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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 7**

**The Infant Formula and Follow-on Formula  
Amendment (Scotland) Regulations 2004**

**Amendment of the Infant Formula and Follow-on Formula Regulations 1995**

9. For regulation 23 (application of provisions of the Food Safety Act 1990) substitute—

**“Application of various provisions of the Act**

**23.** The following provisions of the Act shall apply for the purposes of these Regulations (except regulation 21) with the modification that any reference in those provisions to the Act or Part thereof shall be construed as a reference to these Regulations (except regulation 21)—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of section 8, 14 or 15;
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33(1) and (2) as applied by paragraph (f) above;
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships); and
- (j) section 44 (protection of officers acting in good faith).”.