
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 256

The Fish Labelling (Scotland) Regulations 2013

Application of various provisions of the Act

7.—(1) The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act is to be construed as a reference to these Regulations, and to those provisions of the EU Regulations to which these Regulations relate—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence) ^{M1} with the modification that subsections (2) to (4) apply in relation to an offence under regulation 5 as they apply in relation to an offence under section 14 or 15;
- (d) section 29 (procurement of samples) with the modification that the reference in paragraph (b)(ii), to “under section 32 below”, is deemed to be a reference to that section as applied and modified by paragraph (2);
- (e) section 30(8) (which relates to evidence of certificates given by a food analyst or examiner);
- (f) section 33(1) (obstruction etc. of officers);
- (g) section 33(2), with the modification that the reference to “subsection (1)(b) above” is deemed to be a reference to section 33(1)(b) as applied by sub-paragraph (f);
- (h) section 33(3), with the modification that the reference to “subsection (1)(b) above” is deemed to be a reference to section 33(1)(b) as applied by sub-paragraph (f);
- (i) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (f);
- (j) section 35(2) and (3) ^{M2} insofar as it relates to offences under section 33(2) as applied by sub-paragraph (g);
- (k) section 36 (offences by bodies corporate);
- (l) section 36A (offences by Scottish partnerships) ^{M3}, and
- (m) section 44 (protection of officers acting in good faith).

(2) In the application of section 32 ^{M4} of the Act (powers of entry) for the purposes of these Regulations, the references in subsection (1) to the Act are to be construed as including references to the EU Regulations and the purposes mentioned in subsections (1) and (2) are to be taken to include any purpose connected with the execution or enforcement of the consumer information requirements or the traceability requirements.

(3) Section 34 of the Act (time limit for prosecutions) applies to offences under these Regulations as it applies to offences punishable under section 35(2) of the Act.

Changes to legislation: There are currently no known outstanding effects for the The Fish Labelling (Scotland) Regulations 2013, Section 7. (See end of Document for details)

.....

Marginal Citations

- M1** Section 21 was amended by [S.I. 2004/3279](#).
- M2** Section 35(3) was amended by [S.I. 2004/3279](#).
- M3** Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the [Food Standards Act 1999 \(c.28\)](#).
- M4** 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 \(c.16\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Fish Labelling (Scotland) Regulations 2013, Section 7.