

SCHEDULE 5

Regulation 10

Application and modifications of provisions of the Act

**Commencement Information**

**II** Sch. 5 in force at 26.3.2018, see [reg. 1\(3\)](#)

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Jam and Similar Products (Wales) Regulations 2018”.
Section 10(1) and (2) (improvement notices)	For subsection (1) (improvement notices) substitute— “(1) f an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any of regulations 4 to 8 of the Jam and Similar Products (Wales) Regulations 2018, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)— (1) state the officer’s grounds for believing that the person is failing to comply with the relevant regulation; (b) specify the matters which constitute the person’s failure so 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 measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018”.
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018”.
Section 30(8) (analysis etc. of samples)	For “this Act” substitute “the Jam and Similar Products (Wales) Regulations 2018”.

**Changes to legislation:** There are currently no known outstanding effects for the The Jam and Similar Products (Wales) Regulations 2018, SCHEDULE 5. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
	In paragraph (a) omit “under subsection (6) above”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Jam and Similar Products (Wales) Regulations 2018”.
Section 35(1)(1) and (2)(2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 10 of, and Schedule 5 to, the Jam and Similar Products (Wales) Regulations 2018,”.  After subsection (1), insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018, is liable, on summary conviction, to a fine.”  (f) In subsection (2), for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”.
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”.
Section 36A(3) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 10 of the Jam and Similar Products (Wales) Regulations 2018,”.
Section 37(1) and (6) (appeals to magistrates’ court)	For subsection (1) substitute— “(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 10 of the Jam and Similar Products (Wales) Regulations 2018, may appeal to a magistrates’ court.”  In subsection (6)—  (a) for “(3) or (4)” substitute “(1)”, and

(1) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed and was amended by section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(2) Section 35(2) was amended by section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and S.I. 2015/664.

(3) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the 1999 Act.

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 39 (appeals against improvement notices)	<p>(b) in paragraph (a), omit “or to the sheriff”.</p> <p>For subsection (1) substitute—</p> <p>“(1) On an appeal against 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 10 of the Jam and Similar Products (Wales) Regulations 2018, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”</p> <p>In subsection (3), omit “for want of prosecution”.</p>
Section 44 (protection of officers acting in good faith)	<p>For “this Act” (in each place where it occurs) substitute “the Jam and Similar Products (Wales) Regulations 2018”.</p>

**Changes to legislation:**

There are currently no known outstanding effects for the The Jam and Similar Products (Wales) Regulations 2018, SCHEDULE 5.