
WELSH STATUTORY INSTRUMENTS

2010 No. 2651

**The Foodstuffs Suitable for People Intolerant
to Gluten (Wales) Regulations 2010**

Application of various sections of the Food Safety Act 1990

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

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(1), with the modifications that subsections (2) to (4) apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15 and that in subsection (4)(b) the references to “sale or intended sale” are deemed to include references to “labelling, advertising or presentation”;
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33(1) (obstruction etc. of officers);
- (f) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” is deemed to be a reference to any such requirement as is mentioned in that subsection as applied by paragraph (e);
- (g) section 35(1) (punishment of offences)(2), in so far as it relates to offences under section 33(1) as applied by paragraph (e);
- (h) section 35(2) and (3)(3), in so far as it relates to offences under section 33(2) as applied by paragraph (f);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(4); and
- (k) section 44 (protection of officers acting in good faith).

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

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

(3) Section 35(3) was amended by [S.I. 2004/3279](#).

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