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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 84**

**The Drinking Milk (Scotland) Regulations 2011**

**Application of provisions of the 1990 Act**

7.—(1) The provisions of the 1990 Act set out in paragraph (3) apply for the purposes of these Regulations with the modifications specified in paragraph (4).

(2) Subject to paragraph (5), for the purposes of these Regulations, any reference in those provisions to the 1990 Act or to a Part or a section thereof must be construed as a reference to these Regulations.

(3) The provisions are—

- (a) section 2 (extended meaning of “sale” etc.)(1);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence)(2);
- (e) section 30(8) (relating to documentary evidence);
- (f) section 32 (powers of entry);
- (g) section 33 (obstruction etc. of officers);
- (h) section 35(1), (2) and (3)(b) (punishment of offences) insofar as those subsections relate to offences under section 33(1) and (2);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(3); and
- (k) section 44 (protection of officers acting in good faith).

(4) In relation to section 32, the specified modifications are—

- (a) in subsection (1)—
  - (i) the references to premises are to be construed as not including premises used only as a private dwelling-house; and
  - (ii) omit from “but admission” to “the occupier”;
- (b) in subsection (1)(a), omit “, or of regulations or orders made under it”;
- (c) in subsections (3), (4), (5), (7), (8) and (9), the references to “this section” are to be construed as references to that section as applied to these Regulations; and
- (d) in subsection (6)(a), omit “or of regulations or orders made under it”.

(5) Paragraph (2) shall not apply to the references to a section of the 1990 Act which are modified by paragraph (4)(c).

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(1) Section 2 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.

(3) Section 36A was inserted by section 40(1) of, and paragraphs 7 and 16 of Schedule 5 to, the Food Standards Act 1999 (c.28).

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**Status:** *This is the original version (as it was originally made).*

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