



# 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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### *Food information*

- 15A Meaning of “food information” etc.
- 15B Contravention of food information law: seizure of food etc.
- 15C Duty to report non-compliance with food information law
- 15D Power to obtain information

### *Regulations*

- 16 Food safety and consumer protection.
- 17 Enforcement of EU 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.

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- 39 Appeals against improvement notices.

#### **PART IV**

### MISCELLANEOUS AND SUPPLEMENTAL

#### *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...

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*Processing and treatment of food*

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

*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...  
8 (1) Provision for the following in connection with a food...

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...

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

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

*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)—

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

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

*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...

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*Orders with respect to milk in Scotland*

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

*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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