

SCHEDULE 3

Application and modification of provisions of the Act

PART 2

Application and modification of other provisions of the Act

Commencement Information

II Sch. 3 Pt. 2 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 2 (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Condensed Milk and Dried Milk (Wales) Regulations 2018”. In subsection (2), for “This Act” substitute “The Condensed Milk and Dried Milk (Wales) Regulations 2018”.
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Condensed Milk and Dried Milk (Wales) Regulations 2018”.
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 6(1) of the Condensed Milk and Dried Milk (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 6(1) of the Condensed Milk and Dried Milk (Wales) Regulations 2018”.
Section 29 (procurement of samples)	After the words “enforcement authority”, insert “, when carrying out duties under this section in relation to the Condensed Milk and Dried Milk (Wales) Regulations 2018, must exercise and perform those duties in accordance with the methods described in the Annex to First Commission Directive 87/524/EEC laying down

Changes to legislation: There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (Wales) Regulations 2018, PART 2. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 30(8) (analysis etc. of samples)	Community methods of sampling for chemical analysis for the monitoring of preserved milk products ⁽¹⁾ and”. For “this Act” substitute “the Condensed Milk and Dried Milk (Wales) Regulations 2018”. In sub-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 Condensed Milk and Dried Milk (Wales) Regulations 2018”.
Section 35(1)(2) and (2)(3) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 6(2) of, and Part 2 of Schedule 3 to, the Condensed Milk and Dried Milk (Wales) Regulations 2018”. After subsection (1), insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (Wales) Regulations 2018, is liable, on summary conviction, to a fine.” In subsection (2), for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 6(2) of, and Part 2 of Schedule 3 to, the Condensed Milk and Dried Milk (Wales) Regulations 2018,”.
Section 36 (offences by bodies corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Condensed Milk and Dried Milk (Wales) Regulations 2018,”.
Section 36A(4) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by

(1) OJ No L 306, 28.10.87, p 24.

(2) 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. There are other amendments to section 35(1) not relevant to these Regulations.

(3) Section 35(2) was amended by S.I. 2015/664. There are other amendments to section 35(2) not relevant to these Regulations.

(4) Section 36A was inserted by section 40(1) of, and paragraphs 7 and 16 of Schedule 5 to, the Food Standards Act 1999 (c. 28).

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 37(1), (3), (5) and (6) (appeals to magistrates' court)	<p>regulation 6(1) of the Condensed Milk and Dried Milk (Wales) Regulations 2018.”</p> <p>For subsection (1) substitute—</p> <p>“(1) Any person who is aggrieved by a decision of an authorised officer of a food authority to serve an improvement notice under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of Schedule 3 to, the Condensed Milk and Dried Milk (Wales) Regulations 2018, may appeal to a magistrates’ court.”</p> <p>For subsection (5) substitute—</p> <p>“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—</p> <p>one month from the date on which notice of the decision was served on the person desiring to appeal; or the period specified in the improvement notice, whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”</p> <p>In subsection (6)—</p> <p>for “(3) or (4)” substitute “(1)”, and</p> <p>in paragraph (a), omit “or to the sheriff”.</p>
Section 39 (appeals against improvement notices)	<p>For subsection (1) substitute—</p> <p>“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of Schedule 3 to, the Condensed Milk and Dried Milk (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</p>

Changes to legislation: There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (Wales) Regulations 2018, PART 2. (See end of Document for details)

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
	modifications as the court may in the circumstances think fit.”
	In subsection (3), omit “for want of prosecution”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place where it occurs) substitute “the Condensed Milk and Dried Milk (Wales) Regulations 2018”.

Changes to legislation:

There are currently no known outstanding effects for the The Condensed Milk and Dried Milk (Wales) Regulations 2018, PART 2.