
STATUTORY INSTRUMENTS

2021 No. 909

The Calorie Labelling (Out of Home Sector) (England) Regulations 2021

Application of provisions of the Food Safety Act 1990

14.—(1) The provisions of the Food Safety Act 1990 referred to in paragraph (2) apply for the purposes of these Regulations—

- (a) as if any reference in those provisions to the Act, or to any Part of the Act, were a reference to these Regulations, and
 - (b) with any further modifications specified in paragraph (2).
- (2) The provisions of the Act applying, as modified, are—
- (a) section 20 (offences due to fault of another person),
 - (b) section 21 (defence of due diligence)(**1**), as if —
 - (i) subsections (2) to (4) applied in relation to an offence under these Regulations as they apply in relation to an offence under section 15, and
 - (ii) in subsection (4)(b) the reference to “sale or intended sale”, both times it occurs, included “labelling, advertising or presentation”,
 - (c) section 30(6) and (8) (which relates to documentary evidence),
 - (d) section 32 (powers of entry),
 - (e) section 33(1) (obstruction etc. of officers),
 - (f) section 33(2)(**2**), as if the reference to “any such requirement as is mentioned in subsection (1)(b) above” were a reference to any such requirement as is mentioned in that subsection as applied by this regulation,
 - (g) section 35(1) (punishment of offences)(**3**), in so far as it relates to an offence under section 33(2) as applied by this regulation,
 - (h) section 35(2) and (3)(**4**), as if an offence under these Regulations—
 - (i) were an offence under the Act,
 - (ii) were not punishable by imprisonment,
 - (i) section 36 (offences by bodies corporate),
 - (j) section 36A (offences by Scottish partnerships)(**5**),
 - (k) section 37 (appeals to magistrates’ court or sheriff), as if the reference to an “improvement notice” included an improvement notice issued under these Regulations, and
 - (l) section 44 (protection of officers acting in good faith).

(1) Section 21 has been amended by [S.I. 2004/3279](#).

(2) Section 33(2) has been amended by paragraph 3 of the Schedule to the Food (Scotland) Act 2015 ([asp 1](#)).

(3) Section 35(1) has been amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 ([c. 44](#)).

(4) Section 35(2) has been amended by [S.I. 2015/664](#). Section 35(3) has been amended by [S.I. 2004/3279](#) and [S.I. 2015/664](#).

(5) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999 ([c. 28](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
