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SCOTTISH STATUTORY INSTRUMENTS

2011 No. 177

LICENCES AND LICENSING

LICENSING (LIQUOR)

**The Licensing (Food Hygiene Requirements) (Scotland) (No. 2)
Order 2011**

Made - - - - 4th March 2011

Laid before the Scottish Parliament 8th March 2011

Coming into force - - 28th March 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 39(4) and (5) of the Civic Government (Scotland) Act 1982(a) and section 50(7) and (7A) of the Licensing (Scotland) Act 2005(b) and all other powers enabling them to do so.

Citation and commencement and interpretation

1. This Order may be cited as the Licensing (Food Hygiene Requirements) (Scotland) (No. 2) Order 2011 and comes into force on 28th March 2011.

Requirements under section 39(4) of the Civic Government (Scotland) Act 1982

2. The requirements specified for the purposes of section 39(4) of the Civic Government (Scotland) Act 1982 are the requirements specified in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006(c).

Requirements under section 50(7) of the Licensing (Scotland) Act 2005

3. The requirements specified for the purposes of section 50(7) of the Licensing (Scotland) Act 2005 are the requirements specified in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006.

(a) 1982 c.45. Section 39(4) was amended by section 175 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).
(b) 2005 asp 16. Section 50(7) was amended, and subsection (7A) was inserted, by section 186 of the Criminal Justice and Licensing (Scotland) Act 2010.
(c) S.S.I. 2006/3.

Revocation

4. The Licensing (Food Hygiene Requirements) (Scotland) Order 2011^(a) is revoked

St Andrew's House,
Edinburgh
4th March 2011

KENNY MACASKILL
A member of the Scottish Executive

^(a) S.S.I. 2011/128.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 39 of the Civic Government (Scotland) Act 1982 relates to street traders' licences. Section 39(4), as amended by section 175 of the Criminal Justice and Licensing (Scotland) Act 2010, provides that a street trader's licence cannot be granted by the licensing authority unless there is produced to them a certificate by the food authority (which, under section 5(2) of the Food Safety Act 1990, means, in Scotland, a local authority) stating that the vehicle, kiosk or moveable stall complies with such requirements as the Scottish Ministers may specify.

Article 2 of this Order specifies that the requirements referred to in section 39(4) of the 1982 Act are the requirements of certain EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006.

Section 50 of the Licensing (Scotland) Act 2005 specifies the certificates that must accompany a premises licence application. Section 50(7), as amended by section 186 of the Criminal Justice and Licensing (Scotland) Act 2010, specifies that a food hygiene certificate is a certificate signed on behalf of the appropriate authority (as defined in section 50(8)) stating that the subject premises (that is the premises which are the subject of the application for a premises licence) comply with such requirements as the Scottish Ministers may specify.

Article 3 of this Order specifies that the requirements referred to in section 50(7) of the 2005 Act are the requirements of certain EU provisions which are listed in Schedule 2 to the Food Hygiene (Scotland) Regulations 2006.

Article 4 of this Order revokes the Licensing (Food Hygiene Requirements) (Scotland) Order 2011.

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