

SCHEDULE 2

Regulation 19

Application and modification of provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Honey (Wales) Regulations 2015”
Section 10(1) and (2) (improvement notices)	<p>For subsection (1) (improvement notices) substitute—</p> <p>“(1) If an authorised officer of a food authority has reasonable grounds for believing that a person is failing to comply with any of regulations 6 to 17 of the Honey (Wales) Regulations 2015, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—</p> <ul style="list-style-type: none"> (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 (not being less than 14 days) as may be specified in the notice.”
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 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015,”
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015”
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Honey (Wales) Regulations 2015”
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Honey (Wales) Regulations 2015”

Status: This is the original version (as it was originally made).

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 35(1)(1) and (2)(2) (punishment of offences)	<p>In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015,”</p> <p>After subsection (1), insert—</p> <p>“(1A) A person guilty of an offence under section 10(2), as applied by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015, shall be liable, on summary conviction, to a fine.”</p> <p>In subsection (2) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015,”</p>
Section 36 (offences by body corporate)	<p>In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015,”</p>
Section 36A(3)(offences by Scottish partnerships)	<p>For “this Act” substitute “section 10(2), as applied by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015,”</p>
Section 37(1) and (6) (appeals)	<p>For subsection (1) substitute—</p> <p>“(1) Any person who is aggrieved by a decision of an authorised officer of a food authority to serve an improvement notice under section 10(1), as applied and modified by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015, may appeal to a magistrates’ court.”</p> <p>In subsection (6)—</p> <p>(a) for “(3) or (4)” substitute “(1)”, and</p> <p>(b) in paragraph (a), omit “or to the sheriff”</p>
Section 39 (appeals against improvement notices)	<p>For subsection (1) substitute—</p> <p>“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 19 of, and Schedule 2 to, the Honey (Wales) Regulations 2015, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its</p>

- (1) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed. There are other amendments to section 35(1) not relevant to these Regulations.
- (2) Section 35(2) was amended by S.I. 2015/664. There are other amendments to section 35(2) not relevant to these Regulations.
- (3) Section 36A was inserted by section 40(1) of, and paragraphs 7 and 16 of Schedule 5 to, the Food Standards Act 1999 (c. 28).

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
	original form or with such modifications as the court may in the circumstances think fit.”
	In subsection (3), omit “for want of prosecution”
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place occurring) substitute “the Honey (Wales) Regulations 2015”