Food (Scotland) Bill

Scottish Food Enforcement Liaison Committee (SFELC)

What information is the Committee looking for?
The Committee invites comments on the following areas:

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

   The Scottish Food Enforcement Liaison Committee (SFELC) supported the Scottish Ministers announcement in June 2012 to create a separate arm's-length body to carry out the functions currently undertaken by the Food Standards Agency in Scotland (FSA).

   SFELC agrees with the Scudamore report that Scotland has unique and complex problems in relation to diet, obesity and certain food borne diseases and also that food safety should not be divorced from nutrition and labelling and standards. Since food law enforcement is both a public health measure and an aspect of business regulation, SFELC sees merit in having a new food body to provide advice on food safety, nutrition and labelling which reflects the particular issues in Scotland.

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

   SFELC fully supports the objectives established in Section 2 and welcomes the emphasis on protecting the public and the interests of consumers.

   SFELC feels that Parts 2 and 3 of the Bill will support Scottish food businesses and assist compliant food businesses to develop and prosper. SFELC believes these new provisions will link into the National Performance Framework outcomes relating to economic potential and living longer, healthier lives.

3. The proposed administrative and governance arrangements for the FSS

   SFELC believes Part 1 of the Bill makes suitable provision for the administrative and governance arrangements but could be enhanced in some respects.

   SFELC believes the requirements of Section 4 adequately set out the governance arrangements for FSS, however, SFELC would suggest that a sub-section (e) is added to indicate that decisions should be taken in keeping with the objectives set out in Section 2.
SFELC supports the provision of Section 5 which will provide a good degree of accountability for FSS.

In relation to administrative arrangements SFELC would suggest that a new Section is included in Part 1 in relation to the provision of advice and information to the general public with a view to ensuring that members of the public are kept adequately informed about and advised in respect of matters which FSS considers significantly affect their capacity to make informed decisions about food.

SFELC would suggest that FSS form a committee similar to SFELC in terms of Section 12 to facilitate liaison with all parties with an interest in food, the two way exchange of advice, the provision of guidance and to assist in ensuring consistent enforcement of legislation.

4. The proposed powers of the FSS

SFELC fully supports the powers of FSS. In particular SFELC welcomes the ability FSS will have to make provisions for a mandatory food hygiene information scheme. SFELC believes the new provisions relating to Administrative Sanctions will enhance the ability of FSS and food authorities to deal effectively with non-compliance and protect the interests of compliant food businesses and consumers.

5. The likely efficacy of the new provisions related to food information to prevent food fraud (such as the recent horsemeat incident).

SFELC welcomes the new provisions relating to food information and feels they will provide a means to effectively deal with food where food information law has been contravened or is suspected of being contravened.

SFELC believes the provisions of the new Section 15C are consistent with existing provisions relating to first buyer sampling of milk and will permit responsible food businesses to report concerns they may have in respect of their own product analysis.

SFELC feels these new provisions will help in the detection of food fraud and provide a means to deal with the food subject of the fraud. However, the new provisions are unlikely to deter unscrupulous individuals from seeking a commercial advantage at the expense of responsible food businesses and to the detriment of the consumer. SFELC believes that effective enforcement of food information law and food standards will help prevent food fraud and that the new provisions in relation to food information will help in this respect.

6. The provisions set out in the Bill for non-compliance with food safety and standards.
SFELC supports the introduction of administrative sanctions and feels these will enhance the effective enforcement of food legislation. The introduction of fixed penalty notices will allow food authorities to have an effective sanction that does not criminalise food businesses.

SFELC feels there will be a particular benefit from compliance notices in relation to labelling offences and will fill a gap that currently exists in relation to enforcement powers available to deal with food standards breeches.

7. Any other comments on the Bill that relate to areas not covered above.

In view of the new provisions for food information and the mandatory display of rating information, SFELC would recommend that FSS consider introducing a food standards element to food business rating schemes. This would address the existing anomaly where a business could have a ‘pass’ standards for hygiene, but also have significant food standards non-compliance at the same time.

Scottish Food Enforcement Liaison Committee (SFELC)
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