



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Protective provisions*

#### **43 Continuance of registration or licence on death.**

- (1) This section shall have effect on the death of any person who—
  - (a) is registered in respect of any premises in accordance with regulations made under Part II of this Act; or
  - (b) holds a licence issued in accordance with regulations so made.
- (2) The registration or licence shall subsist for the benefit of the deceased's personal representative, or his widow or any other member of his family, until the end of—
  - (a) the period of three months beginning with his death; or
  - (b) such longer period as the enforcement authority may allow.

#### **44 Protection of officers acting in good faith.**

- (1) An officer of a food authority is not personally liable in respect of any act done by him—
  - (a) in the execution or purported execution of this Act; and
  - (b) within the scope of his employment,if he did that act in the honest belief that his duty under this Act required or entitled him to do it.
- (2) Nothing in subsection (1) above shall be construed as relieving any food authority from any liability in respect of the acts of their officers.
- (3) Where an action has been brought against an officer of a food authority in respect of an act done by him—

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- (a) in the execution or purported execution of this Act; but
- (b) outside the scope of his employment,

the authority may indemnify him against the whole or a part of any damages which he has been ordered to pay or any costs which he may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment.

- (4) A public analyst appointed by a food authority shall be treated for the purposes of this section as being an officer of the authority, whether or not his appointment is a whole-time appointment.

#### Modifications etc. (not altering text)

- C1** S. 44 applied (with modifications) (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**  
S. 44 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(h)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(f)** (which S.I. was revoked (1.4.1995) by S.I. 1995/540, **reg. 26** (with **reg. 3(5)**)); (2.9.1994) by S.I. 1994/2127, **reg. 5**; (1.1.1995) by S.I. 1994/3082, **reg. 21**  
S. 44 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995) by S.I. 1995/539, **reg. 22** and S.I. 1995/540, **reg. 24**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(h)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(h)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(i)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (20.9.1995) by S.I. 1995/2148, **reg. 17**; (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(i)** and S.I. 3124, **reg. 11(i)**; (1.1.1996) by S.I. 1995/3240, **reg. 10(h)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49**, **Sch. 9**); (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**; (1.1.1996) by S.I. 1995/3205, **reg. 14**  
S. 44 applied (with modifications): (29.3.1996) by S.I. 1996/961, **art. 4(g)**; (1.7.1996) by S.I. 1996/1499, **reg. 48** and S.I. 1996/1502, **reg. 6**; (5.7.1996) by S.I. 1996/1743, **reg. 5** (which S.I. was revoked (1.9.1996) by S.I. 1996/2097, **reg. 8**); (1.9.1996) by S.I. 1996/2097, **reg. 6**  
S. 44 applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6(h)**; (30.6.1997) by S.I. 1995/1544, **reg. 10(2)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (4.7.1997) by S.I. 1997/1499, **reg. 6(2)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, **reg. 11**, **Sch.**; S.S.I. 2002/267, **reg. 11**, **Sch.**; S.I. 2002/1886, **reg. 11**, **Sch.**); (11.8.1997) by S.I. 1997/1729, **reg. 34(7)**; (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**; (16.9.1997) by S.I. 1997/2238, **art. 4(1)(c)**; (17.11.1997) by S.I. 1997/2537, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**  
S. 44 applied (with modifications): (1.1.1998) by S.I. 1997/2965, **reg. 30**; (19.2.1998) by S.I. 1998/141, **reg. 10(j)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(g)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(h)**; (21.5.1998) by S.I. 1998/1277, **art. 4(1)(d)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(i)**  
S. 44 applied (with modifications): (S.) (20.8.1999) by S.S.I. 1999/32, **art. 5(2)(c)**; (S.) (20.8.1999) by S.S.I. 1999/33, **art. 5(2)(c)**; (S.) (1.10.1999) by S.S.I. 1999/34, **art. 8(2)**; (S.) (17.12.1999) by S.S.I. 1999/186, **art. 9**; (19.3.1999) by S.I. 1996/1499, **reg. 48** (as inserted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(j)**; (5.6.1999) by S.I. 1999/1542, **art. 4(2)(c)(3)**; (5.6.1999) by S.I. 1999/1543, **reg. 4(2)(c)(3)**; (25.6.1999) by S.I. 1999/1800, **art. 5(1)(c)(2)**; (21.7.1999) by S.I. 1999/2025, **art. 5(2)(c)(3)**; (21.7.1999) by S.I. 1999/2026, **reg. 5(2)(c)(3)**; (S.) (29.7.1999) by S.S.I. 1999/15, **reg. 5**; (18.8.1999) by S.I. 1999/2332, **art. 5(2)(c)(3)**; (18.8.1999) by S.I. 1999/2333, **reg. 5(2)(c)(3)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(2)**; (12.10.1999) by S.I. 1999/2798, **art. 5(2)(c)(3)**; (12.10.1999) by S.I. 1999/2799, **reg. 5(2)(c)(3)**; (23.12.1999) by S.I. 1999/3421, **art. 5(2)(c)(3)**; (23.12.1999) by S.I. 1999/3422, **reg. 5(2)(c)(3)**  
S. 44 applied (with modifications): (S.) (17.2.2000) by S.S.I. 2000/15, **art. 5(2)(c)**; (S.) (17.2.2000) by S.S.I. 2000/16, **art. 5(2)(c)**; (E.W.) (23.2.2000) by S.I. 2000/375, **art. 5(1)(c)**; (S.) (24.2.2000) by S.I. 2000/35, **art. 5(c)**; (E.W.) (8.3.2000) by S.I. 2000/587, **art. 5(2)(c)(3)**; (E.W.) (8.3.2000) by S.I. 2000/588, **art. 5(2)(c)(3)**; (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000)

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- by S.S.I. 2000/83, **reg. 10(3)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(3)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(j)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(j)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(j)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(j)**
- S. 44 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(2)**; (W.) (1.5.2001) by S.I. 2001/1440, **reg. 10(j)**
- S. 44 applied (with modifications): (E.) (2.2.2002) by S.I. 2002/183, **reg. 6(1)** (which S.I. was revoked (20.6.2002) by S.I. 2002/1614, **reg. 6**); (W.) (2.2.2002) by S.I. 2002/203, **reg. 6(1)** (which S.I. was revoked (12.7.2002) by S.I. 2002/1798, **reg. 6**); (S.) (2.2.2002) by S.S.I. 2002/36, **reg. 6(1)** (which S.S.I. was revoked (24.6.2002) by S.S.I. 2002/300, **reg. 6**); (E.) (16.2.2002) by S.I. 2002/334, **art. 5(1)(f)** (as substituted (20.3.2002) for {art. 5(1)(e)} by S.I. 2002/602, **art. 4**); (S.) (16.2.2002) by S.S.I. 2002/64, **art. 5(1)(e)**; (W.) (23.2.2002) by S.I. 2002/402, **art. 5(1)(e)**; (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(j)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(k)**; (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(g)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(1)(g)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(2)(3), 5(1)(h)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(2)(3), 5(1)(h)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(1)(g)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(1)(g)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(i)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(i)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(i)**; (E.) (19.4.2002) by S.I. 2002/843, **reg. 77(1)(c)**; (W.) (27.5.2002) by S.I. 2002/1416, **reg. 77(1)(c)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(j)**; (S.) (19.6.2002) by S.S.I. 2002/255, **reg. 76(1)(c)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(g)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(g)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(i)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(g)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(j)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(1)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(g)** and S.I. 2002/2296, **reg. 5(1)(g)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(g)** and S.I. 2002/2351, **reg. 5(1)(g)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(f)** and S.S.I. 2002/425, **reg. 5(1)(f)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(k)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(1)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(k)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(l)**
- C2** S. 44 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(i)**; (28.6.1993) by S.I. 1993/1658, **reg.7(h)**  
S. 44 applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(g)**
- C3** S. 44 amended (16.9.1997) by S.I. 1997/2238, **art. 4(2)**
- C4** S. 44 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(j)**
- C5** S. 44 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(k)**
- C6** S. 44 applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), **regs. 1(1), 5(1)(g)**
- C7** S. 44 applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), **regs. 1, 7(1)(j)**
- C8** S. 44 applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), **regs. 1, 10**
- C9** S. 44 applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), **regs. 1(1), 7(1)(i)**
- C10** S. 44 applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), **regs. 1(1), 5(1)(g)**
- C11** S. 44 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), **regs. 1, 9(1)**
- C12** S. 44 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), **regs. 1(1), 10(k)**

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- C13** S. 44 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(I)**
- C14** S. 44 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(I)(k)** (with reg. 3)
- C15** S. 44 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(I)(I)** (with reg. 11)
- C16** S. 44 applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(I)(g)**
- C17** S. 44 applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(I)(j)**
- C18** S. 44 applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(I)(g)**
- C19** S. 44 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(k)** (with reg. 4)
- C20** S. 44 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(I)**
- C21** S. 44 applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(I)(f)**
- C22** S. 44 applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(I)(g)**
- C23** S. 44 applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(I)(f)**
- C24** S. 44(1)-(3) applied (with modifications) (30.6.1999) by S.I. 1999/1513, **reg. 6(3)**

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