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STATUTORY INSTRUMENTS

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**1998 No. 452**

**The Spreadable Fats (Marketing Standards) (Amendment) Regulations 1998**

**Title, commencement and interpretation**

1.—(1) These Regulations may be cited as the Spreadable Fats (Marketing Standards) (Amendment) Regulations 1998 and shall come into force on 20th March 1998.

(2) In these Regulations “the principal Regulations” means the Spreadable Fats (Marketing Standards) Regulations 1995(1).

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 to 7 below.

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) there shall be inserted after the definition of “the Act” the following definition—

““the Commission Regulation” means Commission Regulation (EC) No. 577/97 laying down certain detailed rules for the application of the Council Regulation and of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products(2), as amended by Commission Regulation (EC) No. 1278/97(3) and Commission Regulation (EC) No. 2181/97(4);”;

(ii) there shall be substituted for the definition of “Community provision” the following definition—

““Community provision” means a provision of the Council Regulation or the Commission Regulation which is referred to in column 1 of Schedule 1 to these Regulations, as read with any supplementary provision referred to in column 2 thereof opposite the reference in column 1;”;

(b) in paragraph (2) there shall be inserted at the end the words “and the Commission Regulation”.

4. In regulation 3(1) (exemptions)—

(a) there shall be substituted for the words “Subject to paragraph (2) below, in the absence of” the words “Except where paragraph (2) below applies, unless and until there is”;

(b) there shall be inserted after the words “the Council Regulation” the words “and the Commission Regulation”.

5. In regulation 7 (defence in relation to exports)—

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(1) S.I.1995/3116.

(2) OJ No. L87, 2.4.97, p.3.

(3) OJ No. L175, 3.7.97, p.6.

(4) OJ No. L299, 4.11.97, p.1.

- (a) there shall be substituted for the words “under these Regulations” the words “under regulation 6(1)(b) of these Regulations”;
  - (b) in paragraph (b)—
    - (i) there shall be substituted for the word “Regulations” the words “Regulation and the Commission Regulation”;
    - (ii) there shall be inserted after the words “to the Council Regulation” the words “and the Commission Regulation”.
6. There shall be substituted for regulation 8 (application of various provisions of the Act) the following regulation—

**“Application of various provisions of the Act**

8.—(1) The following provisions of the Act shall apply for the purposes of these Regulations and, unless the context otherwise requires, 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—

- section 2 (extended meaning of “sale” etc.);
- section 3 (presumptions that food is intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15;
- section 22 (defence of publication in the course of a business);
- section 30(8) (which relates to documentary evidence);
- section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33(1) and (2);
- section 36 (offences by bodies corporate).

(2) The following provisions of the Act shall apply for the purposes of these Regulations and, unless the context otherwise requires, any reference in those provisions to the Act shall be construed for the purposes of these Regulations as including a reference to the Community provisions—

- section 32 (powers of entry);
- section 33 (obstruction etc. of officers);
- section 44 (protection of officers acting in good faith).”.

7. There shall be substituted for Schedule 1 (Community provisions) the Schedule to these Regulations.

25th February 1998

*Jeff Rooker*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

Signed by authority of the Secretary of State for Health

20th February 1998

*Tessa Jowell*  
Minister of State for Public Health,  
Department of Health

Signed by authority of the Secretary of State for Wales

23rd February 1998

*Win Griffiths*  
Parliamentary Under Secretary of State, Welsh  
Office

23rd February 1998

*Sam Galbraith*  
Parliamentary Under Secretary of State, Scottish  
Office