
STATUTORY INSTRUMENTS

2004 No. 3279

The General Food Regulations 2004

Application of various provisions of the Act

7.—(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the 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) with the modifications that subsections (2) to (4) shall apply in relation to an offence under regulation 4(a) or (b) as they apply in relation to an offence under section 14 or 15, and in subsection (4) the references to “sale” shall be deemed to include references to “placing on the market”;
- (c) section 22 (defence of publication in the course of a business) with the modification that the words “for sale” shall be omitted;
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 35(1) (punishment of offences)(1) in so far as it relates to offences under section 33(1) as applied by paragraph (3) below;
- (f) section 35(2) and (3) in so far as it relates to offences under section 33(2) as applied by paragraph (3) below;
- (g) section 36 (offences by bodies corporate);
- (h) section 36A (offences by Scottish partnerships)(2).

(2) In the application of section 32 of the Act (powers of entry) for the purposes of these Regulations, the references in subsection (1) to the Act shall be construed as including references to Regulation (EC) No. 178/2002.

(3) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act shall be construed as including a reference to Regulation (EC) No. 178/2002 and these Regulations —

- (a) section 3 (presumptions that food is intended for human consumption) with the modifications that the references to “sold” and “sale” shall be deemed to include references to “placed on the market” and “placing on the market” respectively;
- (b) section 33(1) (obstruction etc. of officers);
- (c) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (b) above;
- (d) section 44 (protection of officers acting in good faith).

(4) Section 34 of the Act (time limit for prosecutions) shall apply to offences under regulation 4 as it applies to offences punishable under section 35(2) of the Act.

(1) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c. 44), Schedule 26, paragraph 42, from a date to be appointed.

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

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