

SCHEDULE 2

Regulation 5

Modification of provisions of the Act

<i>Provision of the Act</i>	<i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 21(1) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 22 (defence of publication in the course of business)	In subsection (1), for “any of the preceding provisions of this Part” substitute “any provision of the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below” insert “including under section 32 as applied and modified by regulation 5 and schedule 2 of the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 32 (powers of entry)	In subsection (1), for paragraphs (a) to (c) substitute “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there has been any contravention of a specified EU requirement (as defined in regulation 2 of the Foods for Specific Groups (Scotland) Regulations 2016); (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of such a requirement; and (c) when exercising a power of entry under this section, to exercise the associated powers in sub-sections (5) and (6) relating to records.”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 35(1) (punishment of offences)	After “section 33(1) above” insert “as applied and modified by regulation 5 and schedule 2 of the Foods for Specific Groups (Scotland) Regulations 2016,”.
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.
Section 36A(2) (offences by Scottish partnerships)	For “this Act” substitute “the Foods for Specific Groups (Scotland) Regulations 2016”.

(1) Section 21(2) was amended by [S.I. 2004/3279](#).

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

Status: This is the original version (as it was originally made).

<i>Provision of the Act</i>	<i>Modifications</i>
Section 44 (protection of officers acting in good faith)	For “this Act”— (a) where it first appears substitute “the Foods for Specific Groups (Scotland) Regulations 2016 (“the 2016 Regulations”)”; and (b) on each other occasion it appears substitute “the 2016 Regulations”.
