
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 261

The Food Irradiation (Scotland) Regulations 2009

Application of various provisions of the Food Safety Act 1990

11.—(1) The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in them to the Act is 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 other person);
- (d) section 21 (defence of due diligence), as it applies for the purposes of section 14 (selling food not of the nature or substance or quality demanded) or section 15 (falsely describing or presenting food);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33(1) (obstruction etc. of officers);
- (g) section 35(1) (punishment of offences), to the extent that it relates to offences under section 33(1) as applied by sub-paragraph (f) of this regulation;
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships) ^{M1};
- (j) section 44 (protection of officers acting in good faith);
- (k) section 58(1) (which relates to territorial waters).

(2) Section 9 (inspection and seizure of suspected food) of the Act applies for the purposes of these Regulations as if food which it was an offence to sell under them were food which failed to comply with food safety requirements.

Marginal Citations

M1 Section 36A was inserted by section 40 of, and Schedule 5 to, the [Food Standards Act 1999 \(c.28\)](#).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Irradiation (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)