

*These notes refer to the Food Standards Act 1999 (c.28)
which received Royal Assent on 11 November 1999*

FOOD STANDARDS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 24: Directions relating to breach of duty or international obligations

84. This section permits the Secretary of State (*subsection (1)*) to give the Agency directions in cases where it appears to him that the Agency has failed to fulfil the duty to comply with its statement of objectives and practices, take account of the advice of advisory committees, or consider risks, costs and benefits; or where it has failed in any other duty that he considers it should have performed. The power of direction relates only to serious failures by the Agency.
85. *Subsection (2)* gives similar powers of direction to the devolved authorities to the extent that it is within their devolved competence and to the Northern Ireland Department. This means that they will generally be able to direct in relation to the Agency's activities in Scotland, Wales and Northern Ireland, as appropriate.
86. *Subsection (3)* provides that any direction given in accordance with subsection (1) must contain a statement summarising the reasons for giving the direction.
87. *Subsection (4)* allows the Secretary of State to give the Agency directions to do anything the UK is obliged to do under EU or international law. These are reserve powers, for use if the Agency has not already taken steps to fulfil the UK's obligations.
88. This power to issue directions is also vested in the devolved authorities or Northern Ireland department (see *subsection (5)*) where the directions relate to the implementation of EU or other international obligations which is the responsibility of that authority (in general, this will be the case for matters within devolved competence).
89. *Subsection (6)* requires that an authority proposing to give directions must consult the Agency and the other appropriate authorities before doing so.
90. If the Agency fails to follow directions given under subsection (1), the Secretary of State or the other appropriate authority may give effect to them, or the Secretary of State may take the steps outlined in *subsection (8)* with the agreement of the other appropriate authorities. Such powers, however, would only be used in the last resort and where normal processes of dialogue had failed to secure the necessary changes.