
STATUTORY INSTRUMENTS

2015 No. 787

**The Animals and Animal Products (Examination
for Residues and Maximum Residue Limits)
(England and Scotland) Regulations 2015**

PART 5

Miscellaneous

Application and modification of provisions of the Food Safety Act 1990

32.—(1) The following provisions of the Act apply for the purposes of these Regulations and, unless the context otherwise requires, any reference in them to that Act is 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) applies, subject to paragraph (3), 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 applies with the following modifications—

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

(4) Section 29 of the Act (procurement of samples) applies subject to the modification that for the words “section 32 below” in sub-section (b)(ii) there is substituted the words “section 32 of the Act as applied by this regulation”.

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

(6) Section 32 of the Act (powers of entry) applies with the omission of the word “food” in sub-section (5) and the references to “regulations” in sub-section (1) are, for the purposes of these Regulations, construed as including a reference to Articles 14(6) and 16 of Regulation 470/2009.

Changes to legislation: *There are currently no known outstanding effects for the The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015, Section 32. (See end of Document for details)*

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

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Commencement Information

11 [Reg. 32](#) in force at 1.7.2015, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Animals and Animal Products (Examination for Residues and Maximum Residue Limits)(England and Scotland) Regulations 2015, Section 32.