
STATUTORY INSTRUMENTS

2004 No. 3344

**The Food with Added Phytosterols or Phytostanols
(Labelling) (England) Regulations 2004**

Application of various provisions of the Act

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

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food is 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 14 or 15;
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 35(1) (punishment of offences)(1) in so far as it relates to offences under section 33(1) as applied by paragraph (3) below;
- (g) section 35(2) and (3) in so far as it relates to offences under section 33(2) as applied by paragraph (3) below;
- (h) section 36 (offences by bodies corporate).

(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 shall be construed as including references to Regulation 608/2004.

(3) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act shall be construed as including a reference to these Regulations as read with Regulation 608/2004 —

- (a) section 33(1) (obstruction etc. of officers);
- (b) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (a) above;
- (c) section 44 (protection of officers acting in good faith).

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