

SCHEDULE

Regulation 13

Application and modification of the Act

PART 1

General

1. The following provisions of the Act apply for the purposes of these Regulations with the following modifications—

<i>Section of the Act</i>	<i>Modification</i>
Section 3 (presumptions that food intended for human consumption)	In these sections, for “this Act”, in each place occurring, substitute “the Fish Labelling Regulations 2013”
Section 30(8)(1) (which relates to evidence of certificates given by a food analyst or examiner)	
Section 33 (obstruction etc of officers)	
Section 44 (protection of officers acting in good faith)	
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part”, substitute “section 10(2), as applied by regulation 7 of the Fish Labelling Regulations 2013, or regulation 10 or 11 of those Regulations”
Section 21(2) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 7 of the Fish Labelling Regulations 2013, or regulation 10 or 11 of those Regulations” Omit subsections (2) to (4)
Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below”, insert “as applied by regulation 13 of, and the Schedule to, the Fish Labelling Regulations 2013”

(1) Section 30 was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c.28).

(2) Section 21 was amended by S.I. 2004/3279.

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<i>Section of the Act</i>	<i>Modification</i>
Section 35(3) (punishment of offences)	<p>In subsection (1), after “section 33(1) above”, insert “as applied by regulation 13 of, and the Schedule to, the Fish Labelling Regulations 2013”</p> <p>After subsection (1), insert—</p> <p>“(1A) A person guilty of an offence under section 10(2), as applied by regulation 7 of the Fish Labelling Regulations 2013, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”</p> <p>In subsection (2)—</p> <p>(a) for the words “any other offence under this Act”, substitute “an offence under section 33(2) as applied by regulation 13 of, and the Schedule to, the Fish Labelling Regulations 2013”;</p> <p>(b) in paragraph (b), for “the relevant amount” substitute “the statutory maximum”</p> <p>Omit subsections (3) and (4)</p>
Section 36 (offences by bodies corporate)	<p>For “this Act”, substitute “section 10(2) as applied by regulation 7 of the Fish Labelling Regulations 2013 or regulation 10 or 11 of those Regulations”</p>

PART 2

Powers of entry

2. For the purpose of enabling an authorised officer of an enforcement authority to ascertain whether there is, or has been, any contravention of a consumer information requirement or a traceability requirement, section 32 of the Act(4) (powers of entry) is modified in its application to these Regulations as follows —

- (a) in subsection (1)(a), after “made under it” insert “, or of a consumer information requirement or a traceability requirement”;
- (b) after subsection (9), insert—

“(10) In this section, “consumer information requirement” and “traceability requirement” have the meanings given by regulation 6(1) of the Fish Labelling Regulations 2013.”.

(3) Section 35 was amended by section 280(2) of, and paragraph 42 of Schedule 26 to, the Criminal Justice Act 2003 (c.44) and S.I. 1996/2235 and 2004/3279.

(4) Section 32 was amended by section 70 of, and paragraph 18 of Part 2 of Schedule 2 to, the Criminal Justice and Police Act 2001 (c. 16).

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