



Food Act 1984

1984 CHAPTER 30

PART VII

GENERAL AND SUPPLEMENTAL

Acquisition of land, and order to permit works

110 Compulsory purchase of land.

A local authority may be authorised by the responsible Minister to purchase land compulsorily for the purposes of this Act, except for the purposes of paragraph (b) of section 50(1), and in relation to the compulsory purchase of land under this section—

- (a) the ^{M1}Acquisition of Land Act 1981 applies; and
- (b) “land” includes any interest in land and any easement or right in, to or over land.

In this section “the responsible Minister”, in relation to the purposes of section 70, means the Minister, and in relation to the other purposes of this Act means the Secretary of State.

Marginal Citations

M1 1981 c. 67.

[^{F1}111 Order to occupier to permit works.

If, on a complaint made by the owner of any premises, it appears to a magistrates’ court that the occupier or those premises prevents the owner from executing any work which he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.

In this section—

Status: Point in time view as at 04/11/1991.

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“owner” means the person for the time being receiving the rackrent of the premises, whether on his own account or as agent or trustee for any other person, or would so receive it if those premises were let at a rackrent;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;

“rackrent” means a rent which is not less than two thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant’s rates and taxes, and deducting from it the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such a rent.]

Textual Amendments

F1 Ss. 111–120 repealed (E.W.) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(4), [Sch. 5](#)

Inquiries, and default

112 Local Inquiries.

The appropriate Minister may cause a local inquiry to be held in any case where he is authorised by this Act—

- (a) to determine any difference,
- (b) to make any order,
- (c) to frame any scheme,
- (d) to give any consent, confirmation, sanction or approval, or
- (e) otherwise to act under this Act,

and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter with which this Act is concerned in any place.

This section does not apply to Parts IV and V; and in this section “the appropriate Minister”, in relation to anything authorised to be done under this Act by the Minister or the Ministers, or the Secretary of State, means that Minister or those Ministers, or the Secretary of State, as the case may be.

113 Default: local authorities etc.

(1) If—

- (a) a complaint is made to the appropriate Minister that any council or joint board have failed to discharge their functions under this Act in any case where they ought to have done so, or
- (b) the appropriate Minister is of opinion that an investigation should be made as to whether any council or joint board have failed as mentioned in paragraph (a),

the appropriate Minister may cause a local inquiry to be held into the matter.

- (2) If, after a local inquiry has been held in pursuance of this section, the appropriate Minister is satisfied that there has been such a failure on the part of the council or board in question, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.

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- (3) If a council or board with respect to whom an order has been made under subsection (2) fail to comply with any requirement of the order within the time limited by it for compliance with that requirement, the appropriate Minister, instead of enforcing the order by mandamus or otherwise may—
- (a) if the body in default are the council or a joint board whose district lies wholly within one county, or a port health authority whose district (so far as it does not consist of water) lies wholly within one county, make an order transferring to the council of the county such of the functions of the body in default as may be specified in his order;
 - (b) in any other case, make an order transferring to himself such of the functions of the body in default as may be so specified.
- (4) Where under this section the appropriate Minister has made an order transferring to a county council or to himself any functions of a council or joint board—
- (a) the appropriate Minister may by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done under it; and
 - (b) when any order is so revoked the appropriate Minister may, either by the revoking order or by a subsequent order, provide as seems to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the county council or by him in discharging any of the functions to which the order so revoked related.
- (5) This section does not apply to Part IV; and in this section “the appropriate Minister” means—
- (a) the Secretary of State, in relation to functions of councils or joint boards under any of the following provisions—
 - (i) section 15, 16, 17, 18 and 19,
 - (ii) sections 27 and 28,
 - (iii) sections 30 and 31,
 - (iv) section 74, so far as it relates to the enforcement and execution of sections 8 and 9 (except in their application to milk, or to meat or to meat products while in a slaughterhouse or in the course of importation) and to the enforcement and execution of section 35;
 - (b) the Secretary of State, in relation to functions of councils or joint boards under Part III;
 - (c) the Ministers, in relation to functions of councils or joint boards under regulations made under this Act;
 - (d) the Minister, in relation to any other functions of councils or joint boards.

114 Default: food and drugs authorities.

If the Minister, after communication with a food and drugs authority, is of opinion—

- (a) that the authority have failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is their duty to execute or enforce, and
- (b) that their failure affects the general interests of consumers, or the general interests of agriculture in the United Kingdom,

he may by order empower an officer of his department to execute and enforce, or procure the execution and enforcement of, those provisions in relation to that kind of food.

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Nothing in this section affects any other power exercisable by the Minister or a county council with respect to defaults of local authorities.

115 Expenses under ss. 113 and 114.

- (1) Any expenses—
- (a) incurred by the appropriate Minister within the meaning of section 113 in discharging any functions of a council or joint board where he has by order under that section transferred those functions to himself, or
 - (b) incurred by the Minister or his officer under section 114,
- shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the appropriate Minister or the Minister, as the case may be, shall on demand be paid to him by the body in default, and shall be recoverable by him from them as a debt due to the Crown.
- (2) For the purpose of raising the money so required the council or the joint board, or the food and drugs authority, as the case may be, shall have the like power as they have of raising money for defraying expenses incurred directly by them as such a council, board or authority.
- (3) The payment of the expenses mentioned in subsection (1) shall to such extent as may be sanctioned by the Minister be a purpose for which a local authority, port health authority or joint board may borrow money in accordance with the statutory provisions relating to borrowing by such an authority or board.

Protection

116 Officer acting in good faith.

- (1) An officer of a council is not personally liable in respect of any act done by him—
- (a) in the execution or purported execution of this Act, and
 - (b) within the scope of his employment,
- if he did that act in the honest belief that his duty under this Act required or entitled him to do it.
- (2) Nothing in subsection (1) shall be construed as relieving a council from any liability in respect of the acts of their officers.
- (3) Where—
- (a) an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of this Act, and
 - (b) the circumstances are such that he is not legally entitled to require the council to indemnify him,
- the council may, nevertheless, indemnify him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied—
- (i) that he honestly believed that the act complained of was within the scope of his employment; and
 - (ii) that his duty under this Act required or entitled him to do it.

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- (4) A public analyst appointed by a food and drugs authority shall for the purposes of this section be treated as being an officer of the authority whether or not he is employed whole-time.

117 Liability to rates no disqualification.

A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a council are to be defrayed.

Subordinate legislation

118 Certain regulations and orders.

- (1) Regulations made under Part I of this Act, Milk and Dairies Regulations and Milk (Special Designation) Regulations, may, without prejudice to the generality of the provisions under which they are made—
- (a) modify for the purposes of the regulations any provision of this Act relating to the taking, analysis and examination of samples,
 - (b) apply, as respects matters to be dealt with by the regulations, any provision in any Act (including this Act) dealing with the like matters, with the necessary modifications and adaptations,
 - (c) (subject to paragraph 3 of Schedule 4) provide for an appeal to a magistrates' court against any refusal or other decision of an authority by whom the regulations are to be enforced and executed,
 - (d) authorise the making of charges for the purposes of the regulations, or for any services performed under them, and provide for the recovery of charges so made,
 - (e) provide that an offence under the regulations shall be triable either way,
 - (f) include provisions under which a person guilty of an offence under the regulations which is so triable is liable on summary conviction to a fine not exceeding the statutory maximum or such less amount as may be specified in the regulations and on conviction on indictment to either or both of the following—
 - (i) a fine not exceeding an amount specified in the regulations, or of an indefinite amount,
 - (ii) imprisonment for a term not exceeding two years or such shorter term as may be specified in the regulations,
 - (g) include provisions under which a person guilty of an offence under the regulations which is triable only summarily is liable on conviction to a fine not exceeding level 5 on the standard scale or such other level as may be specified in the regulations,
 - (h) make such ancillary and incidental provisions as appear to the Ministers to be necessary or desirable,

and regulations made under Part I, subject to such generality, may require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns.

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- (2) Subsection (1), other than paragraphs (e) and (f), applies to an order made under section 5 as it applies to regulations made under Part I.
- (3) The power conferred by paragraph (b) of subsection (1), in the case of Milk (Special Designation) Regulations, includes power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of Part II of Schedule 7 which may appear not to be appropriate for that purpose.
- (4) Regulations made under section 13 or section 20, and any order made under section 17, may be made so as to apply throughout England and Wales or to apply only in such area or areas as may be specified in the regulations or order.
- (5) Without prejudice to any other relevant power, any regulations made with respect to slaughterhouses or knackers' yards under section 13 may include provision for the regulations to come into force on different days fixed by, or by an order to be made under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.
- (6) Before making—
- (a) any regulations to which subsection (1) applies, or
 - (b) an order under section 5 or section 17,
- the Ministers shall consult with such organisations as appear to them to be representative of interests substantially affected by the regulations or by the order.
- [^{F2}(7) Subsections (1), (2)
- and (6) apply to Northern Ireland so far as they relate—
- (a) to those regulations and orders made under Part I which apply to Northern Ireland, or
 - (b) to the enforcement and execution of those regulations and orders,
- and in relation to Northern Ireland subsection (1) has effect subject to the following additional modifications—
- (i) in paragraph (a), the reference to this Act includes a reference to any corresponding Northern Ireland enactment,
 - (ii) in paragraph (b), the reference to any Act includes a reference to any Northern Ireland enactment, and the reference to this Act includes a reference to any corresponding Northern Ireland enactment,
 - (iii) in paragraph (c), construe the reference to a magistrates' court as a reference to a court of summary jurisdiction,
- and this section applies to Northern Ireland so far as it relates to an Order in Council made under section 133 and extending to Northern Ireland.]

Textual Amendments

F2 S. 118(7) repealed (N.I.) (4.11.1991) by S.I. 1991/762, art. 51(4), Sch.4; S.R. 1991/175, art. 2(2).

119 Community provisions.

- (1) The Ministers, as respects any directly applicable Community provision relating to food for which, in their opinion, it is appropriate to provide under this Act—

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- (a) may by regulations provide as they consider necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Act; and
 - (b) may apply such of the provisions of this Act as may be specified in the regulations in relation to the Community provision with such modifications, if any, as may be so specified.
- (2) For the purpose of complying with any Community obligation, or for conformity with any provision made for that purpose, the Ministers may by regulations provide as to—
- (a) the manner of sampling any food specified in the regulations, and the manner in which samples are to be dealt with, and
 - (b) the method to be used in analysing, testing or examining samples of any food so specified,
- and regulations made by the Ministers for that purpose, or for conformity with any provision so made, may modify or exclude any provision of this Act relating to the procuring or analysis of, or dealing with, samples or to evidence of the results of an analysis or test.

120 Statutory instruments.

- (1) Under this Act—
- (a) any power to make regulations or orders, and
 - (b) the Secretary of State's power to make a declaration under section 16(5) or section 17(5),
- is exercisable by statutory instrument, subject to section 4(2) of the ^{M2}Agriculture Act 1967 in respect of an order made under section 57(2) of this Act.
- (2) A statutory instrument containing—
- (a) regulations made under Part I or Part II, or section 76(2), or section 119,
 - (b) an order made under section 5,
 - (c) an order made under section 43 ordering that section 40(1) shall cease to be in operation in any area, or an order under section 68, or
 - (d) an Order in Council made under section 133,
- is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 17 unless a draft of it has been laid before Parliament and has been approved by resolution of each House.
- (4) A draft of any statutory instrument containing an order made under section 43 bringing section 40(1) into operation in any area shall be laid before Parliament.
- [^{F3}(5) In relation to Northern Ireland—
- (a) subsection (1), and subsection (2) except paragraph (c), apply so far as they relate to regulations and orders made under Part I which apply to Northern Ireland, or to the enforcement and execution of those regulations and orders; and
 - (b) this section applies so far as it relates to an Order in Council made under section 133 which extends to Northern Ireland.]

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Textual Amendments

F3 S. 120(5) repealed (N.I.) (4.11.1991) by S.I. 1991/762, art. 51(4), **Sch.4**; S.R. 1991/175, **art. 2(2)**.

Marginal Citations

M2 1967 c. 22.

121 Byelaws.

- (1) The confirming authority in respect of byelaws made under this Act is the Secretary of State.
- (2) **F4**

Textual Amendments

F4 S. 121(2)(3) repealed by **Food Safety Act 1990** (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

- 122–** **F5**
- 130**

Textual Amendments

F5 Ss. 122–131 repealed by **Food Safety Act 1990** (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

Interpretation and operation

- 131** **F6**

Textual Amendments

F6 Ss. 122–131 repealed by **Food Safety Act 1990** (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

132 Interpretation: further provision.

[^{F7}(1) In this Act, unless the context otherwise requires, and without prejudice to section 47—

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, and “advertise” shall be construed accordingly;

“analysis” includes micro-biological assay but no other form of biological assay, and “analyse” shall be construed accordingly;

“animal” does not include bird or fish;

“area”, in relation to a county council and to officers of such a council, means, as the case may require, either the county or that part of the county for

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which the council are the food and drugs authority, and, in relation to a local authority and to officers of such an authority, means their district;

“article” does not include a live animal or bird;

“authorised officer” has the meaning given by section 73(1);

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

“catering premises” means premises where, in the course of a business, food is prepared and supplied for immediate consumption on the premises;

“cheese” means the substance usually known as cheese, containing no fat other than fat derived from milk;

“closure order” is an order within the meaning of section 21;

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“council” includes a port health authority;

“cream” means that part of milk rich in fat which has been separated by skimming or otherwise;

“dairy”, “dairy farm”, “dairy farmer” and “dairyman” have the meanings given by section 32;

“district”, in relation to a local authority, the City of London or the Inner or Middle Temple, and in relation to the officers of such an authority, means the area for which the authority acts;

“drug” includes medicine for internal or external use;

“emergency order” is an order within the meaning of section 22;

“food and drugs authority” has the meaning given by section 71;

“functions” includes powers and duties;

“home-going ship” means a ship plying exclusively in inland waters, or engaged exclusively in coastal excursions; and for the purpose of this definition “inland waters” means any canal, river, lake, navigation or estuary, and “coastal excursion” means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain;

“human consumption” includes use in the preparation of food for human consumption;

“ice-cream” includes any similar commodity;

“importation” has the same meaning as it has for the purposes of the ^{M3}Customs and Excise Management Act 1979, and “import” shall be construed accordingly;

“importer”, in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the article or in any way entitled to the custody or control of it;

“knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;

“local authority”, in sections 44 and 45 has the meaning given by those sections, and elsewhere in this Act has the meaning given by section 72;

“milk” includes cream and separated milk, but does not include dried milk or condensed milk;

“Milk and Dairies Regulations” has the meaning given by section 33;

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“Milk (Special Designation) Regulations” has the meaning given by section 38;

“the Minister” means the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, except in paragraph (a) of section 5(1), section 37 so far as it relates to the Minister’s power to appoint veterinary inspectors, sections 68(5), 83, 101(4), 114 and paragraph (b) of section 115(1), where it means the Minister of Agriculture, Fisheries and Food;

“the Ministers” means the Minister of Agriculture, Fisheries and Food, the [^{F8}Secretary of State for Health], and the Secretary of State for Wales, acting jointly;

“officer” includes servant;

“premises” means a building or part of a building, and any forecourt, yard or place of storage used in connection with a building or part of a building, and includes, in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings;

“preparation”, in relation to food, includes manufacture and any form of treatment and “preparation for sale” includes packaging; and “prepare for sale” shall be construed accordingly;

“proper officer”, in relation to any purpose and to any council or to any area, means the officer appointed for that purpose by that council or for that area, as the case may be;

“public analyst” has the meaning given by section 76;

“purveyor”, in relation to milk, includes any person who sells milk, whether wholesale or by retail;

“raw milk” means milk which has not been treated by heat;

“sampling officer” has the meaning given by section 78;

“sanitary convenience” means a closet, privy or urinal;

“separated”, in relation to milk, includes skimmed;

“ship” includes any boat or craft, and a hovercraft within the meaning of the Hovercraft Act 1986, and “master” shall be construed accordingly;

“shop” has the same meaning as in the ^{M4}Shops Act 1950;

“slaughterhouse” means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there;

“standard scale” has the meaning given by section 75 of the ^{M5}Criminal Justice Act 1982;

“statutory maximum” has the meaning given by section 74 of the Criminal Justice Act 1982;

“substance” includes a liquid;

“transit” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer;

“vessel” includes a receptacle of any kind, whether open or closed.]

- (2) All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act of Parliament, law or custom, and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

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Textual Amendments

- F7** S. 132(1) except the words “In this Act, unless the context otherwise requires” and the definitions of “animal” and “the Minister” repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), [ss. 54, 59\(4\)](#), [Sch. 5](#) (but not coming into force 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](#))
- F8** Words substituted by [S.I. 1988/1843, art. 5\(4\)](#), [Sch. 3 para. 1\(g\)](#)

Marginal Citations

- M3** 1979 c. 2.
M4 1950 c. 28.
M5 1982 c. 48.

[^{F9}133 **Application to Crown.**

- (1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act and of any regulations or order made under this Act as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.
- (2) Without prejudice to the generality of subsection (1), an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any such provision imposes a liability on a person by reason that he is—
- (a) the occupier or owner of premises, or
 - (b) the owner of a business, or
 - (c) the principal on whose behalf any transaction is carried out,
- the order may provide for the determination, in a case where the premises are occupied or owned, or the business is owned, by the Crown, or the transaction is carried out on behalf of the Crown, of the person who is to be treated as so liable.
- (3) This section applies to Northern Ireland (except so far as it relates to functions of the Crown in respect of the Crown in right of Her Majesty’s Government in Northern Ireland, or to property held on the Crown’s behalf for the purposes of such Government); and in that application the reference in subsection (1) to this Act includes a reference to any corresponding Northern Ireland enactment, and the reference to regulations shall be construed accordingly.]

Textual Amendments

- F9** S. 133 repealed (E.W.) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), [ss. 54, 59\(4\)](#), [Sch. 5](#)

134 ^{F10}

Textual Amendments

- F10** S. 134 repealed by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), [ss. 54, 59\(4\)](#), [Sch. 5](#)

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[135] ^{F11}Northern Ireland.

- (1) This Act applies to Northern Ireland as provided by—
- (a) section 4(5);
 - (b) section 5(5);
 - (c) section 7(3);
 - (d) section 13(10);
 - (e) section 74(4);
 - (f) section 93(4);
 - (g) section 95(7);
 - (h) section 97(5);
 - (j) section 118(7);
 - (k) section 120(5);
 - (l) section 133(3); and
 - (m) Schedules 9, 10 and 11, so far as they relate to provisions which apply to Northern Ireland.
- (2) In the application of this Act to Northern Ireland as provided by the provisions mentioned in subsection (1)—
- (a) any reference to—
 - (i) “the Minister” shall be construed as a reference to the Minister of Agriculture, Fisheries and Food, and
 - (ii) “the Ministers” shall be construed as a reference to the Secretary of State for the Home Department, the [^{F12}Secretary of State for Health]] and the Minister of Agriculture, Fisheries and Food, acting jointly; and
 - (b) any reference to a council shall be construed as, and any reference to a food and drugs authority shall be construed as including, a reference to a district council.
- (3) In the following provisions “Northern Ireland enactment” means any enactment for the time being in force in Northern Ireland—
- (a) section 4(4);
 - (b) section 74(4);
 - (c) section 95(7);
 - (d) section 118(7); and
 - (e) section 133(3).

Textual Amendments

F11 S. 135 repealed (N.I.) (4.11.1991) by S.I. 1991/762, art. 51(4), Sch.4; S.R. 1991/175, art. 2(2).

F12 Words substituted by S.I. 1988/1843, art. 5(4), Sch. 3 para. 1(g)

136 Citation, extent and commencement.

- (1) This Act may be cited as the Food Act 1984.
- (2) The following provisions of this Act apply to Scotland—
- (a) sections 68 and 69, and paragraph 6 of Schedule 9,

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(b ^{F13}

[^{F14}(3) This Act applies to Northern Ireland only so far as is provided by section 135.]

(4) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.

Textual Amendments

F13 S. 136(2)(b)(c) repealed (G.B.) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

F14 S. 136(3) repealed (N.I.) (4.11.1991) by S.I. 1991/762, art. 51(4), **Sch.4**; S.R. 1991/175, **art. 2(2)**.

Status:

Point in time view as at 04/11/1991.

Changes to legislation:

Food Act 1984, Part VII is up to date with all changes known to be in force on or before 10 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.