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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 311**

**The Condensed Milk and Dried  
Milk (Scotland) Regulations 2003**

**Application of various provisions of the Food Safety Act 1990** **S**

**10.**—(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) or (2) as applied by sub-paragraph (g) above;
- (i) section 36 (offences by bodies corporate);
- (j) section 36A <sup>M1</sup> (offences by Scottish partnerships); and
- (k) section 44 (protection of officers acting in good faith).

(2) Section 29 of the Act (procurement of samples) shall apply in relation to the sampling for analysis of designated products for the purposes of these Regulations with the modification that the powers of an authorised officer of an enforcement authority under that section and the duties of such an officer under any regulations made under the Act, shall be exercised and performed in accordance with the methods described in the Annex to Directive [87/524/EEC](#).

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**Marginal Citations**

**M1** [Section 36A](#) was inserted by paragraph 16 of Schedule 5 to the 1999 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (Scotland) Regulations 2003, Section 10.