

1962 No. 1287

**FOOD AND DRUGS**

**The Food and Drugs (Legal Proceedings) Regulations 1962**

<i>Made . . . . .</i>	<i>19th June 1962</i>
<i>Laid before Parliament</i>	<i>26th June 1962</i>
<i>Coming into Operation</i>	<i>27th June 1962</i>

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 13 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act:—

1.—(1) These regulations may be cited as the Food and Drugs (Legal Proceedings) Regulations 1962; and shall come into operation on 27th June 1962.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2.—(1) The regulations specified in the first column of Part I of the Schedule to these regulations shall be amended by adding thereto in each case the following regulation:—

“(1) Sections 108 (3) and (4) (which relates to prosecutions), 110 (1), (2) and (3) (which relates to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under that Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108 (1) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if the reference therein to section 116 of that Act included a reference to that section as applied by these regulations.”

the regulation so added to be numbered in each case as specified in the second column of the said Part I.

(2) The Lead in Food Regulations 1961(c) shall be amended by substituting for regulation 6 thereof the regulation set out in paragraph (1) of this regulation.

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(a) 4 & 5 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63. (c) S.I. 1961/1931 (1961 III, p. 3631).

3. The regulations specified in the first column of Part II of the Schedule to these regulations shall be amended by adding thereto in each case the following regulation:—

“Section 113 of the Act (which relates to a contravention due to some person other than the person charged) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under the Act included references to proceedings taken or brought for an offence under these regulations.”

the regulation so added to be numbered in each case as specified in the second column of the said Part II.

4. The Slaughterhouses (Hygiene) Regulations 1958(a), as amended (b), shall be further amended by adding thereto the following regulation:—

“43A. Section 113 of the Food and Drugs Act 1955 (which relates to a contravention due to some person other than the person charged) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.”.

5. The Meat (Staining and Sterilization) Regulations 1960(c) shall be amended by adding thereto the following regulation:—

“13.—(1) Sections 113 (which relates to a contravention due to some person other than the person charged), 115 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations.

(2) Paragraph (b) of the proviso to section 108 (1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th June 1962.

(L.S.)

*Christopher Soames,*

Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 19th June 1962.

(L.S.)

*J. Enoch Powell,*  
Minister of Health.

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(a) S.I. 1958/2168 (1958 I, p. 1182).

(b) S.I. 1959/1543 (1959 I, p. 1344).

(c) S.I. 1960/1268 (1960 II, p. 1523).

SCHEDULE

PART I

Regulations	Number of the regulation added in accordance with regulation 2 (1) hereof
The Flour (Composition) Regulations 1956 (a) ... ..	7
The Colouring Matter in Food Regulations 1957 (b) ... ..	11
The Antioxidant in Food Regulations 1958 (c) ... ..	10
The Food Standards (Ice-Cream) Regulations 1959 (d) ... ..	8
The Ice-Cream (Heat Treatment, etc.) Regulations 1959 (e) ... ..	10
The Arsenic in Food Regulations 1959 (f), as amended (g) ... ..	6
The Condensed Milk Regulations 1959 (h) ... ..	10
The Fluorine in Food Regulations 1959 (i) ... ..	7
The Skimmed Milk with Non-Milk Fat Regulations 1960 (j) ... ..	9

PART II

Regulations	Number of the regulation added in accordance with regulation 3 hereof
The Food Hygiene (General) Regulations 1960 (k), as amended (l) ... ..	36
The Food Hygiene (Docks, Carriers, etc.) Regulations 1960 (m) ... ..	26

EXPLANATORY NOTE

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations amend the regulations specified in the Schedule and also the Slaughterhouses (Hygiene) Regulations 1958, as amended, the Meat (Staining and Sterilization) Regulations 1960 and the Lead in Food Regulations 1961 by applying specifically certain sections of the Food and Drugs Act 1955 relating to legal proceedings.

- (a) S.I. 1956/1183 (1956 I, p. 996).
- (c) S.I. 1958/1454 (1958 I, p. 1161).
- (e) S.I. 1959/734 (1959 I, p. 1322).
- (g) S.I. 1960/2261 (1960 II, p. 1477).
- (i) S.I. 1959/2106 (1959 I, p. 1300).
- (k) S.I. 1960/1601 (1960 II, p. 1499).
- (m) S.I. 1960/1602 (1960 II, p. 1515).

- (b) S.I. 1957/1066 (1957 I, p. 996).
- (d) S.I. 1959/472 (1959 I, p. 1316).
- (f) S.I. 1959/831 (1959 I, p. 1293).
- (h) S.I. 1959/1098 (1959 I, p. 1305).
- (j) S.I. 1960/2331 (1960 II, p. 1483).
- (l) S.I. 1962/228 (1962 I, p. 225).

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STATUTORY INSTRUMENTS

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