

## SCHEDULE 3

### Application and modification of provisions of the Act

## PART 4

### Application and modification of other provisions of the Act

#### Commencement Information

**II** Sch. 3 Pt. 4 in force at 6.4.2015, see [reg. 1\(1\)](#)

<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(1) (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Condensed Milk and Dried Milk (England) Regulations 2015”.  In subsection (2), for “This Act” substitute “The Condensed Milk and Dried Milk (England) Regulations 2015”.
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Condensed Milk and Dried Milk (England) Regulations 2015”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (England) Regulations 2015,”.
Section 21(1) (defence of due diligence)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (England) Regulations 2015”.  Omit “, subject to subsection (5) below,”.
Section 29 (procurement of samples)	After the words “enforcement authority”, insert “, when carrying out duties under this section in relation to the Condensed Milk and Dried Milk (England) Regulations 2015, must exercise and perform those duties in accordance with the methods described in the Annex to First Commission <a href="#">Directive 87/524/EEC</a> laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products(2) and”.
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Condensed Milk and Dried Milk (England) Regulations 2015”.  In sub-paragraph (a) omit “under subsection (6) above”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Condensed Milk and Dried Milk (England) Regulations 2015”.

(1) Section 2(1) was amended by the Food Standards Act 1999 (c. 28), Schedule 5, paragraph 8.

(2) OJ No L 306, 28.10.87, p 24.

**Changes to legislation:** There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (England) Regulations 2015, PART 4. (See end of Document for details)

<i>Provision of the Act</i>	<i>Modifications</i>
Section 35(1)(3) and (2) (punishment of offences)	<p>In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 6(4) of, and Part 4 of Schedule 3 to, the Condensed Milk and Dried Milk (England) Regulations 2015,”.</p> <p>After subsection (1), insert—</p> <p>“(1A) A person guilty of an offence under section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (England) Regulations 2015, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.</p> <p>In subsection (2)—</p> <p>(a) for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 6(4) of, and Part 4 of Schedule 3 to, the Condensed Milk and Dried Milk (England) Regulations 2015,”; and</p> <p>(b) in paragraph (b), for “the relevant amount” substitute “the statutory maximum”.</p>
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (England) Regulations 2015,”.
Section 36A(4) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2) as applied by regulation 6(1) of the Condensed Milk and Dried Milk (England) Regulations 2015,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place where it occurs) substitute “the Condensed Milk and Dried Milk (England) Regulations 2015”.

(3) Section 35(1) is amended by the Criminal Justice Act 2003 (c. 44), Schedule 26, paragraph 42 from a date to be appointed.

(4) Section 36A was inserted by the Food Standards Act 1999, Schedule 5, paragraph 16.

**Changes to legislation:**

There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (England) Regulations 2015, PART 4.