
STATUTORY INSTRUMENTS

1990 No. 1139

The Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990

Title and commencement

1. These Regulations may be cited as the Preserved Sardines (Marketing Standards) (Scotland) Regulations 1990 and shall come into force on 26th June 1990.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“authorised officer” has the meaning given to it by section 58 of the Act;

“the Council Regulation” means Council Regulation ([EEC](#)) No. 2136/89 laying down common marketing standards for preserved sardines⁽¹⁾;

“specified Community provision” means a provision of the Council Regulation specified in column 1 of the Schedule to these Regulations and described in column 2 thereof.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in the Council Regulation.

Powers of authorised officers

3. An authorised officer, having reasonable cause to suspect that an offence under these Regulations has been committed, being provisions which the enforcement authority are required or empowered to enforce, and on producing, if so required, some duly authenticated document showing his authority, upon exercising a right to enter premises or any other place under sections 36 and 37 of the Act, may require any person carrying on a trade or business or employed in connection with a trade or business, to produce any books or documents relating to the trade or business, and he may take copies of any such book or document, or of any entry in any such book or document.

Offences, penalties and enforcement

4.—(1) Any person who contravenes or fails to comply with any specified Community provision shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum.

(2) Each islands and district council shall enforce and execute these Regulations in its area, and is hereby designated an enforcement authority for the purposes of the Council Regulation.

Applications of various provisions of the Act

5.—(1) Without prejudice to the provisions of the Act which specifically apply in respect of Regulations made thereunder and subject to paragraph (2) of this regulation, the following provisions

(1) OJ No. L212, 22.7.89, p.79.

of the Act shall apply for the purposes of enforcement and execution of the specified Community provision 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:—

- (a) section 41(2), (3) and (5) (which relates to proceedings);
- (b) section 42(1) and (3) (which relates to evidence of analysis);
- (c) section 44 (which relates to the power of a Court to require analysis by the Government Chemist);
- (d) section 45 (which relates to a contravention due to default by some other person);
- (e) section 46 (which relates to a warranty pleaded as a defence); and
- (f) section 47 (which relates to offences as to warranties and certificates of analysis).

(2) Section 44 of the Act shall apply for the purposes of these Regulations as if the reference therein to section 41(5) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

St. Andrew's House,
Edinburgh
22nd May 1990

Sanderson of Bowden
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