



# Food Act 1984

## 1984 CHAPTER 30

### PART VI

#### ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

##### *Sampling and analysis*

#### **78 Powers of sampling.**

- (1) An authorised officer of a council may exercise such powers of procuring samples for analysis, or for bacteriological or other examination, as are conferred upon him by this section, and any such officer is in this Act called a “sampling officer”.
- (2) A sampling officer may purchase samples of any food or of any substance capable of being used in the preparation of food.
- (3) A sampling officer may take a sample of any food, or of any substance capable of being used in the preparation of food, which—
  - (a) appears to him to be intended for sale, or to have been sold, for human consumption; or
  - (b) is found by him on or in any premises, stall, vehicle, ship, aircraft or place which he is authorised to enter for the purposes of the execution of this Act.
- (4) Without prejudice to subsection (3), a sampling officer—
  - (a) may take a sample of milk while at any dairy, or while deposited for collection, or at any time before it is delivered to a consumer in pursuance of a sale by retail;
  - (b) may, at the request of a person to whom any food or substance is, or is to be, delivered in pursuance of a contract of sale, take a sample of that food or substance in the course of delivery, or at the place of delivery.
- (5) A sampling officer who under this section takes a sample of the milk of any cows at a dairy may take such steps at the dairy as may be necessary to satisfy himself that the sample is a fair sample of the milk of the cows when properly and fully milked.

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*Changes to legislation: There are currently no known outstanding effects  
for the Food Act 1984, Section 78. (See end of Document for details)*

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- (6) Except as provided by subsection (4), or with the purchaser's consent, a sampling officer shall not take a sample of any food or substance which appears to him to have been sold by retail, either—
- (a) while the food or substance is in the course of delivery to the purchaser, or
  - (b) at any time after such delivery,
- and nothing in this section shall authorise a sampling officer to take a sample of any food or substance in a ship (not being a home-going ship) or in any aircraft, other than food imported as part of the cargo of that ship or aircraft.
- (7) The powers of taking samples of milk which are conferred on a sampling officer by subsections (3) to (6) shall be exercisable throughout any county by an authorised officer of the county council, whether or not the council is the food and drugs authority for the whole county.
- (8) Any power of an authorised officer in respect of procuring samples of milk may be exercised at a place outside the area of the council whose officer he is, if the food and drugs authority of the area within which that place is situated have consented to samples of milk being procured within their areas by officers of the first-mentioned council, and, for the purposes of this Act, any samples so procured shall be deemed to have been procured within the area for which the officer in question acts.

A food and drugs authority shall not unreasonably withhold their consent for the purposes of this subsection; and any question whether or not such consent is unreasonably withheld shall be referred to and determined by the Secretary of State.

**Changes to legislation:**

There are currently no known outstanding effects for the Food Act 1984, Section 78.