
WELSH STATUTORY INSTRUMENTS

2005 No. 1540

The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005

Application of various provisions of the Food Safety Act 1990 and sampling and analysis

5.—(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 thereof is construed as a reference to these Regulations —

- (a) section 20 (offences due to fault of another person);
- (b) section 33(1) (obstruction etc. of officers);
- (c) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” is deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (b);
- (d) section 35(1) (punishment of offences)(1), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (b);
- (e) section 35(2) and (3)(2), in so far as it relates to offences under section 33(2) as applied by sub-paragraph (c);
- (f) section 36 (offences by bodies corporate);
- (g) section 36A (offences by Scottish partnerships)(3); and
- (h) section 44 (protection of officers acting in good faith).

(2) Section 29 of the Act (procurement of samples) applies for the purposes of these Regulations with the modifications that —

- (a) for the words “an enforcement authority” there is substituted the words “a food authority or as the case may be a port health authority”;
- (b) for subsection (b)(ii) there is substituted the following provision —
 - “(ii) is found by the authorised officer at any premises which that officer is authorised to enter by virtue of regulation 4(3)(b) of the Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005;”;
- (c) subsection (c) is omitted; and
- (d) for the words “any of the provisions of this Act or of regulations or orders made under it” in subsection (d) there is substituted the words “the Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005”.

(3) Section 30 (analysis etc. of samples) applies for the purposes of these Regulations with the modification that in subsection (1) for the words “An authorised officer of an enforcement authority who has procured a sample under section 29 above shall” there is substituted the words “An authorised officer of a food authority or a port health authority who has procured a sample under

(1) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c. 44), Schedule 26, paragraph 42, from a date to be appointed.
(2) Section 35(3) was amended by S.I.2004/3279.
(3) Section 36A was inserted by the Food Standards Act 1999 (1999 c. 28), Schedule 5, paragraph 16.

section 29 above as applied for the purposes of the Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005 by regulation 5(2) thereof shall”.

(4) Where a sample procured under section 29 of the Act as applied for the purposes of these Regulations by paragraph (2) has been analysed in accordance with the provisions of section 30 of the Act as so applied by paragraph (3), the owner will be entitled on request to be supplied with a copy of the certificate of analysis by the authority which, by virtue of regulation 4(1) or (2), has the duty of enforcing them.