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STATUTORY INSTRUMENTS

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**2009 No. 1584**

**The Food Irradiation (England) Regulations 2009**

**Application of various provisions of the Food Safety Act 1990**

**11.**—(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in them to the Act shall be construed as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 20 (offences due to fault of other person);
- (d) section 21 (defence of due diligence), with the modification that subsections (2) to (4) shall apply in relation to an offence of contravening regulation 4, 5, 6, 7 or 8 of these Regulations as they apply in relation to an offence under section 14 or 15;
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33(1) (obstruction etc. of officers);
- (g) section 35(1) (punishment of offences), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (f);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships) <sup>M1</sup>;
- (j) section 44 (protection of officers acting in good faith);
- (k) section 58(1) (which relates to territorial waters).

(2) Section 9 (inspection and seizure of suspected food) of the Act shall apply for the purposes of these Regulations as if food which it was an offence to sell under them were food which failed to comply with food safety requirements.

(3) Section 34 (which relates to time limits for the beginning of prosecutions) of the Act shall apply in relation to offences under these Regulations as it applies to offences punishable under section 35(2) of the Act.

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**Marginal Citations**

- M1** Inserted into the Food Safety Act 1990 by the Food Standards Act 1999, by virtue of section 40(1) and Schedule 5 paragraph 16.

**Changes to legislation:**

There are currently no known outstanding effects for the The Food Irradiation (England) Regulations 2009, Section 11.