1. **The merits of creating a stand-alone body rather than enhancing the current FSA Scotland arrangements**

By proposing a stand-alone food body for Scotland – to be known as Food Standards Scotland (FSS) - the Bill reflects the unique circumstances in Scotland, for instance in relation to incidence of foodborne disease and population obesity, and problems with diet. It also reflects differences in the legal, regulatory and public and environmental health context and structures in Scotland.

FSA(S) (as current FSA in Scotland is currently referred to) already has excellent working relations with FSA UK in London when UK-wide issues arise. There is no evidence that creating a stand-alone body would change this; it may in fact offer opportunities to further clarify when unique arrangements are needed due to different legal and other requirements in Scotland. Health Protection Scotland (HPS) has also established excellent working relations with both FSA(S) and FSA UK over the last 14 years. There is no evidence that creating a stand-alone body would change this; it may in fact offer opportunities to further clarify when unique arrangements are required in Scotland, geared to the needs of the different legal and other contexts.

The stand-alone body would also complement the arrangements common to many other Scottish agencies who contribute to food safety and public health and consumer protection, i.e. their responsibilities and structures are quite distinct from agencies in other parts of UK, but they operate seamlessly with counterparts in other countries when required. This has been evidenced on those occasions when HPS has worked separately but in close collaboration with Public Health England, for instance on UK-wide foodborne outbreaks (many of which have involved co-work with FSA(S) and FSA UK).

HPS for instance mostly operates as an equivalent - rather than exact mirror image - of Public Health England (PHE); this has not prevented HPS and PHE from maintaining close working relations in the many areas where cross-boundary collaboration is required. In this respect the proposed stand-alone body would therefore reflect various health-related agencies whose functions overlap food safety and the FSS’s other objectives.

2. **The scope of the objectives and functions of the FSS, including whether and how they could support Scotland’s sustainable development**

The proposed objectives and functions of FSS both maintain, and expand upon, the objectives and functions that were deemed essential to resolve the problems that FSA was originally established to tackle. They also retain the responsibility for food quality issues such as standards, labelling
and nutrition, and for meat hygiene and regulation, within the same agency that has responsibility for food safety, consumer protection and public health.

These elements have been closely interwoven in many of the initiatives and investigations on which HPS has collaborated with FSA(S) in the area of foodborne infectious disease, for instance. The ability to work with a single “food body” covering all these objectives and functions has been a distinct advantage in these situations, especially when a substantial number of other agencies may be involved overall. It would therefore be helpful if the draft Bill could include more examples related to objective (1)(b) (concerning diet conducive to good health) throughout the rest of the document, where references to infection and contamination tend to predominate. The same applies to (1)(c), concerning consumer protection.

Successful sustainable development requires a comprehensive understanding, for instance, of the way in which both food safety and food quality are essential and often interwoven requirements in food production processes. The objectives and functions of the proposed FSS would avoid any artificial separation in these areas of responsibility, which could otherwise put the achievement of sustainable development at risk. The Bill’s proposals therefore seem supportive of this and many other elements that contribute to public health, as well as to sustainable development.

3. The proposed administrative and governance arrangements for the FSS
Although no particular comments have been made on this, a general comment made on many areas of the Bill, applies to this point as well, i.e. the hope that FSS will continue to work and develop in close collaboration with stakeholder agencies such as HPS, as has always been the case with FSA(S) to date. Although this is implicit in some parts of the Bill, it could usefully be made more explicit in some areas e.g. the provision of Annual and other reports, see S14 (1).

4. The proposed powers of the FSS
The details covered within S18 (2), monitoring developments in science, technology etc, and carrying out and commissioning research, are very important and their inclusion is therefore appreciated.

S19 (2) should also include the need to obtain information about storage and all phases of transport (which can for instance be the means or location of cross-contamination, including for potentially foodborne zoonotic diseases such as *E. coli* O157).

Some proposed powers may duplicate those of the Zoonoses (Monitoring) Regulations, see S20 (2), which highlights the need for collaborative work between FSS and other agencies responsible for animal health and feed, etc. This would also apply to S20 (3) where the potential for reverse zoonotic transmission (e.g. of ‘flu virus to pigs or birds) would require
collaboration with animal health agencies; and raises questions of who would issue the authorisations referred to in S20 (4).

It is also hoped that the powers under S29, to issue guidance on control of foodborne disease, would be enacted collaboratively with HPS and other relevant agencies; this could usefully be stated more explicitly in this section. It would also be useful to address the implications of failure to comply with this guidance (which is different to mandatory requirements).

5. The likely efficacy of the new provisions related to food information to prevent food fraud (such as the recent horsemeat incident).
The implications of food fraud fall under our remit where they also have implications for prevention of infection or illness arising from fraudulent inclusions or processing to foodstuffs. We do not have any evidence to suggest that the proposed new provisions would of themselves be lacking, and it is assumed that these would be resourced as required by the Bill.

Apart from food fraud, the overall provision of appropriate food information and labelling will usually support health protection and public health in a variety of other ways, e.g. prevention of illness related to unpasteurised cheese. This again illustrates the interwoven nature of the food safety and food quality objectives for the FSS, and the benefits of these remaining within one overall food body.

Many other implications of food fraud fall outwith our remit and Local Authorities will no doubt provide the bulk of the feedback to Scottish Government on these.

6. The provisions set out in the Bill for non-compliance with food safety and standards.
As mentioned under (4) above, it would be useful if the Bill could be more explicit about how non-compliance will be handled, particularly in relation to those areas that are subject to guidance rather than to mandatory requirements. Apart from this we have no other comments.

7. Any other comments on the Bill that relate to areas not covered above.
As mentioned under (3) above, it is anticipated that the vast majority of the proposed objectives and operations of FSS will continue to include close collaboration with HPS and other stakeholders, as this has always been an important feature of work with FSA(S). Making this more explicit in some areas of the Bill would hopefully strengthen the way in which its intentions are communicated.

Health Protection Scotland, part of NHS National Services
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