
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 15

**The Food (Animal Products from Belgium)
(Emergency Control) (Scotland) Order 2000**

Application and modification of various provisions of the Act

5.—(1) Section 9 of the Act (inspection and seizure of suspected food) applies for the purposes of this Order, subject to the following modifications—

- (a) the references in subsections (1) and (2) to “food authority” shall be construed as including reference to the Scottish Ministers;
- (b) subsections (1) and (2) extend to food which appears to an authorised officer to come within the definition of “relevant animal product”;
- (c) subsections (3), (4), (5)(a) and (6) to (9) thereof apply—
 - (i) to any food falling within sub paragraph (b) above as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings, and
 - (ii) to any relevant animal product as if it were food which failed to comply with food safety requirements,

provided that a court shall decline to condemn food falling within sub-paragraph (b) above under sub-section (6) thereof if and only if it is proved that it does not come within the definition of “relevant animal product”, or that it is to be returned to Belgium as specified in article 2(1)(c) above.

(2) The following provisions of the Act apply for the purposes of this Order and any reference in those provisions to the Act shall be construed for the purposes of this Order as a reference to this Order—

- (a) section 33 (obstruction etc. of officers);
- (b) section 35(1) (punishment of offences) in so far as it relates to offences under section 33 as applied by sub-paragraph (a) above; and
- (c) section 44 (protection of officers acting in good faith).