

SCHEDULE 2

Regulation 4

Modification of provisions of the 1990 Act

PART 1

Modification of section 10 of the 1990 Act

1. Section 10 of the 1990 Act (improvement notices) applies as if, for subsection (1), there were substituted—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a specified EU law requirement, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer's grounds for believing that the person is failing to comply or, as the case may be, that the food does not comply with the specified EU law requirement;
- (b) specify the matters which constitute the failure to comply;
- (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or such measures that are at least equivalent to them, within such period as may be specified in the improvement notice.”.

Commencement Information

11 Sch. 2 para. 1 in force at 22.2.2020, see [reg. 1\(1\)](#)

PART 2

Modification of section 32 of the 1990 Act

2. Section 32 of the 1990 Act ^{M1} (powers of entry) applies as if—

(a) in subsection (1) for paragraphs (a) to (c) there were substituted—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU law requirement;
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of a specified EU law requirement; and
- (c) when exercising a power of entry under this section, to exercise the associated powers in subsections (5) and (6) relating to records;”;

(b) subsection (9) were omitted.

Commencement Information

12 Sch. 2 para. 2 in force at 22.2.2020, see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the *The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, SCHEDULE 2. (See end of Document for details)*

Marginal Citations

M1 Section 32(5) and (6) was amended by section 70 of, and paragraph 18 of Schedule 2 to, the [Criminal Justice and Police Act 2001 \(c. 16\)](#).

PART 3

Modification of section 35 of the 1990 Act

3. Section 35 of the 1990 Act (punishment of offences) applies as if, before subsection (2), there were inserted—

“(1B) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the 2020 Regulations, is liable on summary conviction, to a fine.”.

Commencement Information

I3 Sch. 2 para. 3 in force at 22.2.2020, see [reg. 1\(1\)](#)

PART 4

Modification of section 37 of the 1990 Act

4. Section 37 of the 1990 Act (appeals) applies as if—

- (a) for the heading there were substituted “ Appeals ”;
- (b) for subsection (1) there were substituted—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 4(1) of, and Part 1 of Schedule 2 to, the 2020 Regulations, may appeal to the First-tier Tribunal.”;

- (c) subsection (2) were omitted;
- (d) for subsection (3) there were substituted—

“(3) The appeals procedure under the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009^{M2} applies to appeals made under subsection (1).”;

- (e) subsection (4) were omitted;
- (f) for subsection (5) there were substituted—

“(5) The notice of appeal period under rule 22 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 applies to appeals made under subsection (1).”;

- (g) in subsection (6)—

- (i) for “subsection (3) or (4)” there were substituted “ subsection (1) ”; and
- (ii) in paragraph (a), for “a magistrates' court or to the sheriff” there were substituted “ the First-tier Tribunal ”.

Commencement Information

I4 Sch. 2 para. 4 in force at 22.2.2020, see [reg. 1\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, SCHEDULE 2. (See end of Document for details)

Marginal Citations

M2 S.I. 2009/1976, amended by S.I. 2010/43, 2653, 2011/651, 2012/500, 2013/477, 2014/2128, 2015/2059, 2017/1168, 2018/1053 and 2019/925.

PART 5

Modification of section 39 of the 1990 Act

5. Section 39 of the 1990 Act (appeals against improvement notices) applies as if—

(a) for subsection (1) there were substituted—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 4(1) of, and Part 1 of Schedule 2 to, the 2020 Regulations, the First-tier Tribunal may either cancel or affirm the notice and, if it affirms it, it may do so either in its original form or with such modifications as the First-tier Tribunal may in the circumstances think fit.”;

(b) in subsection (3), “for want of prosecution” were omitted.

Commencement Information

I5 Sch. 2 para. 5 in force at 22.2.2020, see [reg. 1\(1\)](#)

PART 6

Further modifications of provisions of the 1990 Act

6. Section 3 of the 1990 Act (presumptions that food intended for human consumption) applies as if, in subsection (1), for “this Act” there were substituted “ the 2020 Regulations ”.

Commencement Information

I6 Sch. 2 para. 6 in force at 22.2.2020, see [reg. 1\(1\)](#)

7. Section 20 of the 1990 Act (offences due to fault of another person) applies as if, for “any of the preceding provisions of this Part”, there were substituted “ the 2020 Regulations ”.

Commencement Information

I7 Sch. 2 para. 7 in force at 22.2.2020, see [reg. 1\(1\)](#)

8. Section 21 of the 1990 Act (defence of due diligence) applies as if, in subsection (1), for “any of the preceding provisions of this Part”, there were substituted “ the 2020 Regulations ”.

Commencement Information

I8 Sch. 2 para. 8 in force at 22.2.2020, see [reg. 1\(1\)](#)

9. Section 22 of the 1990 Act (defence of publication in the course of business) applies as if, for “any of the preceding provisions of this Part”, there were substituted “ the 2020 Regulations ”.

Changes to legislation: There are currently no known outstanding effects for the The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, SCHEDULE 2. (See end of Document for details)

Commencement Information

I9 Sch. 2 para. 9 in force at 22.2.2020, see [reg. 1\(1\)](#)

10. Section 29 of the 1990 Act (procurement of samples) applies as if, in paragraph (b)(ii), after “under section 32 below”, there were inserted “, including under section 32 as applied and modified by regulation 4(2) of, and Part 2 of Schedule 2 to, the 2020 Regulations ”.

Commencement Information

I10 Sch. 2 para. 10 in force at 22.2.2020, see [reg. 1\(1\)](#)

11. Section 30 of the 1990 Act (analysis etc. of samples) applies as if—

- (a) in subsection (1), after “under section 29 above”, there were inserted “, including under section 29 as applied and modified by regulation 4(6) of, and Part 6 of Schedule 2 to, the 2020 Regulations ”; and
- (b) in subsection (8), for “this Act” there were substituted “ the 2020 Regulations ”.

Commencement Information

I11 Sch. 2 para. 11 in force at 22.2.2020, see [reg. 1\(1\)](#)

12. Section 33 of the 1990 Act (obstruction etc. of officers) applies as if, in subsection (1), for “this Act” (in each place where it occurs) there were substituted “ the 2020 Regulations ”.

Commencement Information

I12 Sch. 2 para. 12 in force at 22.2.2020, see [reg. 1\(1\)](#)

13. Section 36 of the 1990 Act (offences by bodies corporate) applies as if, in subsection (1), for “this Act” there were substituted “ the 2020 Regulations ”.

Commencement Information

I13 Sch. 2 para. 13 in force at 22.2.2020, see [reg. 1\(1\)](#)

14. Section 36A of the 1990 Act ^{M3} (offences by Scottish partnerships) applies as if, for “this Act”, there were substituted “ the 2020 Regulations ”.

Commencement Information

I14 Sch. 2 para. 14 in force at 22.2.2020, see [reg. 1\(1\)](#)

Marginal Citations

M3 [Section 36A](#) was inserted by section 40(1) of, and paragraph 16 of Schedule 5 to, the 1999 Act.

15. Section 44 of the 1990 Act (protection of officers acting in good faith) applies as if, for “this Act”, in each place where those words appear, there were substituted “ the 2020 Regulations ”.

Changes to legislation: There are currently no known outstanding effects for the The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, SCHEDULE 2. (See end of Document for details)

Commencement Information

I15 Sch. 2 para. 15 in force at 22.2.2020, see [reg. 1\(1\)](#)

16. Section 53 of the 1990 Act (general interpretation) applies as if—

(a) after the definition of “the 1956 Act” there were inserted—

““the 2020 Regulations” means the Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020;”;

(b) after the definition of “slaughterhouse” there were inserted—

““specified EU law requirement” has the meaning given in regulation 2(1) of the 2020 Regulations;”.

Commencement Information

I16 Sch. 2 para. 16 in force at 22.2.2020, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020, SCHEDULE 2.