

SCOTTISH STATUTORY INSTRUMENTS

2023 No. 161

**The Food (Scotland) Act 2015
(Compliance Notices) Regulations 2023**

Application of provisions of the 1990 Act

3. The following provisions of the 1990 Act apply for the purposes of the provisions of the 2015 Act mentioned, subject to the modifications specified—

- (a) section 30(8) (documentary evidence in proceedings for offences) applies for the purposes of sections 44 (failure to comply with a compliance notice) and 48 (appeal against a compliance notice) of the 2015 Act with the modification that the reference to “this Act” is to be read as a reference to Part 3 of 2015 Act, as that Part applies to compliance notices,
- (b) section 34 (time limit for prosecutions) applies for the purposes of section 44 (failure to comply with a compliance notice) of the 2015 Act with the modification that the reference to “this Act which is punishable under section 35(A1), (A2) or (2) below” is to be read as a reference to section 44 of the 2015 Act,
- (c) section 40 (power to issue codes of practice) applies for the purposes of Part 3 of the 2015 Act as that Part applies to compliance notices with the modifications that—
 - (i) any reference to “this Act” is to be read as a reference to Part 3 of the 2015 Act, as that Part applies to compliance notices,
 - (ii) any reference to a “food authority” is to be read as a reference to an enforcement authority,
- (d) section 49(3) to (5) (form and authentication of documents) applies for the purposes of sections 42 (compliance notices) and 47 (withdrawal of a compliance notice) of the 2015 Act with the modifications that any reference to a “food authority” is to be read as a reference to an enforcement authority,
- (e) section 50 (service of documents) applies for the purposes of sections 42 (compliance notices) and 47 (withdrawal of a compliance notice) of the 2015 Act with the modification that any reference to “this Act” is to be read as a reference to Part 3 of the 2015 Act as that Part applies to compliance notices.

Commencement Information

11 [Reg. 3](#) in force at 30.6.2023, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023, Section 3.