Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 58  Schedule
Sections 59 to 63  Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 3

Aileen McLeod

49  In section 3, page 2, line 7, leave out <significantly>

Aileen McLeod
Supported by: Michael Matheson

50  In section 3, page 2, line 12, after <of> insert <, and promote best practice by,>

Section 4

Aileen McLeod

51  In section 4, page 2, line 27, at end insert—
   <( ) treats the interests of consumers as its primary consideration,>

Aileen McLeod

52  In section 4, page 2, line 35, at end insert—
   <( ) consulting consumers and representatives of consumers,>

Aileen McLeod

53  In section 4, page 2, line 37, at end insert—
   <( ) unless subsection (2A) applies, holding all meetings of Food Standards Scotland, and all meetings of any committee established by it, in public;>

Aileen McLeod

54* In section 4, page 2, line 39, at end insert—
   <(2A) Food Standards Scotland or any committee established by it may decide to hold all or part of any meeting in private where—
      (a) the matter under discussion relates to personnel issues, or
      (b) it considers that other exceptional circumstances apply.>
(2B) Where a decision is taken under subsection (2A) to hold all or part of a meeting in private, the grounds for that decision must be made publicly available.

Section 6

Aileen McLeod

55 In section 6, page 3, line 30, leave out <3> and insert <5>

Aileen McLeod

56 In section 6, page 3, line 31, at end insert—

<(  ) At least 2 of the members appointed under subsection (1)(b) must be persons who appear to the Scottish Ministers to have particular experience or knowledge of consumer affairs.>

Dr Richard Simpson

36 In section 6, page 3, leave out line 37

Dr Richard Simpson

37 In section 6, page 3, leave out line 38

Aileen McLeod

57 In section 6, page 4, line 2, after <Scotland> insert—

<(  ) based on merit through an open appointment procedure, and

( )>

Aileen McLeod

58 In section 6, page 4, line 3, at end insert—

<(  ) In appointing members of Food Standards Scotland, the Scottish Ministers must have regard to the balance of expertise, skills and experience required by members to ensure that Food Standards Scotland operates in a way which treats the interests of consumers as its primary consideration.>

Dr Richard Simpson

59 In section 6, page 4, line 5, at end insert—

<(  ) The Scottish Ministers must make the names of all applicants for membership of Food Standards Scotland publicly available.>

Aileen McLeod

60 In section 6, page 4, line 6, leave out <such period> and insert <a period not exceeding 4 years specified in the appointment>
Aileen McLeod
61 In section 6, page 4, line 9, after <re-appointed> insert <once>

Section 7

Dr Richard Simpson
38 In section 7, page 4, leave out line 28

Dr Richard Simpson
39 In section 7, page 4, leave out line 29

Dr Richard Simpson
40 In section 7, page 4, line 34, at end insert—

<( ) has, without good reason, been absent from at least one third of the meetings held in any 12 month period,>

Section 11

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

Section 12

Aileen McLeod
62 In section 12, page 5, line 31, at end insert—

<( ) A committee established by Food Standards Scotland must include as a member at least one person who appears to have particular experience or knowledge of consumer affairs.>

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 14

Dr Richard Simpson  
41 In section 14, page 6, line 25, after <publish> insert <online>

Dr Richard Simpson  
42* In section 14, page 6, line 37, leave out from <, and> to end of line 38

Dr Richard Simpson  
43 In section 14, page 7, line 3, leave out <a> and insert <an electronic>

Dr Richard Simpson  
44 In section 14, page 7, line 4, leave out <a> and insert <an electronic>

Dr Richard Simpson  
45 In section 14, page 7, line 5, leave out <may> and insert <must>

Dr Richard Simpson  
46 In section 14, page 7, line 5, leave out <a> and insert <an electronic>

Section 15

Dr Richard Simpson  
47 In section 15, page 7, line 12, at beginning insert <unless otherwise approved by the Scottish Ministers,>
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—

“Food Standards Scotland”.

Michael Matheson

8 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”.

Michael Matheson

9 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 20

Aileen McLeod

63 In section 20, page 9, line 26, at end insert—

<(  ) requiring any person carrying on a business which is the subject of the observations to provide testing data, analysis and results generated or used by the business, and information on the source of such data, analysis and results,

Section 29

Michael Matheson

10 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

11 In section 31, page 15, line 3, leave out <under> and insert <conferred by>
Section 34

Michael Matheson

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

Michael Matheson

13 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>

Michael Matheson

21 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

Michael Matheson

22 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 54

Aileen McLeod

64 In section 54, page 26, line 22, at end insert—

<( ) wider social and ethical considerations relevant to food.>
Section 57

Dr Richard Simpson

48* In section 57, page 27, line 15, at end insert <(including an electronic communication).>

Michael Matheson

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


Schedule

Michael Matheson

24 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.”.>

Michael Matheson

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

<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.”.>
In the schedule, page 31, line 37, at end 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.”.

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.”.

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.”.

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