



**THE LAW SOCIETY
of SCOTLAND**
www.lawscot.org.uk

A Healthier Scotland: Consultation on Creating a New Food Body

**The Law Society of Scotland's response
May 2013**

Introduction:

The Law Society of Scotland aims to lead and support a successful and respected Scottish legal profession. Not only do we act in the interests of our solicitor members but we also have a clear responsibility to work in the public interest. That is why we actively engage and seek to assist in the legislative and public policy decision making processes.

To help us do this, we use our various Society Committees which are made up of solicitors and non-solicitors and ensure we benefit from knowledge and expertise from within and outwith the solicitor profession.

The Law Society of Scotland's Health and Medical Law and Consumer Law Sub-committees welcome the opportunity to respond to the Scottish Government Consultation entitled "A Healthier Scotland: Consultation on Creating a New Food Body" and have the following comments to put forward.

Comments:

1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why

Response: We recognise that food safety, packaging, labelling, nutrition information, animal foodstuffs, animal welfare and meat inspection are areas where the consumer has a clear interest, and it is important that these interests are safeguarded. However care and consideration must be taken to ensure and avoid overlap of remits and responsibilities with existing agencies as this may have a detrimental effect on consumer confidence in the food sector. We would also ask if the proposed new body would be examining food poverty and the issues around this.

2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

Response: Yes. We believe it would be sensible to continue this arrangement.

3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of the people in Scotland? Please give details and reasons.

Response: Please refer to our previous response to question 1, regarding overlap of roles and responsibilities.

4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

Response: We believe that it is important for any new food body to have access to specialised and independent advice and adequate resources must be made available for this and for collecting and analysis of the relevant data.

5: Do you consider that the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

Response: We believe that focus should be made on issues particularly pertinent to consumers within Scotland, but recognise that this will inevitably require an extension of focus, not just across the UK, but also the EU and beyond.

6: Do you agree that the new food body should be responsible for the coordination of all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

Response: We recognise that this is a fundamental change, and if carried through then, again, we have reservations that an overlap of responsibilities may evolve.

7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

Response: No Comments.

8: Do you consider that the new food body would require any further statutory powers, in addition to those that the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

Response: Any new body must ensure that it has adequate resources and sufficient powers of enforcement to promote and protect consumer confidence and interests.

9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

Response: No Comments.

10: Should the new food body take on any roles and responsibilities not currently fulfilled by the FSA in Scotland? If yes, please give details and reasons.

Response: There are a number of existing bodies, other than the FSA, in Scotland who protect consumer interests in food safety, including Trading Standards and the Environmental Health Office. These agencies, and the FSA, have a substantial amount of knowledge and experience in their respective roles and responsibilities and we would be concerned that any transfer of responsibility may dilute that knowledge and experience to the detriment of the consumer.

11: Please tell us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

Response: No Comments.

12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

Response: We do not have any views. However, is the above responsibility not one that rests with Audit Scotland?

13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

Response: We believe that it is important that any new food body works alongside and in partnership with all existing agencies, which will include whatever body is established in succession to the FSA in England, Wales and Northern Ireland.

14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

Response: We are not sufficiently aware of how the FSA currently engages with consumers to offer comment.

15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and the food industry? Do you have any further suggestions for how the new food body could best establish and maintain its position as an arm's length part of Government? Please give reasons.

Response: We agree that the new food body should be independent from the food industry and operate at arm's length from Government

16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that are not covered by any of the previous questions?

Response: No Comments.

For further information and alternative formats, please contact:

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