

Food Standards Scotland

Evidence to the Scottish Parliament's Rural Affairs and Islands Committee: The Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025

About Food Standards Scotland

Food Standards Scotland was established in April 2015 as the new public sector food body for Scotland, to protect the health and wellbeing of consumers in relation to issues around food and feed law, and food standards. Our key priorities are public health and consumer protection in relation to food, taking action to address preventable foodborne illnesses, helping to tackle food crime and providing advice which promotes a healthy diet. Food Standards Scotland is part of the Scottish Administration, but is independent of the Scottish Ministers and of industry, and is accountable to the Scottish Parliament, currently reporting to the Health, Social Care and Sport Committee.

Food Standards Scotland's Mission Statement is to be Scotland's leading authority on food and feed safety and standards, and on healthy eating; using data and evidence to provide assurance and advice that inspires consumer and business confidence, and improves public health. Our vision is a safe, healthy and sustainable food environment that benefits and protects the health and wellbeing of everyone in Scotland. The key objectives of Food Standards Scotland are:

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

Food Standards Scotland's Chief Nutritionist, Dr Gillian Purdon, participated in the Rural Affairs and Islands Committee's roundtable evidence session on 3 September 2025 focusing on the draft National Good Food Nation Plan. We welcome the opportunity to submit evidence to the Rural Affairs and Islands Committee on the Good Food Nation (Specified Functions and Descriptions) (Scottish Ministers) Regulations 2025 ("the Regulations").

Background

We note that the Explanatory Note accompanying the Regulations 2025 state:

"These Regulations specify functions and descriptions for the purposes of section 6 (effect of plan) of the Good Food Nation (Scotland) Act 2022 ("the Act"). Section 6 of the Act places a duty on the Scottish Ministers to have regard to the national good food nation plan when exercising a specified function or a function which falls within a specified description. The Regulations come into force on 23 December 2025".

Food Standards Scotland's response to the Regulations

Food Standards Scotland welcomes the laying of the Regulations in the Scottish Parliament. We consider that the Regulations, by specifying “functions and descriptions for the purposes of Section 6 (‘Effect of plan’) of the Good Food Nation (Scotland) Act 2022”, will provide useful clarity to the Scottish Government. In this respect, the Regulations clearly state that the Scottish Ministers must have regard to the National Good Food Nation Plan when undertaking the functions, and descriptions of functions, outlined in Schedules 1 and 2 of the Regulations.

Such clarity will also assist the Scottish Food Commission in exercising its duties under the Good Food Nation (Scotland) Act 2022 (“the Act”). The Scottish Food Commission will, for example, have duties under Section 20(1) (‘Functions of the Commission’) of the Act to review progress in achieving the outcomes both in the National Good Food Nation Plan, and in the relevant authority Good Food Nation Plans. The Scottish Food Commission’s functions will also include advising, informing and assisting the Scottish Ministers, and relevant authorities, to ensure these plans achieve their outcomes, and to improve their effectiveness in addressing food-related issues. It is assumed that the Scottish Food Commission, in exercising these functions under the Act, will review the extent to which the Scottish Ministers are having regard to the National Good Food Nation Plan when exercising the functions, and descriptions of functions, outlined in Schedules 1 and 2 of the Regulations.

As indicated above, the Scottish Food Commission’s functions under Section 20(1) (‘Functions of the Commission’) of the Act include monitoring progress in achieving the outcomes in both the national and relevant authority good food nation plans. The Scottish Food Commission must also advise the Scottish Ministers, and relevant authorities, with a view to “promoting and supporting progress in achieving the plans’ outcomes and improving their effectiveness in addressing food-related issues”. Against this background, Food Standards Scotland recommends that the Scottish Ministers and the Scottish Food Commission should maintain an ongoing review of the specified functions, and of the functions falling within a specified description, outlined in Schedules 1 and 2 respectively of the Regulations. The purpose of this ongoing monitoring of the Regulations would be to determine if there is a case, as a result of any new relevant legislation, or of any relevant subsequent policy or other developments, to add to the functions, and functions falling within a specified description, in Schedules 1 and 2 of the Regulations.

In this respect, Food Standards Scotland notes that the Food Scotland Act 2015 is not included in the ‘specified functions’ in Schedule 1 of the Regulations, and that the list of functions falling within a ‘specified description’ in Schedule 2 of the Regulations does not include references to food and feed safety, and to food standards. This is despite these all being referenced in the Draft National Good Food Nation Plan. Food Standards Scotland further notes that there is no reference in Schedule 2 to food law delivery reform. It is, therefore, advised that ongoing monitoring by the Scottish Ministers and by the Scottish Food Commission should be undertaken to assess whether or not there is a case, in the future, for adding

references under Section 26 ('Ancillary Provision') of the Act to the above, and to any other relevant references, in Schedules 1 and 2 respectively of the Regulations.

Roles of the Scottish Food Commission and of Food Standards Scotland

The Scottish Food Commission has a key role to play in the implementation of the Act, and in the development and implementation of the National Good Food Nation Plan, and of the Good Food Nation Plans introduced by relevant authorities. It is vital that the Scottish Food Commission works closely with Food Standards Scotland in supporting the development of food policy under the National Good Food Nation Plan and in monitoring its impact. This is particularly important given that one of the key metrics underpinning the National Good Food Nation Plan's outcomes is the Scottish Dietary Goals, for which Food Standards Scotland has primary responsibility for monitoring.

Furthermore, under the Regulations the Scottish Ministers must have regard to the National Good Food Nation Plan when exercising specified functions many of which relate to nutrition policy, to regulation, and to public health (see Schedule 2 of the Regulations). Food Standards Scotland is also mindful that relevant authorities must, under Section 13 of the Act ('Preparation of plans: consideration of national plan'), in "preparing a good food nation plan under Section 10 a relevant authority must have regard to the national good food nation plan". In view of these factors, collaboration between the Scottish Food Commission and Food Standards Scotland will, therefore, be essential to ensure that scientific monitoring (by Food Standards Scotland) is aligned with the high-level strategic oversight and evaluative role of the Scottish Food Commission.