



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Miscellaneous and supplemental*

#### **23 Provision of food hygiene training**

- (1) A food authority may provide, whether within or outside their area, training courses in food hygiene for persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise.
- (2) A food authority may contribute towards the expenses incurred under this section by any other such authority, or towards expenses incurred by any other person in providing, such courses as are mentioned in subsection (1) above.

#### **24 Provision of facilities for cleansing shellfish**

- (1) A food authority may provide, whether within or outside their area, tanks or other apparatus for cleansing shellfish.
- (2) A food authority may contribute towards the expenses incurred under this section by any other such authority, or towards expenses incurred by any other person in providing, and making available to the public, tanks or other apparatus for cleansing shellfish.
- (3) Nothing in this section authorises the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions as may before the work is commenced be approved by the Secretary of State.
- (4) In this section “cleansing”, in relation to shellfish, includes subjecting them to any germicidal treatment.

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*Status: This is the original version (as it was originally enacted).*

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## **25 Orders for facilitating the exercise of functions**

- (1) For the purpose of facilitating the exercise of their functions under this Part, the Ministers may by order require every person who at the date of the order, or at any subsequent time, carries on a business of a specified class or description (in this section referred to as a “relevant business”)—
- (a) to afford to persons specified in the order such facilities for the taking of samples of any food, substance or contact material to which subsection (2) below applies; or
  - (b) to furnish to persons so specified such information concerning any such food, substance or contact material,
- as (in each case) is specified in the order and is reasonably required by such persons.
- (2) This subsection applies to—
- (a) any food of a class specified in the order which is sold or intended to be sold in the course of a relevant business for human consumption;
  - (b) any substance of a class so specified which is sold in the course of such a business for use in the preparation of food for human consumption, or is used for that purpose in the course of such a business; and
  - (c) any contact material of a class so specified which is sold in the course of such a business and is intended to come into contact with food intended for human consumption.
- (3) No information relating to any individual business which is obtained by means of an order under subsection (1) above shall, without the previous consent in writing of the person carrying on the business, be disclosed except—
- (a) in accordance with directions of the Minister, so far as may be necessary for the purposes of this Act or of any corresponding enactment in force in Northern Ireland, or for the purpose of complying with any Community obligation; or
  - (b) for the purposes of any proceedings for an offence against the order or any report of those proceedings;
- and any person who discloses any such information in contravention of this subsection shall be guilty of an offence.
- (4) In subsection (3) above the reference to a disclosure being necessary for the purposes of this Act includes a reference to it being necessary—
- (a) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
  - (b) for the purpose of protecting or promoting the interests of consumers;
- and the reference to a disclosure being necessary for the purposes of any corresponding enactment in force in Northern Ireland shall be construed accordingly.

## **26 Regulations and orders: supplementary provisions**

- (1) Regulations under this Part may—
- (a) make provision for prohibiting or regulating the carrying out of commercial operations with respect to any food, food source or contact material—
    - (i) which fails to comply with the regulations; or

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- (ii) in relation to which an offence against the regulations has been committed, or would have been committed if any relevant act or omission had taken place in Great Britain; and
  - (b) without prejudice to the generality of section 9 above, provide that any food which, in accordance with the regulations, is certified as being such food as is mentioned in paragraph (a) above may be treated for the purposes of that section as failing to comply with food safety requirements.
- (2) Regulations under this Part may also—
- (a) require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns;
  - (b) prescribe the particulars to be entered on any register required to be kept in accordance with the regulations;
  - (c) require any such register to be open to inspection by the public at all reasonable times and, subject to that, authorise it to be kept by means of a computer;
  - (d) prescribe the periods for which and the conditions subject to which licences may be issued, and provide for the subsequent alteration of conditions and for the cancellation, suspension or revocation of licences;
  - (e) provide for an appeal to a magistrates' court or, in Scotland, to the sheriff, or to a tribunal constituted in accordance with the regulations, against any decision of an enforcement authority, or of an authorised officer of such an authority; and
  - (f) provide, as respects any appeal to such a tribunal, for the procedure on the appeal (including costs) and for any appeal against the tribunal's decision.
- (3) Regulations under this Part or an order under section 25 above may—
- (a) provide that an offence under the regulations or order shall be triable in such way as may be there specified; and
  - (b) include provisions under which a person guilty of such an offence shall be liable to such penalties (not exceeding those which may be imposed in respect of offences under this Act) as may be specified in the regulations or order.