding stuffs”

(1) In this Act—

“food” has the same meaning as in Regulation (EC) No. 178/2002 (as at 7 December 2004),

“animal feeding stuffs” means feeding stuffs for any description of animal.

(2) The reference in subsection (1) to “feeding stuffs” includes any nutritional supplement or other similar substance which is not administered through oral feeding.>

Section 57

In section 57, page 28, line 12, at end insert—


Schedule

In the schedule, page 31, line 3, at end insert—

<Agriculture Act 1947

In section 80 of the Agriculture Act 1947, after paragraph (e) insert—

“(f) to Food Standards Scotland for purposes connected with the carrying out of any of its functions,”.>

Agricultural Statistics Act 1979

In section 3(2) of the Agricultural Statistics Act 1979, after paragraph (g) insert—

“(ga) to Food Standards Scotland for purposes connected with the carrying out of any of its functions,”.>
Michael Matheson

26 In the schedule, page 31, leave out lines 14 to 22

Michael Matheson

27 In the schedule, page 31, line 22, at end insert—

<( ) In section 6, after subsection (4) insert—

“(4A) In the application of subsections (3) and (4) to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

( ) In section 13, after subsection (7) insert—

“(8) In the application of this section to Scotland, the references to the Food Standards Agency are to be ignored.”.>

Michael Matheson

28 In the schedule, page 31, line 37, at end insert—

<( ) In section 40, after subsection (5) insert—

“(6) In the application of this section to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

( ) In section 41—

(a) the existing provision becomes subsection (1),

(b) after that subsection insert—

“(2) In the application of this section to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

( ) In section 42, after subsection (1) insert—

“(1A) In the application of subsection (1) to Scotland, the reference to the Food Standards Agency is to be read as a reference to Food Standards Scotland.”.

( ) In section 48, after subsection (5) insert—

“(6) In the application of this section to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.”.>

Michael Matheson

29 In the schedule, page 32, line 2, at end insert—

<Environmental Protection Act 1990

(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 108, after subsection (10) insert—

“(11) In the application of this section to Scotland, the reference in subsection (7) to the Food Standards Agency is to be read as a reference to Food Standards Scotland.”.

(3) In section 111, after subsection (11) insert—
“(12) In the application of this section to Scotland, the reference in subsection (7) to the Food Standards Agency is to be read as a reference to Food Standards Scotland.”.

(4) In section 126, after subsection (8) insert—

“(9) In the application of this section to Scotland, the reference in subsection (8) to the Food Standards Agency is to be read as a reference to Food Standards Scotland.”.

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Michael Matheson

30 In the schedule, page 32, line 2, at end insert—

<Radioactive Substances Act 1993

(1) The Radioactive Substances Act 1993 is amended as follows.

(2) In section 16, after subsection (4A) insert—

“(4B) In the application of this section to Scotland, the references in subsection (4A) to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

(3) In section 17, after subsection (2A) insert—

“(2B) In the application of this section to Scotland, the references in subsection (2A) to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

(4) In section 25, after subsection (3A) insert—

“(3B) In the application of this section to Scotland, the references in subsection (3A) to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

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Michael Matheson

31 In the schedule, page 32, line 2, at end insert—

<Environment Act 1995

In section 42 of the Environment Act 1995, after subsection (11) insert—

“(12) In the application of this section to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.”.

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Michael Matheson

32 In the schedule, page 32, line 17, at end insert—

<Regulatory Reform (Scotland) Act 2014

In schedule 1 to the Regulatory Reform (Scotland) Act 2014, the entry for the Food Standards Agency is repealed.

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Section 59

Michael Matheson

33 In section 59, page 29, line 13, at end insert—
<(  ) regulations under section 48(1) which modify section 37 or 44,>

Michael Matheson
34 In section 59, page 29, line 13, at end insert—
<(  ) regulations under section 48(5),>

Michael Matheson
35 In section 59, page 29, leave out line 14