



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Instruments and documents*

#### **48 Regulations and orders.**

- (1) Any power of the Ministers or the Minister to make regulations or an order under this Act includes power—
  - (a) to apply, with modifications and adaptations, any other enactment (including one contained in this Act) which deals with matters similar to those being dealt with by the regulations or order;
  - (b) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business); and
  - (c) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the Ministers or the Minister considers necessary or expedient.
- (2) Any power of the Ministers or the Minister to make regulations or orders under this Act shall be exercisable by statutory instrument.
- (3) Any statutory instrument containing—
  - (a) regulations under this Act; or
  - (b) an order under this Act other than an order under section 60(3) below,shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Before making—
  - (a) any regulations under this Act, other than regulations under section 17(2) or 18(1)(c) above; or

*Status: Point in time view as at 20/06/1991.*

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(b) any order under Part I of this Act,  
 the Ministers shall consult with such organisations as appear to them to be representative of interests likely to be substantially affected by the regulations or order.

(5) Any consultation undertaken before the commencement of subsection (4) above shall be as effective, for the purposes of that subsection, as if undertaken after that commencement.

#### **49 Form and authentication of documents.**

(1) The following shall be in writing, namely—

- (a) all documents authorised or required by or under this Act to be given, made or issued by a food authority; and
- (b) all notices and applications authorised or required by or under this Act to be given or made to, or to any officer of, such an authority.

(2) The Ministers may by regulations prescribe the form of any document to be used for any of the purposes of this Act and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

(3) Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority—

- (a) by the proper officer of the authority as respects documents relating to matters within his province; or
- (b) by any officer of the authority authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.

(4) Any document purporting to bear the signature of an officer who is expressed—

- (a) to hold an office by virtue of which he is under this section empowered to sign such a document; or
- (b) to be duly authorised by the food authority to sign such a document or the particular document,

shall for the purposes of this Act, and of any regulations and orders made under it, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the food authority.

(5) In this section—

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

“signature” includes a facsimile of a signature by whatever process reproduced.

#### **50 Service of documents.**

(1) Any document which is required or authorised by or under this Act to be given to or served on any person may, in any case for which no other provision is made by this Act, be given or served either—

- (a) by delivering it to that person;
- (b) in the case of any officer of an enforcement authority, by leaving it, or sending it in a prepaid letter addressed to him, at his office;

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- (c) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office; or
  - (d) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence.
- (2) Where a document is to be given to or served on the owner or the occupier of any premises and it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or the premises are unoccupied, the document may be given or served by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) and—
- (a) by delivering it to some person on the premises; or
  - (b) if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

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