Food (Scotland) Bill

NHS Forth Valley

1. **The merits of creating a stand-alone body rather than enhancing the current FSA Scotland arrangements.**
   The creation of a stand-alone body will provide Scotland with greater flexibility and autonomy in developing and setting policy as it sees fit. This would facilitate ‘fit for purpose’ policies tailored to the Scottish Public Health and Food Safety environment which is occasionally in variance to the rest of the UK. However, a new stand-alone body may struggle to achieve the critical mass of specialist required to deliver its remit if it is not adequately resourced.

2. **The scope of the objectives and functions of the FSS, including whether and how they could support Scotland’s sustainable development.**
   Having all aspects of Food Policy vested in one body brings with it the advantage of ensuring that policy initiatives are linked, and support each other. It also formalises the statutory responsibility for ongoing work and simplifies the multi-agency approach required when dealing with Health Improvement issues such as improving diet and nutrition as well as Health Protection issues like food-borne disease.
   
   Any action to clarify the lines of responsibility and reinforce the key drivers for Health Improvement such as diet will support Scotland’s sustainable development.
   
   It has been highlighted that the scope and functions of this new body will, in time, be set from the extensive range of suggestions received during the 2013 consultation on its remit and governance arrangements. Caution needs to be exercised here. There is a danger in setting the roles and powers of the FSS too wide in that it may struggle to deliver across an extremely broad remit, particularly if it is not adequately resourced.

3. **The proposed administrative and governance arrangements for the FSS.**
   These seem reasonable and appropriate.

4. **The proposed powers of the FSS.**
   The new powers proposed for the FSS to seize and detain food that does not comply with food information law will provide significant reassurance to the Public with regards to knowing what they are consuming, particularly for those who may have concerns based on religious or health grounds.

5. **The likely efficacy of the new provisions related to food information to prevent food fraud (such as the recent horsemeat incident).**
The introduction of new administrative sanctions comprising of compliance notice and fixed penalties is likely to lead to an increase in the effectiveness of the FSS and Local Authorities in enforcing the food safety laws. Currently the complex body of evidence and the extensive resources required to prosecute offenders often acts as a deterrent in taking these actions forward.

These new powers are quite significant changes which will not only provide significant reassurance to the public but also contribute to the statutory legislative foundation for a safer food industry.

6. **The provisions set out in the Bill for non-compliance with food safety and standards.**
   Please refer to response no.5.

7. **Any other comments on the Bill that relate to areas not covered above.**
   The new FSS if adequately resourced and should be well placed to make a significant difference in the Health of the population with its objective to improve the extent to which consumers have diets conducive to good health, as well as protecting the public from risks to health. The new powers are timely following the recent horse meat scandal and should make a significant difference in reducing the likelihood of such incidents taking place in the future.

**NHS Forth Valley**  
**May 2014**