
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 16

**The Animal Feedingstuffs from Belgium
(Control) (Scotland) Regulations 2000**

Application and modification of various provisions of the Act

5.—(1) Section 9 of the Act (inspection and seizure of suspected food) applies 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 reference to the Scottish Ministers;
- (b) subsections (1) and (2) extend to any product or material which appears to an authorised officer to come within the definition of “controlled entity”;
- (c) subsections (3), (4), (5)(a) and (6) to (9) apply—
 - (i) to any 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,

provided that each reference to human consumption is to be taken as a reference to animal consumption and that a court shall decline to condemn any product or material falling within sub-paragraph (b) above under subsection (6) thereof if and only if it is proved 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 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).