
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 433

**The Genetically Modified Animal
Feed (Scotland) Regulations 2004**

Application of various provisions of the Act

6.—(1) The following provisions of the Act shall apply for the purposes of these Regulations and any reference in those provisions to the Act or Part thereof, shall be a reference to these Regulations and Chapter III of the Community Regulation and any reference to a feeding stuff shall be a reference to feed:—

- (a) —
 - (i) section 77 (division of samples and analysis by agricultural analyst);
 - (ii) section 78(2) to (10) (further analysis by Government Chemist);
 - (iii) section 79(4) to (8) and (10) (supplementary provisions relating to samples and analysis);
 - (iv) section 80 (institution of prosecutions);
 - (v) section 81 (offences due to fault of other person);
 - (vi) section 82 (defence of mistake, accident, etc.); and
 - (vii) section 83 (exercise of powers by inspectors);
 - (b) section 76 (inspector's power to enter premises and take samples), with the modification that for subsection (2)(b)(i) substitute "any relevant documentation including extracts from information recorded in computerised form relating to the feed"; and
 - (c) section 110 (offences by bodies corporate) with the modification that a body corporate includes a partnership in Scotland, and, in relation to such a partnership, a reference to a director or other officer of a body corporate is a reference to a partner.
- (2) For the purposes of paragraph (1)—
- (a) any reference to samples taken in the prescribed manner shall be the manner prescribed in Part II of Schedule 1 to the Sampling and Analysis Regulations; and
 - (b) any reference to a prescribed method of analysis shall be—
 - (i) in relation to methods for detecting the use of a particular authorised genetically modified organism, the method described in Article 17.3(i) for detection and identification of the transformation event; or
 - (ii) in any other case, any method that satisfies regulation 6(4)(b) of the Sampling and Analysis Regulations.