

WELSH STATUTORY INSTRUMENTS

2008 No. 1080

The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008

Application of various provisions of the Food Safety Act 1990

6. The following provisions of the Food Safety Act 1990 apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof is to be construed as a reference to these Regulations —

- (a) section 20 (offences due to fault of another person);
- (b) section 21 (defence of due diligence) ^{M1}, with the modification that subsections (2) to (4) apply in relation to an offence under regulation 3(2) as they apply in relation to an offence under section 14 or 15, that in subsections (2)(a) and (3)(b) the references to “food” will be deemed to be references to feed or food and that in subsection (4)(b) the references to “sale or intended sale” are to be deemed to be references to “[^{F1}placing on the market]”;
- (c) section 32 (powers of entry), with the modification that in subsection (1) the reference to “an enforcement authority” is to be deemed to be a reference to a feed authority or a food authority, the references to “the authority's area” are to be deemed to be references to the authority's area and the reference to “a food authority” will be deemed to be a reference to a feed authority or a food authority;
- (d) section 33(1) (obstruction etc. of officers);
- (e) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” will be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (d);
- (f) section 35(1) (punishment of offences) ^{M2}, in so far as it relates to offences under section 33(1) as applied by sub-paragraph (d);
- (g) section 35(2) and (3) ^{M3}, in so far as it relates to offences under section 33(2) as applied by sub-paragraph (e);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships) ^{M4}; and
- (j) section 44 (protection of officers acting in good faith), with the modification that the references to “food authority” will be deemed to be references to feed authority or food authority.

Textual Amendments

- F1** Words in reg. 6(b) substituted (12.1.2012) by [The Specified Products from China \(Restriction on First Placing on the Market\) \(Wales\) \(Amendment\) Regulations 2012 \(S.I. 2012/64\)](#), regs. 1, **2(6)**

Marginal Citations

- M1** Section 21 was amended by [S.I. 2004/3279](#).

Changes to legislation: There are currently no known outstanding effects for the *The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008, Section 6.* (See end of Document for details)

- M2** Section 35(1) is amended by the [Criminal Justice Act 2003 \(2003 c. 44\)](#), [Schedule 26](#), paragraph 42, from a date to be appointed.
- M3** Section 35(3) was amended by [S.I. 2004/3279](#).
- M4** Section 36A was inserted by the [Food Standards Act 1999 \(1999 c. 28\)](#), [Schedule 5](#), paragraph 16.

Changes to legislation:

There are currently no known outstanding effects for the The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008, Section 6.