
STATUTORY INSTRUMENTS

1997 No. 1729

The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997

PART V

MISCELLANEOUS

Application and modification of provisions of the Food Safety Act 1990

34.—(1) The following provisions of the Act shall apply for the purposes of these Regulations and, unless the context otherwise requires, any reference in them to that Act shall be construed for the purposes of these Regulations 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 another person);
- (d) section 21(1), (5) and (6) (defence of due diligence);
- (e) section 22 (defence of publication in the course of business);
- (f) section 33 (obstruction etc. of officers);
- (g) section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33(1) and (2); and
- (h) section 36 (offences by bodies corporate).

(2) Section 9 of the Act (inspection and seizure of suspected food) shall, subject to paragraph (3) below, apply for the purposes of these Regulations as if an animal product which it is an offence to sell under these Regulations were food which failed to comply with food safety requirements.

(3) Section 9 of the Act shall apply with the following modifications—

- (a) for the words “food authority” in each place where they occur there shall be substituted the words “enforcement authority”; and
- (b) the reference in sub-section (5)(a) to sections 7 and 8 of the Act shall be construed as a reference to these Regulations.

(4) Section 29 of the Act (procurement of samples) shall apply subject to the modification that for the words “section 32 below” in sub-section (a)(ii) there shall be substituted the words “these Regulations”.

(5) Section 30 of the Act (analysis etc. of samples) shall apply subject to the modification that after the words “section 29 above” there shall be inserted the words “, other than an official sample,”.

(6) Section 32 of the Act (powers of entry) shall apply with the omission of the word “food” in sub-section (5) and the references to “regulations” in sub-section (1) shall, for the purposes of these Regulations, be construed as including a reference to Articles 5 and 14 of the Council Regulation.

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(7) Section 44 of the Act (protection of officers acting in good faith) shall apply subject to the modification that for the words “food authority” in each place where they occur there shall be substituted the words “enforcement authority”.