

Status: Point in time view as at 03/08/2007.

Changes to legislation: Food Safety Act 1990, SCHEDULE 2 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 52.

AMENDMENTS OF PARTS III AND V OF 1984 ACT

Amendments of Part III

- 1 Part III of the 1984 Act (markets) shall be amended in accordance with paragraphs 2 to 11 below.
- 2 (1) In subsection (1) of section 50 (establishment or acquisition of markets), for the words “The council of a district” there shall be substituted the words “ A local authority ” and for the words “their district”, in each place where they occur, there shall be substituted the words “ their area ”.
- (2) In subsection (2) of that section, for the words “the district” there shall be substituted the words “ the authority’s area ”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—
 - “(3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority’s area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment”.
- 3 In section 51(2) (power to sell to local authority), the word “market” shall cease to have effect.
- 4 (1) In subsection (1) of section 53 (charges by market authority), the words “and in respect of the weighing and measuring of articles and vehicles” shall cease to have effect.
- (2) For subsection (2) of that section there shall be substituted the following subsection—
 - “(2) A market authority who provide—
 - (a) a weighing machine for weighing cattle, sheep or swine; or
 - (b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.”
- (3) In subsection (3)(b) of that section, the words “in respect of the weighing of vehicles, or, as the case may be,” shall cease to have effect.
- 5 For subsection (2) of section 54 (time for payment of charges) there shall be substituted the following subsection—

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“(2) Charges payable in respect of the weighing of cattle, sheep or swine shall be paid in advance to an authorised market officer by the person bringing the animals to be weighed.”

6 In section 56(1) (prohibited sales in market hours), for the word “district” there shall be substituted the word “ area ”.

7 In section 57 (weighing machines and scales), subsection (1) shall cease to have effect.

8 After that section there shall be inserted the following section—

“57A Provision of cold stores.

(1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.

(2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.

(3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.

(4) Subsections (1) to (5) of section 250 of the Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.”

9 Section 58 (weighing of articles) shall cease to have effect.

10 In section 60 (market byelaws), after paragraph (c) there shall be inserted the following paragraph—

“(d) after consulting the fire authority for the area in which the market is situated, for preventing the spread of fires in the market.”

11 In section 61 (interpretation of Part III), the words from “and this Part” to the end shall cease to have effect and for the definition of “market authority” there shall be substituted the following definitions—

““fire authority” means an authority exercising the functions of a fire authority under the Fire Services Act 1947;

“food” has the same meaning as in the Food Safety Act 1990;

“local authority” means a district council, a London borough council or a parish or community council;

“market authority” means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.”

Amendments of Part V

12 Part V of the 1984 Act (sugar beet and cold storage) shall be amended in accordance with paragraphs 13 to 16 below.

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- 13 [F1(1) In subsections (1) and (2) of section 68 (research and education), for the word “Company”, wherever it occurs, there shall be substituted the words “processors of home-grown beet”.
- (2) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In subsection (6) of that section, for the definition of “the Company” and subsequent definitions there shall be substituted—
- ““year” means a period of 12 months beginning with 1st April;
- and in this section and sections 69 and 69A “home-grown beet” means sugar beet grown in Great Britain”.]

Textual Amendments

- F1 Sch. 2 para. 13 repealed (E.W.) (9.5.2003) by [Regulatory Reform \(Sugar Beet Research and Education\) Order 2003 \(S.I. 2003/1281\)](#), arts. 1(1), 5

- 14 In subsection (3) of section 69 (crop price), for the words “ “home-grown beet” means sugar beet grown in Great Britain; and” there shall be substituted the words “ and section 69A ”.
- 15 After that section there shall be inserted the following section—

“69A Information.

- (1) For the purpose of facilitating—
- the making of a determination under section 69(1); or
 - the preparation or conduct of discussions concerning Community arrangements for or relating to the regulation of the market for sugar,
- the appropriate Minister may serve on any processor of home-grown beet a notice requiring him to furnish in writing, within such period as is specified in the notice, such information as is so specified.
- (2) Subject to subsection (3), information obtained under subsection (1) shall not be disclosed without the previous consent in writing of the person by whom the information was furnished; and a person who discloses any information so obtained in contravention of this subsection shall be liable—
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
 - on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.
- (3) Nothing in subsection (2) shall restrict the disclosure of information to any of the Ministers or the disclosure—
- of information obtained under subsection (1)(a)—
 - to a person designated to make a determination under section 69(1); or

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(ii) to a body which substantially represents the growers of home-grown beet; or

(b) of information obtained under subsection (1)(b), to the Community institution concerned.

(4) In this section “the appropriate Minister” means—

(a) in relation to England, the Minister of Agriculture, Fisheries and Food; and

(b) in relation to Scotland or Wales, the Secretary of State.”

16 Section 70 (provision of cold storage) shall cease to have effect.

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