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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 90**

**The Fish Labelling (Scotland) Regulations 2010**

**Application of various provisions of the Food Safety Act 1990**

**10.** The following provisions of the Food Safety Act 1990 (“the Act”) shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act shall be construed as a reference to these Regulations and to those provisions of Regulation 104/2000 and Regulation 2065/2001 to which these Regulations relate—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(**1**) with the modification that subsections (2) to (4) apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15;
- (d) section 30(8) (analysis etc. of samples);
- (e) section 33 (obstruction etc. of officers);
- (f) section 35(1) to (3)(**2**) (punishment of offences) in so far as it relates to offences under section 33(1) and (2) as applied by paragraph (e) above;
- (g) section 36 (offences by bodies corporate);
- (h) section 36A (offences by Scottish partnerships)(**3**); and
- (i) section 44 (protection of officers acting in good faith).

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(1) Section 21 was relevantly amended by [S.I. 2004/3279](#).

(2) Section 35 was relevantly amended by [S.I. 2004/3279](#).

(3) Section 36A was inserted by the Food Standards Act 1999 ([1999 c.28](#)), Schedule 5, paragraph 16.