
SCOTTISH STATUTORY INSTRUMENTS

1999 No. 33

**The Animal Feedingstuffs from Belgium
(Control) (No.2) (Scotland) Regulations 1999**

Application and modification of various provisions of the Act

5.—(1) Section 9 of the Act (inspection and seizure of suspected food) shall apply for the purposes of these Regulations, subject to the following modifications—

- (a) the references in subsections (1) and (2) to “food authority” shall be construed as including references to the Scottish Ministers;
- (b) subsections (1) and (2) shall extend to any creature, product or material which appears to an authorised officer to come within the definition of “controlled entity”;
- (c) subsections (3) to (9) shall apply—
 - (i) to any creature, product or material falling within sub-paragraph (b) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and
 - (ii) to any controlled entity as if it were food which failed to comply with food safety requirements,

save that each reference to human consumption shall be taken as a reference to animal consumption, that where a notice under subsection (3)(a)(i) is given in relation to a live creature, the notice is to relate to material which may come to be derived from the live creature, that subsection (6) thereof shall apply in relation to the destruction or disposal of a live creature so as to prevent any material which may come to be derived from it from being used for animal consumption and that a justice of the peace, the sheriff or a magistrate as the case may be shall decline to condemn any creature, product or material falling within sub-paragraph (b) above under subsection (6) thereof if and only if it is proved to him that it does not comprise a controlled entity or is to be returned to Belgium as specified in regulation 2(1)(c) of these Regulations.

(2) The following provisions of the Act shall apply for the purposes of these Regulations and any reference in those provisions to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 33 (obstruction etc. of officers);
- (b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and
- (c) section 44 (protection of officers acting in good faith).