
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 176

**The Guar Gum (Restriction on First Placing
on the Market) (Scotland) Regulations 2008**

Application of various provisions of the Food Safety Act 1990

6.—(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof shall be construed as a reference to these Regulations—

- (a) section 20 (offences due to fault of another person);
- (b) section 21 (defence of due diligence)(**1**), with the modification that subsections (2) to (4) shall apply in relation to an offence under regulation 3(2) as they apply in relation to an offence under section 14 or 15, that in subsections (2)(a) and (3)(b) the references to “food” shall be deemed to be references to feed or food and that in subsection (4)(b) the references to “sale or intended sale” shall be deemed to be references to “first placing on the market”;
- (c) section 33 (obstruction etc. of officers);
- (d) section 35(1) to (3) (punishment of offences), in so far as it relates to offences under section 33 as applied by sub-paragraph (c);
- (e) section 36 (offences by bodies corporate);
- (f) section 36A (offences by Scottish partnerships)(**2**); and
- (g) section 44 (protection of officers acting in good faith), with the modification that the references to “food authority” shall be deemed to be references to “local authority”.

(2) For the purposes of these Regulations the provisions mentioned in paragraph (1) apply to feed as they apply to food.

(1) Section 21 was amended by [S.I. 2004/3279](#), regulation 13.

(2) Section 36A was inserted by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 16.