



# Food Safety Act 1990

## CHAPTER 16

### FOOD SAFETY ACT 1990

#### PART I

##### PRELIMINARY

- 1 Meaning of “food” and other basic expressions.
- 2 Extended meaning of “sale” etc.
- 3 Presumptions that food intended for human consumption.
- 4 Ministers having functions under Act.
- 5 Food authorities and authorised officers.
- 6 Enforcement of Act.

#### PART II

##### MAIN PROVISIONS

###### *Food safety*

- 7 Rendering food injurious to health.
- 8 Selling food not complying with food safety requirements.
- 9 Inspection and seizure of suspected food.
- 10 Improvement notices.
- 11 Prohibition orders.
- 12 Emergency prohibition notices and orders.
- 13 Emergency control orders.

###### *Consumer protection*

- 14 Selling food not of the nature or substance or quality demanded.
- 15 Falsely describing or presenting food.

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### *Regulations*

- 16 Food safety and consumer protection.
- 17 Enforcement of Community provisions.
- 18 Special provisions for particular foods etc.
- 19 Registration and licensing of food premises.

### *Defences etc.*

- 20 Offences due to fault of another person.
- 21 Defence of due diligence.
- 22 Defence of publication in the course of business.

### *Miscellaneous and supplemental*

- 23 Provision of food hygiene training.
- 24 Provision of facilities for cleansing shellfish.
- 25 Orders for facilitating the exercise of functions.
- 26 Regulations and orders: supplementary provisions.

## **PART III**

### **ADMINISTRATION AND ENFORCEMENT**

#### *Administration*

- 27 Appointment of public analysts.
- 28 Provision of facilities for examinations.

#### *Sampling and analysis etc.*

- 29 Procurement of samples.
- 30 Analysis etc. of samples.
- 31 Regulation of sampling and analysis etc.

#### *Powers of entry and obstruction etc.*

- 32 Powers of entry.
- 33 Obstruction etc. of officers.

#### *Offences*

- 34 Time limit for prosecutions.
- 35 Punishment of offences.
- 36 Offences by bodies corporate.
- 36A Offences by Scottish partnerships.

#### *Appeals*

- 37 Appeals to magistrates' court or sheriff.
- 38 Appeals to Crown Court.
- 39 Appeals against improvement notices.

## **PART IV**

### **MISCELLANEOUS AND SUPPLEMENTAL**

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### *Powers of Ministers*

- 40 Power to issue codes of practice.
- 41 Power to require returns.
- 42 Default powers.

### *Protective provisions*

- 43 Continuance of registration or licence on death.
- 44 Protection of officers acting in good faith.

### *Financial provisions*

- 45 Regulations as to charges.
- 46 Expenses of authorised officers and county councils.
- 47 Remuneration of tribunal chairmen.

### *Instruments and documents*

- 48 Regulations and orders.
- 49 Form and authentication of documents.
- 50 Service of documents.

### *Amendments of other Acts*

- 51 Contamination of food: emergency orders.
- 52 Markets, sugar beet and cold storage.

### *Supplemental*

- 53 General interpretation.
- 54 Application to Crown.
- 55 Water supply: England and Wales.
- 56 Water supply: Scotland.
- 57 Scilly Isles and Channel Islands.
- 58 Territorial waters and the continental shelf.
- 59 Amendments, transitional provisions, savings and repeals.
- 60 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Provisions of Regulations under Section 16(1)

#### *Composition of food*

- 1 Provision for prohibiting or regulating— (a) the sale, possession for...

#### *Fitness etc. of food*

- 2 (1) Provision for prohibiting— (a) the sale for human consumption;...
- 3 (1) Provision for regulating generally the treatment and disposal of...

#### *Processing and treatment of food*

- 4 Provision for the following, namely— (a) for the giving by...

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*Food hygiene*

- 5 (1) Provision for imposing requirements as to—
- 6 (1) Provision for imposing responsibility for compliance with any requirements...

*Production of food sources*

- 6A Provision for prohibiting or regulating— (a) the possession, sale or...

*Inspection etc. of food sources*

- 7 (1) Provision for securing the inspection of food sources by...

SCHEDULE 2 — Amendments of Parts III and V of 1984 Act

*Amendments of Part III*

- 1 Part III of the 1984 Act (markets) shall be amended...
- 2 (1) In subsection (1) of section 50 (establishment or acquisition...
- 3 In section 51(2) (power to sell to local authority), the...
- 4 (1) In subsection (1) of section 53 (charges by market...
- 5 For subsection (2) of section 54 (time for payment of...
- 6 In section 56(1) (prohibited sales in market hours), for the...
- 7 In section 57 (weighing machines and scales), subsection (1) shall...
- 8 After that section there shall be inserted the following section—...
- 9 Section 58 (weighing of articles) shall cease to have effect...
- 10 In section 60 (market byelaws), after paragraph (c) there shall...
- 11 In section 61 (interpretation of Part III), the words from...

*Amendments of Part V*

- 12 Part V of the 1984 Act (sugar beet and cold...
- 13 (1) In subsections (1) and (2) of section 68 (research...
- 14 In subsection (3) of section 69 (crop price), for the...
- 15 After that section there shall be inserted the following section—...
- 16 Section 70 (provision of cold storage) shall cease to have...

SCHEDULE 3 — Minor and Consequential Amendments

*The Public Health Act 1936 (c. 49)*

- 1 An order made by the Secretary of State under section...

*The London Government Act 1963 (c. 33)*

- 2 Section 54(1) of the London Government Act 1963 (food, drugs,...

*The Agriculture Act 1967 (c. 22)*

- 3 In section 7(3) of the Agriculture Act 1967 (labelling of...
- 4 (1) In subsection (2) of section 25 of that Act...

*The Farm and Garden Chemicals Act 1967 (c. 50)*

- 5 In section 4 of the Farm and Garden Chemicals Act...

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*The Trade Descriptions Act 1968 (c. 29)*

- 6 In section 2(5)(a) of the Trade Descriptions Act 1968 (certain...
- 7 In section 22 of that Act (admissibility of evidence in...

*The Medicines Act 1968 (c. 67)*

- 8 In section 108 of the Medicines Act 1968 (enforcement in...
- 9 In section 109 of that Act (enforcement in Scotland)—
- 10 After section 115 of that Act there shall be inserted...
- 11 In section 132(1) of that Act (interpretation), the definition of...
- 12 In paragraph 1(2) of Schedule 3 to that Act (sampling)...

*The Transport Act 1968 (c. 73)*

- 13 In Schedule 16 to the Transport Act 1968 (supplementary and...

*The Tribunals and Inquiries Act 1971 (c. 62)*

- 14 .....

*The Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)*

- 15 (1) In subsection (1) of section 4 of the Agriculture...

*The Poisons Act 1972 (c. 66)*

- 16 In section 8(4)(a) of the Poisons Act 1972 (evidence of...

*The Local Government Act 1972 (c. 70)*

- 17 In section 259(3) of the Local Government Act 1972 (compensation...

*The Slaughterhouses Act 1974 (c. 3)*

- 18 In the following provisions of the Slaughterhouses Act 1974, namely  
—...

*The Licensing (Scotland) Act 1976 (c. 66)*

- 19 In section 23(4) of the Licensing (Scotland) Act 1976 (application...

*The Weights and Measures &c. Act 1976 (c. 77)*

- 20 (1) In subsection (1) of section 12 of the Weights...
- 21 In Schedule 6 to that Act (temporary requirements imposed by...

*The Hydrocarbon Oil Duties Act 1979 (c. 5)*

- 22 In Schedule 5 to the Hydrocarbon Oil Duties Act 1979...

*The Slaughter of Animals (Scotland) Act 1980 (c. 13)*

- 23 In section 19(2) of the Slaughter of Animals (Scotland) Act...
- 24 In section 22 of that Act (interpretation)—

*The Civic Government (Scotland) Act 1982 (c. 45)*

- 25 In section 39 of the Civic Government (Scotland) Act 1982...

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*The Public Health (Control of Disease) Act 1984 (c. 22)*

- 26 In section 3(2) of the Public Health (Control of Disease)...
- 27 In section 7(3) of that Act (London port health authority),...
- 28 (1) In subsection (1) of section 20 of that Act...

*The Food and Environment Protection Act 1985 (c. 48)*

- 29 In section 24(1) of the Food and Environment Protection Act...
- 30 In section 25 of that Act (Northern Ireland) after subsection...

*The Local Government Act 1985 (c. 51)*

- 31 In paragraph 15 of Schedule 8 to the Local Government...

*The Weights and Measures Act 1985 (c. 72)*

- 32 In section 38 of the Weights and Measures Act 1985...
- 33 In section 93 of that Act (powers under other Acts...
- 34 In section 94(1) of that Act (interpretation), in the definition...

*The Agriculture Act 1986 (c. 49)*

- 35 In section 1(6) of the Agriculture Act 1986 (provision of...

*The National Health Service (Amendment) Act 1986 (c. 66)*

- 36 (1) In subsection (2) of section 1 of the National...

*The Consumer Protection Act 1987 (c. 43)*

- 37 In section 19(1) of the Consumer Protection Act 1987 (interpretation...

*The Road Traffic Offenders Act 1988 (c. 53)*

- 38 In section 16(7) of the Road Traffic Offenders Act 1988...

SCHEDULE 4 — Transitional Provisions and Savings

*Ships and aircraft*

- 1 In relation to any time before the commencement of the...

*Regulations under the 1984 Act*

- 2 (1) In so far as any existing regulations made, or...

*Regulations under the 1956 Act*

- 3 Any existing regulations made, or having effect as if made,...

*Other regulations*

- 4 In so far as any existing regulations made under section...

*Orders with respect to milk in Scotland*

- 5 the Milk and Dairies (Scotland) Act 1914 (orders with respect...

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*Disqualification orders*

6 The repeal by this Act of section 14 of the...

*Food hygiene byelaws*

7 .....

*Closure orders*

8 The repeal by this Act of section 21 of the...

SCHEDULE 5 — Repeals

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