
WELSH STATUTORY INSTRUMENTS

2009 No. 3378

The Food Additives (Wales) Regulations 2009

Application of various sections of the Food Safety Act 1990

16.—(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 2 (extended meaning of sale etc.);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(1) with the modification that—
 - (i) subsections (2) to (4) apply in relation to an offence under these Regulations as they apply in relation to an offence under section 14 or 15, and
 - (ii) in subsection (4)(b) the references to “sale” are deemed to include references to “placing on the market”;
- (d) section 22 (defence of publication in the course of business);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 35(1) (punishment of offences)(2), in so far as it relates to offences under section 33(1) as applied by paragraph (3)(b);
- (g) section 35(2) and (3)(3), in so far as it relates to offences under 33(2) as applied by paragraph (3)(c);
- (h) section 36 (offences by bodies corporate); and
- (i) section 36A (offences by Scottish partnerships)(4).

(2) In the application of section 32 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 Regulation 1333/2008.

(3) 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 is to be construed as including a reference to Regulation 1333/2008 and these Regulations—

- (a) section 3 (presumption that food is intended for human consumption) with the modification that the references to “sold” and “sale” are deemed to include references to “placed on the market” and “placing on the market” respectively;
- (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 that subsection as applied by sub-paragraph (b); and
- (d) section 44 (protection of officers acting in good faith).

(1) Section 21 was amended by S.I.2004/3279.

(2) Section 35(1) is amended by the Criminal Justice Act 2003 (2003 c. 44), Schedule 26, para 42, from a date to be appointed.

(3) Section 35(3) was amended by S.I. 2004/3279.

(4) Section 36A was inserted by the 1999 Act, Schedule 5, paragraph 16.

(4) 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.