

**2011 No. 95**

**FOOD**

**The Food (Jelly Mini-Cups) (Emergency Control) (Scotland)  
Revocation Regulations 2011**

*Made* - - - - *10th February 2011*  
*Laid before the Scottish Parliament* *14th February 2011*  
*Coming into force* - - *31st March 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

There has been consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(b).

**Citation and commencement**

1. These Regulations may be cited as the Food (Jelly Mini-Cups) (Emergency Control) (Scotland) Revocation Regulations 2011 and come into force on 31st March 2011.

**Revocation**

2. The Food (Jelly Mini-Cups) (Emergency Control) (Scotland) Regulations 2009(c) are revoked.

*SHONA ROBISON*  
Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
10th February 2011

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- (a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46), section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, in so far as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (b) O.J. L 31, 1.2.2002 p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaption to the regulatory procedure with scrutiny – Part Four (O.J. L 188, 18.7.2009, p.14).
- (c) S.S.I. 2009/437.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke the Food (Jelly Mini-Cups) (Emergency Control) (Scotland) Regulations 2009.

Those Regulations implement Commission Decision 2004/374/EC suspending the placing on the market and import of jelly mini-cups containing one or more of the food additives E400, E401, E402, E403, E404, E405, E406, E407, E407a, E410, E412, E413, E414, E415, E417 and E418 (O.J. L 118, 23.4.2004, p.70). Commission Decision 2004/374/EC has been repealed by Commission Directive 2010/69/EU amending the Annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners (O.J. L 279, 23.10.2010, p.22).

A Business and Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the cost of business.

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