

To: Chief Executive Officers, Heads of Food Service. Lead Food Officers.  
cc: SFELC, REHIS, SOCEHOS.

Date: 24<sup>th</sup> August 2020

FSS/ENF/20/007

Dear Colleague

### **Administration and Service Planning - Food Law Code of Practice (Scotland) 2020 Consultation**

I am writing to inform you that the new Administration and Service Planning - Food Law Code of Practice (Scotland) 2020 (hereafter referred to as the Administration and Service Planning Code 2020) is being introduced as part of phase 3 of the Food Law Code of Practice review.

The Administration and Service Planning Code incorporates the following changes:

- Alignment with Food Standards Scotland's Regulatory Strategy.
- Alignment to reflect Food Standards Scotland's Strategy to 2021 and the Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

The Administration and Service Planning Code 2020 supersedes certain sections of the consolidated Food Law Code of Practice 2019 (**please see Annex 5 of the Administration and Service Planning Code 2020 for further information**). It is also part of a wider programme of work within our Regulatory Strategy to review the Food Law Code of Practice. A summary of the review is detailed below.

#### Phase One

The publication of the consolidated Food Law Code of Practice (Scotland) 2019 which updated the Food Law Code of Practice (Scotland) 2015 to reflect changes in legislation and practice since 2015

and to ensure it is in alignment with Food Standard Scotland's Regulatory Strategy. **This phase was completed on 31 January 2019.**

### Phase Two

The Interventions Code is the first in a programme of work to publish a series of individual publications and introduces the Food Law Rating System (FLRS). The FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new food business performance model that will target resources on high to medium risk and non-compliant businesses. **This phase was completed on 1 July 2019.**

### Phase Three

The key aim is to develop the process to simplify future updates by producing further individual Food Law Code of Practice publications. It is important that given the pace of legislative change Codes of Practices continually reflect current legislation, to ensure Food Authorities are accurately informed of the criteria they are required to have regard to when undertaking Official Controls. As part of Phase 3 Individual Codes of Practice publications are initially being considered for Approvals and Enforcement Sanctions. In addition all Codes of Practice have been updated to include the Official Controls Regulation (EU) 2017/625 and all future Codes of Practice will require to be updated in alignment any other legislative changes that arise from exiting the EU.

### **Engagement and Implementation**

The Food Law Code of Practice review has been ongoing since 2017. Throughout this period, there has been ongoing and regular updates (written and verbal) to Scottish Food Authorities, Industry and Trade Bodies. Prior to a full written 12 week consultation of the consolidated Food Law Code of Practice (Scotland) 2019 in 2018, discussions were held with both enforcement and industry stakeholders.

FSS have consulted the Minister for Public Health, Sport and Wellbeing has requested that the Administration and Service Planning Code 2020 be sent to all interested parties in Local Authorities, Trade, Industry and Professional Bodies, and other Government Departments for a 6 week period with the final date for comment being the **5<sup>th</sup> October 2020**. All comments should be made through the [Citizen Space Consultation](#).

A further update will be provided once the Administration and Service Planning Code 2020 is submitted for Ministerial approval. Please be aware, that due to EU Exit there will be a further review of the Administration and Service Planning Code 2020 before the 31<sup>st</sup> December 2020.

If you have any specific questions, please contact me at the details above or my colleague Sarah Coyle at [sarah.coyle@fss.scot](mailto:sarah.coyle@fss.scot).

Yours sincerely



Bryan Campbell

Regulatory Strategy Programme Manager

Food Standards Scotland

Enc: Administration and Service Planning – Food Law Code of Practice (Scotland) 2020.