



Food Safety Act 1990

1990 CHAPTER 16

PART II

MAIN PROVISIONS

Food safety

8 Selling food not complying with food safety requirements.

- (1) Any person who—
- (a) sells for human consumption, or offers, exposes or advertises for sale for such consumption, or has in his possession for the purpose of such sale or of preparation for such sale; or
 - (b) deposits with, or consigns to, any other person for the purpose of such sale or of preparation for such sale,
- any food which fails to comply with food safety requirements shall be guilty of an offence.
- (2) For the purposes of this Part food fails to comply with food safety requirements if—
- (a) it has been rendered injurious to health by means of any of the operations mentioned in section 7(1) above;
 - (b) it is unfit for human consumption; or
 - (c) it is so contaminated (whether by extraneous matter or otherwise) that it would not be reasonable to expect it to be used for human consumption in that state;
- and references to such requirements or to food complying with such requirements shall be construed accordingly.
- (3) Where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed for the purposes of this section and section 9 below, until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.

Status: Point in time view as at 17/07/2003. This version of this provision has been superseded.

Changes to legislation: Food Safety Act 1990, Section 8 is up to date with all changes known to be in force on or before 02 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) For the purposes of this Part, any part of, or product derived wholly or partly from, an animal—
- (a) which has been slaughtered in a knacker’s yard, or of which the carcase has been brought into a knacker’s yard; or
 - (b) in Scotland, which has been slaughtered otherwise than in a slaughterhouse, shall be deemed to be unfit for human consumption.
- (5) In subsection (4) above, in its application to Scotland, “animal” means any description of cattle, sheep, goat, swine, horse, ass or mule; and paragraph (b) of that subsection shall not apply where accident, illness or emergency affecting the animal in question required it to be slaughtered as mentioned in that paragraph.

Modifications etc. (not altering text)

- C1** S. 8(2) applied (with modifications) (17.11.1997) by S.I. 1997/2537, **reg. 9(2)**
- C2** S. 8(3) applied: (9.4.1992) by S.I. 1992/496, **reg. 7(2)**; (31.12.1992) by S.I. 1992/3236, **reg. 11(2)**
 S. 8(3) applied (14.7.1993) by S.I. 1993/1520, **reg. 2(3)**
 S. 8(3) applied (1.4.1994) by S.I. 1994/743, **reg. 8(2)**
 S. 8(3) applied: (9.5.1995) by S.I. 1995/1086, **reg. 20(3)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(3)**
 S. 8(3) applied: (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(2)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(2)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(2)**
- C3** S. 8(3) applied (with modifications) (17.11.1997) by S.I. 1997/2537, **reg. 9(3)**

Status:

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