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STATUTORY INSTRUMENTS

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**1990 No. 2625**

**The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990**

**PART V**

**MODIFICATIONS RELATING TO MEAT**

**Consequential modifications to the Poultry Meat (Water Content) (Scotland) Regulations 1983**

**9.**—(1) The Poultry Meat (Water Content) (Scotland) Regulations 1983(1) shall have effect subject to the amendments specified in the following paragraphs of this article.

(2) In regulation 4(1)(e) for the words “section 29(1)” there shall be substituted the words “section 30(1)”.

(3) In regulation 6(3) after the word “analysis)” there shall be inserted the following words:—  
“, made under section 31 of the Act,”.

**Consequential modifications to the Food (Meat Inspection) (Scotland) Regulations 1988**

**10.**—(1) The Food (Meat Inspection) (Scotland) Regulations 1988(2) shall have effect subject to the amendments specified in the paragraphs of this article.

(2) In regulation 7(1) for the words “section 12(1)” there shall be substituted the words “section 8(5) of the Act”.

(3) In regulation 11(2)(a) for the words “section 12(1)” there shall be substituted the words “section 8(5) of the Act;”.

(4) In paragraph 5(4) of Part I of Schedule 3 for the words “unfit for human consumption” there shall be substituted the words “failing to comply with food safety requirements”.

(5) In paragraph 5(4) of Part I of Schedule 3 for the words “(which relates to the examination and seizure of unsound food)” there shall be substituted the words “(which relates to the inspection and seizure of suspected food)”.

**Consequential modifications to the Meat and Meat Products (Hormonal Substances) (Scotland) Regulations 1989**

**11.**—(1) The Meat and Meat Products (Hormonal Substances) (Scotland) Regulations 1989(3) shall have effect subject to the amendments specified in the following paragraphs of this article.

(2) In regulation 2(1)–

(a) the definition of “the Food and Drugs (Scotland) Act” shall cease to have effect;

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(1) S.I.1983/1372, amended by S.I. 1984/1576.

(2) S.I. 1988/1484.

(3) S.I. 1989/2157.

(b) there shall be inserted at the appropriate place the following definition:—

“‘the Act’ means the Food Safety Act 1990”;

(c) in the definition of “human consumption” for the words “section 58” there shall be substituted the words “section 53(1)”.

(3) For the words “the Food and Drugs (Scotland) Act”, in each place where they occur, there shall be substituted the words “the Act”.

(4) In regulations 4(4), 15(1) and 17(9) for the words “section 9(1)” there shall be substituted the words “section 9(3)(b)”.

(5) In regulations 4(5), 15(2) and 17(10) for the words “section 9(2) and (3)” there shall be substituted the words “section 9(5) and (6)”.

(6) In regulations 4(4), (5), 15(1), (2) and 17(9) and (10) for the words “unfit for human consumption”, wherever they occur, there shall be substituted the words “failing to comply with food safety requirements”.

(7) In regulation 5(1) for the words “a sampling officer by section 28(2) and (3)” there shall be substituted the words “an authorised officer of an enforcement authority by section 29”.

(8) In regulation 5(3) for the words “section 28” there shall be substituted the words “section 29”.

(9) For regulation 14 there shall be substituted the following regulation:—

**“Application of provisions of the Act**

**14.—**(1) The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations:—

section 3 (presumptions that food intended for human consumption);

section 8(3) (presumption relating to batches etc.);

section 30(8) (which relates to documentary evidence);

section 32 (powers of entry); and

section 33 (obstruction etc. of officers).

(2) Any disputed question as to the right or amount of any compensation payable under these Regulations shall be determined by arbitration.”.

**Consequential modifications to the Bovine Offal (Prohibition) (Scotland) Regulations 1990**

**12.** In the Bovine Offal (Prohibition) (Scotland) Regulations 1990(4) for regulation 34 there shall be substituted the following regulation:—

**“Application of various sections of the Act**

**34.** The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations:—

section 20 (offences due to fault of another person);

section 21 (defence of due diligence);

section 30(8) (which relates to documentary evidence);  
section 44 (protection of officers acting in good faith).”.