

SCHEDULE

Regulation 6

Modification of provisions of the Act

PART 1

Modification of section 10(1)

1. For section 10(1) (improvement notices) substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any of Articles 3 to 6 and 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry, or regulation 5 of the Country of Origin of Certain Meats (England) Regulations 2015, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.”.

PART 2

Modification of section 32(1)

2. In section 32(1) (powers of entry)—

- (a) in paragraph (a), for “this Act, or of regulations or orders made under it” substitute “any of Articles 3 to 6 or 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry”; and
- (b) omit paragraph (c).

PART 3

Modification of section 37(1) and (6)

3.—(1) For section 37(1) (appeals) substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (England) Regulations 2015, may appeal to the First-tier Tribunal.”.

(2) In section 37(6)—

Status: This is the original version (as it was originally made).

- (a) for “(3) or (4)” substitute “(1)”; and
- (b) in paragraph (a), for “a magistrates’ court or to the sheriff” substitute “the First-tier Tribunal”.

PART 4

Modification of section 39(1) and (3)

4.—(1) For section 39(1) (appeals against improvement notices) substitute—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (England) Regulations 2015, the First-tier Tribunal may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the First-tier Tribunal may in the circumstances think fit.”.

(2) In section 39(3), omit “for want of prosecution”.

PART 5

Modification of other provisions of the Act

<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(1) (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (England) Regulations 2015”. In subsection (2), for “This Act” substitute “The Country of Origin of Certain Meats (England) Regulations 2015”.
Section 3 (presumptions of that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (England) Regulations 2015”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (England) Regulations 2015,”.
Section 21(2) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (England) Regulations 2015,”. Omit subsections (2) to (6).
Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below”, insert “including under section 32 as applied and modified by regulation 6(2) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (England) Regulations 2015”.

(1) Section 2(1) was amended by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 8.

(2) Section 21(2) was amended by S.I. 2004/3279.

<i>Provision of the Act</i>	<i>Modifications</i>
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Country of Origin of Certain Meats (England) Regulations 2015”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (England) Regulations 2015”.
Section 35(1)(3) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (England) Regulations 2015,”. After subsection (1), insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (England) Regulations 2015, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.” In subsection (2)— (a) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (England) Regulations 2015,”; and (b) in paragraph (b), for “relevant amount” substitute “statutory maximum”.
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (England) Regulations 2015,”.
Section 36A(4) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (England) Regulations 2015,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (England) Regulations 2015”.

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

(4) Section 36A was inserted by the Food Standards Act 1999, Schedule 5, paragraph 16.