

To: Lead Food Officers  
cc: REHIS, SOCOEHS, COSLA, SFELC

18<sup>th</sup> November 2015

FSS/ENF/15/012

Dear Colleague

**Food Information Law (Update): New enforcement powers for authorised officers.**

I am writing to provide an update to Enforcement letter FSS/ENF/15/007, which highlighted the provisions of the Food (Scotland) Act 2015 (“the 2015 Act”) in relation to providing powers for authorised officers of a food authority in respect of contravention of food information law.

**Policy Update**

Following the Food Standards Agency Scotland consultation in March to May 2013 on extending food law in Scotland, and following recommendations made to Scottish Ministers by the Scudamore Expert Advisory Group in June 2013, the Scottish Ministers brought forward provisions in a Bill to introduce new law on food information.

At the time of writing the August letter, we had been advised by Scottish Government that all the required legislation was included in the Act. However, we have now been advised by Scottish Government solicitors, that in order to complete the legal process to facilitate the use of these powers, an administrative instrument is required to specify the food law provisions considered to be food information law, defined in Section 33. It's envisaged that this can be done in a relatively short time period (approx. 4-6 weeks) and without further consultation, before the Parliamentary recess, as part of planned amendments which are required to the Scottish domestic Food Information for Consumers Regulations (FIC) Regulations.

In the meantime authorised officers are advised not to apply the new seizure and detention provisions outlined in the Section 15 amendment to the Food Safety Act 1990, until these amendments are in force.

## **Officer Enforcement Guide and Model Notices**

Please find attached an officer guide and the relevant model notices. These will be included in the next review of the Food Law Code of Practice and detail the formal process for the application of the new powers.

It is anticipated that this guidance and the model notices will be able to be adopted as soon as the amended Scottish Food Information to Consumers Regulations are in force. Therefore we would suggest officers familiarise themselves with the guide and all lead officers ensure the scheme of delegation for their local authority is updated accordingly to include reference to these new powers.

We will advise you as soon as the required administrative regulation is in force. In the interim, if you require any further information on the new enforcement powers, please contact me or the branch at the contact details above.

Yours sincerely



Bryan Campbell  
Senior Enforcement Manager