
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 266

**The Food Additives, Flavourings, Enzymes and
Extraction Solvents (Scotland) Regulations 2013**

PART 4

Administration and enforcement

Application of various provisions of the Food Safety Act 1990

17.—(1) The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of it is to be construed as a reference to these Regulations—

- (a) section 20 (offences due to fault of another person);
- (b) section 21 (defence of due diligence)^{M1} with the modification that—
 - (i) subsections (2) to (4) apply in relation to an offence under regulation 3, 4, 5, 6 or 15 as they apply in relation to an offence under section 14 or 15; and
 - (ii) in subsection (4) the references to “sale” are deemed to include references to “placing on the market”;
- (c) section 30(8) (which relates to documentary evidence);
- (d) section 35(1) (punishment of offences), in so far as it relates to offences under section 33(1) as applied by paragraph (2)(b);
- (e) section 35(2) and (3)^{M2}, in so far as it relates to offences under section 33(2) as applied by paragraph (2)(c);
- (f) section 36 (offences by bodies corporate); and
- (g) section 36A (offences by Scottish partnerships)^{M3}.

(2) The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act is to be construed as including a reference to the [F1assimilated] Regulations and these Regulations—

- (a) section 3 (presumption that food intended for human consumption) with the modification that the references to “sold” and “sale” are deemed to include references to “placed on the market” and “placing on the market” respectively;
- (b) section 33(1) (obstruction etc. of officers);
- (c) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” is deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (b); and
- (d) section 44 (protection of officers acting in good faith).

(3) Section 34 of the Act (time limit for prosecutions) applies to offences under these Regulations as it applies to offences punishable under section 35(2) of the Act.

Changes to legislation: There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013, Section 17. (See end of Document for details)

Textual Amendments

- F1** Word in reg. 17(2) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 26(4)**
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Marginal Citations

- M1** Section 21 was amended by S.I. 2004/3279.
M2 Section 35(3) was amended by S.I. 2004/3279.
M3 Section 36A was inserted by the Food Standards Act 1999 (c.28), **Schedule 5**, paragraph 16.

Changes to legislation:

There are currently no known outstanding effects for the The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013, Section 17.