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STATUTORY INSTRUMENTS

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**1998 No. 994**

**The Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998**

**PART VI**

**ENFORCEMENT, PENALTIES AND REVOCATIONS**

**Application of provisions of the Act for the purposes of Parts II and III**

**55.**—(1) The following provisions of the Act shall apply for the purposes of Parts II and III as they apply for the purposes of sections 8, 14 and 15 of the Act, and unless the context otherwise requires, a reference in them to the Act shall for the purposes of Parts II and III be construed as a reference to these Regulations—

- (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);
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33 (obstruction etc. of officers);
- (f) section 34 (time limit for prosecutions);
- (g) section 36 (offences by body corporate), subject to the following modifications—
  - (i) after the words “body corporate”, at the three places where they occur in section 36(1) of the Act, there shall be inserted the words “or Scottish partnership”, and
  - (ii) for the word “secretary” there shall be substituted the words “secretary, partner”;
- (h) section 44 (protection of officers acting in good faith).

(2) Section 6(3) of the Act (discharge of duties of food authorities by Ministers) shall apply as respects functions imposed on food authorities under Parts II and III as it does as respects a duty imposed on a food authority by section 6(2) of the Act.

(3) Section 32 of the Act (powers of entry) shall apply for the purposes of Parts II and III as though—

- (a) any reference to premises included a reference to a fishing vessel, a factory vessel or any vessel used for the transporting of live shellfish to a relaying area or dispatch or purification centre (in so far as it does not already do so);
- (b) and any reference to an occupier included a reference to the master or other person in charge of a vessel mentioned in sub-paragraph (a) (in so far as it does not already do so).

(4) Section 58(1) of the Act (territorial waters and continental shelf) shall apply for the purposes of Parts II and III as it applies for the purposes of the Act.