



Food Safety Act 1990

1990 CHAPTER 16

PART IV U.K.

MISCELLANEOUS AND SUPPLEMENTAL

Instruments and documents

48 Regulations and orders. E+W+S

- (1) Any power of [^{F1}the Secretary of State] 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 [^{F1}the Secretary of State] considers necessary or expedient.
- (2) Any power of [the Secretary of State] 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 [^{F2}, unless the instrument contains regulations which include provision made by virtue of section 16(3A),] be subject to annulment in pursuance of a resolution of either House of Parliament.

[^{F3}(3A) A statutory instrument containing regulations which include provision made by virtue of section 16(3A) may not be made by the Secretary of State unless a draft of the

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instrument has been laid before and approved by a resolution of each House of Parliament.

- (3B) A statutory instrument containing regulations which include provision made by virtue of section 16(3A) may not be made by the Welsh Ministers unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (3C) Regulations made by the Scottish Ministers which include provision made by virtue of section 16(3A) are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).]
- (4) [^{F4}Subject to subsection (4C) below,] Before making—
- (a) any regulations under this Act, other than regulations under section 17(2) or 18(1)(c) above; or
 - (b) any order under Part I of this Act,
- [^{F1}the Secretary of State] shall consult with such organisations as appear to them to be representative of interests likely to be substantially affected by the regulations or order.
- [^{F5}(4A) Before making any regulations or order under this Act, the Secretary of State shall have regard to any relevant advice given by the Food Standards Agency.
- (4B) If it appears to the Secretary of State that the Food Standards Agency has undertaken any consultation with an organisation that he is required to consult under subsection (4) above, the Secretary of State may treat that consultation as being as effective for the purposes of that subsection as if undertaken by him.]
- [^{F6}(4C) Subsection (4) above shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.]
- (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.
- [^{F7}(6) In the application of this section to Scotland, the references to the Food Standards Agency are to be read as references to Food Standards Scotland.]

Textual Amendments

- F1** Words in s. 48(1)(2)(4) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** Words in s. 48(3) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 174(2)(a)**, 186(6); S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F3** S. 48(3A)-(3C) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 174(2)(b)**, 186(6); S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F4** Words in s. 48(4) inserted (7.12.2004) by Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. 2004/2990), regs. 1(1), **5(a)**
- F5** S. 48(4A) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 21** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F6** S. 48(4C) inserted (7.12.2004) by Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. 2004/2990), regs. 1(1), **5(b)**
- F7** S. 48(6) inserted (S.) (1.4.2015) by Food (Scotland) Act 2015 (asp 1), s. 63(2), **sch. para. 3(11)** (with s. 62); S.S.I. 2015/99, **art. 2**

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Modifications etc. (not altering text)

- C1** S. 48 amended (1.4.2000) by 1999 c. 28, s. 18, Sch. 3 Pt. I para. 1, 7 (with s. 38); S.I. 2000/1066, **art. 2**
- C2** S. 48 transfer of functions (23.3.2005) by Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), **art. 1, Sch.** (with **art. 6**)

49 Form and authentication of documents. E+W+S

- (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) [^{F8}the Secretary of State] 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.

Textual Amendments

- F8** Words in s. 49 substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with **ss. 38, 40(2)**); S.I. 2000/1066, **art. 2**

Modifications etc. (not altering text)

- C3** S. 49 transfer of functions (23.3.2005) by Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), **art. 1, Sch.** (with **art. 6**)
- C4** S. 49 applied (with modifications) (S.) (1.1.2018) by The Novel Foods (Scotland) Regulations 2017 (S.S.I. 2017/415), **regs. 1, 5(1)(i)**

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- C5 S. 49 applied (with modifications) (E.) (8.3.2018) by [The Novel Foods \(England\) Regulations 2018 \(S.I. 2018/154\)](#), regs. 1, **7(1)(i)**
- C6 S. 49(3)-(5) power to apply in part for certain purposes conferred (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), **ss. 49(2)(c)(xi)**, 63(2) (with s. 62); S.S.I. 2015/99, art. 2
- C7 S. 49(3)-(5) applied (with modifications) (S.) (30.6.2023) by [The Food \(Scotland\) Act 2015 \(Compliance Notices\) Regulations 2023 \(S.S.I. 2023/161\)](#), regs. 1(2), **3(d)**
- C8 S. 49(4) applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(2)**

50 Service of documents. **E+W+S**

- (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 [^{F9}an authorised officer] of an enforcement authority, by leaving it, or sending it in a prepaid letter addressed to him, at his office;
 - (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.

Textual Amendments

F9 Words in s. 50(1) substituted (3.1.1995) by 1994 c. 40, ss. 76, 82(2)(f), **Sch. 16 para. 18**

Modifications etc. (not altering text)

- C9 S. 50 applied (with modifications) (10.7.1995) by S.I. 1995/1544, **reg. 10**
S. 50 applied (with modifications) (30.6.1997) by S.I. 1995/1544, **reg. 10(1)**(as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**)
- C10 S. 50 extended (W.) (31.7.2003) by [The Food Safety \(Ships and Aircraft\) \(Wales\) Order 2003 \(S.I. 2003/1774\)](#), arts. 1, 3, **Sch.**
- C11 S. 50 applied (17.12.2004) by [Genetically Modified Food \(Wales\) Regulations 2004 \(S.I. 2004/3220\)](#), regs. 1(b), **6(1)(l)**
- C12 S. 50 applied (with modifications) (1.7.2005) by [Eggs \(Marketing Standards\) \(Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/332\)](#), regs. 1(1), **15(1)(h)**
- C13 S. 50 applied (with modifications) (22.8.2007) by [Eggs and Chicks \(England\) Regulations 2007 \(S.I. 2007/2245\)](#), regs. 1(2), **21** (with **reg. 1(4)(5)**)
- C14 S. 50 applied (with modifications) (27.4.2008) by [Eggs and Chicks \(Scotland\) Regulations 2008 \(S.S.I. 2008/129\)](#), regs. 1(2), **20** (with **reg. 3**)

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- C15** S. 50 applied (with modifications) (S.) (19.12.2008) by [Eggs and Chicks \(Scotland\) \(No.2\) Regulations 2008 \(S.S.I. 2008/395\)](#), regs. 1(2), **20** (with reg. 3)
- C16** S. 50 applied (with modifications) (17.4.2009) by [Eggs and Chicks \(Wales\) Regulations 2009 \(S.I. 2009/793\)](#), regs. 1(2), **21** (with reg. 1(4)(5))
- C17** S. 50 power to apply in part for certain purposes conferred (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), **ss. 49(2)(c)(xii)**, 63(2) (with s. 62); S.S.I. 2015/99, art. 2
- C18** S. 50 applied (with modifications) (S.) (1.1.2018) by [The Novel Foods \(Scotland\) Regulations 2017 \(S.S.I. 2017/415\)](#), regs. 1, **5(1)(j)**
- C19** S. 50 applied (with modifications) (E.) (8.3.2018) by [The Novel Foods \(England\) Regulations 2018 \(S.I. 2018/154\)](#), regs. 1, **7(1)(j)**
- C20** S. 50 applied (with modifications) (E.) (1.10.2022) by [The Food \(Promotion and Placement\) \(England\) Regulations 2021 \(S.I. 2021/1368\)](#), regs. 1(1), **16(1)(2)(o)**
- C21** S. 50 applied (with modifications) (S.) (30.6.2023) by [The Food \(Scotland\) Act 2015 \(Compliance Notices\) Regulations 2023 \(S.S.I. 2023/161\)](#), regs. 1(2), **3(e)**

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