



Food Act 1984

1984 CHAPTER 30

[^{F1}PART I

FOOD GENERALLY

[^{F1} Hygiene

Textual Amendments

- F1** Pts. I, II (ss. 1–49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, [Sch. 5](#) (but (3.4.1992) as regards ss. 16–20; [S.I. 1992/57](#), [art. 2](#) and not coming into force as regards s.13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#))

13 Regulations as to food hygiene.

- (1) the Ministers may make such regulations as appear to them to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with—
- (a) the sale of food for human consumption, or
 - (b) the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption,
- or otherwise for the protection of the public health in connection with those matters.
- (2) Without prejudice to the generality of subsection (1), regulations made under this section may provide—
- (a) for imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply and use of premises in, at or from which food is sold for human consumption, or offered, exposed, stored or prepared for sale, for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored);

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- (b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance;
- (c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;
- (d) for prohibiting spitting on premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed);
- (e) for imposing requirements as to the clothing worn by persons in such premises;
- (f) for securing the inspection of animals intended for slaughter, and of carcasses of animals, for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption;
- (g) for requiring the staining or sterilisation in accordance with the regulations of meat which is unfit for human consumption, or which is derived from animals slaughtered in knackers' yards or from carcasses brought into knackers' yards, or which, though not unfit for human consumption, is not intended for such consumption;
- (h) for regulating generally the treatment and disposal of any food unfit for human consumption;
- (j) for prohibiting or regulating, or enabling local authorities to prohibit or regulate, the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.

In this subsection "animals" includes poultry.

- (3) Regulations under this section may make different provisions in relation to different classes of business; and without prejudice to the foregoing provisions of this section or section 118, any such regulations imposing requirements in respect of premises may—
 - (a) impose on the occupier of the premises and, in the case of requirements of a structural character, on any owner of the premises who either lets them for use for a purpose to which the regulations apply or permits them to be so used after notice from the authority charged with the enforcement of the regulations, responsibility for compliance with those requirements;
 - (b) provide, subject to such limitations and safeguards as may be specified, for conferring, in relation to particular premises, exemptions from the operation of specified provisions contained in regulations made for the purposes of paragraph (a) or paragraph (b) of subsection (2) while there is in force a certificate of the local authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.
- (4) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of regulations made under this section, being requirements of a structural

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character, are complied with in respect of any premises owned or occupied by him claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he may apply to the county court.

- (5) The court may make such order concerning the expenditure or its apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable; and any order made under this subsection may direct that any such contract as mentioned above shall cease to have effect in so far as it is inconsistent with the terms of the order.
- (6) Regulations made under this section may impose in respect of accommodation in home-going ships, and in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed under the regulations in respect of premises.
- (7) references in this section to food shall be construed as references to food other than milk, except that—
 - (a) regulations under this section relating to importation may apply to milk; and
 - (b) any regulations under this section may apply to any food containing milk.
- (8) The Ministers shall from time to time take such steps as they think expedient for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.
- (9) If a person convicted of an offence against any regulations made under this section with respect to slaughterhouses or knackers' yards is the holder of a licence under section 1 of the ^{M1}Slaughterhouses Act 1974 in respect of the premises where the offence was committed, the court may, in addition to any other punishment, cancel the licence.
- (10) So far as this section relates to importation it applies to Northern Ireland.

Marginal Citations

M1 1974 c. 3

14 Court's power to disqualify caterer.

- (1) The provisions of this section have effect where a person is proceeded against by a local authority for an offence against regulations made under section 13 in respect—
 - (a) of any premises used as catering premises; or
 - (b) of any business carried on at such premises.
- (2) If the person is convicted of the offence and the court thinks it expedient to do so—
 - (a) having regard to the gravity of the offence or (in the case of an offence committed in respect of premises) to the unsatisfactory nature of the premises, or
 - (b) having regard to any offences against regulations made under section 13 of which the person has been previously convicted,the court may, on the application of the local authority, make an order disqualifying that person from using those premises as catering premises for such period not exceeding two years as may be specified in the order.

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- (3) An order under this section shall not be made against any person unless the local authority have, not less than 14 days before the date of the hearing, given that person written notice of their intention to apply for an order to be made against him.
- (4) A person subject to an order under this section is guilty of an offence if, while the order is in force—
 - (a) he uses the premises to which the order relates as catering premises; or
 - (b) he participates in the management of any business in the course of which the premises are so used by another person.
- (5) A person so subject may, from time to time after the expiry of 6 months from the date on which the order came into force, apply to the court before which he was convicted, or by which the order was made, to revoke the order; but where such an application is refused by the court a further application under this subsection shall not be entertained if made within 3 months of the refusal.
- (6) On any such application the court may, if it thinks proper having regard to all the circumstances of the case, including in particular—
 - (a) the person's conduct subsequent to the conviction, and
 - (b) any improvement in the state of the premises to which the order relates,grant the application.
- (7) The court to which an application under subsection (5) is made has power to order the applicant to pay the whole or any part of the costs of the application.

15 Byelaws as to food.

A local authority may make byelaws for securing the observance of sanitary and cleanly conditions and practices—

- (a) in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption; and
- (b) in connection with the sale or exposure for sale in the open air of food intended for human consumption.]

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