

Status: Point in time view as at 26/09/2013.

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SCHEDULES

SCHEDULE 3

Section 59(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Public Health Act 1936 (c. 49)

- 1 An order made by the Secretary of State under section 6 of the Public Health Act 1936 may constitute a united district for the purposes of any functions under this Act which are functions of a food authority in England and Wales.

The London Government Act 1963 (c. 33)

- 2 Section 54(1) of the London Government Act 1963 (food, drugs, markets and animals) shall cease to have effect.

The Agriculture Act 1967 (c. 22)

- 3 In section 7(3) of the Agriculture Act 1967 (labelling of meat in relation to systems of classifying meat), the words from “and, without prejudice” to the end shall cease to have effect.

- 4 (1) In subsection (2) of section 25 of that Act (interpretation of Part I), for the definition of “slaughterhouse” there shall be substituted the following definition—

““slaughterhouse” has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 22 of the Slaughter of Animals (Scotland) Act 1980;”.

- (2) In subsection (3) of that section, for the words from “Part II” to “1955” there shall be substituted the words “ section 15 of the Slaughterhouses Act 1974 or section 1 of the Slaughter of Animals (Scotland) Act 1980 ”.

The Farm and Garden Chemicals Act 1967 (c. 50)

- 5 In section 4 of the Farm and Garden Chemicals Act 1967 (evidence of analysis of products)—

- (a) in subsection (3), for the words “section 76 of the ^{M1}Food Act 1984” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”; and
- (b) in subsection (7)(c), the words from “for the reference” to “1956” shall cease to have effect.

Marginal Citations

M1 1984 c. 30.

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The Trade Descriptions Act 1968 (c. 29)

- 6 In section 2(5)(a) of the Trade Descriptions Act 1968 (certain descriptions to be deemed not to be trade descriptions), for the words “the Food Act 1984, the ^{M2}Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ the Food Safety Act 1990 ”.

Marginal Citations

M2 1956 c. 30.

- 7 In section 22 of that Act (admissibility of evidence in proceedings for offences under Act), in subsection (2), the paragraph beginning with the words “In this subsection” shall cease to have effect, and after that subsection there shall be inserted the following subsection—

“(2A) In subsection (2) of this section—

“the food and drugs laws” means the Food Safety Act 1990, the Medicines Act 1968 and the Food (Northern Ireland) Order 1989 and any instrument made thereunder;

“the relevant provisions” means—

- (i) in relation to the said Act of 1990, section 31 and regulations made thereunder;
- (ii) in relation to the said Act of 1968, so much of Schedule 3 to that Act as is applicable to the circumstances in which the sample was procured; and
- (iii) in relation to the said Order, Articles 40 and 44,

or any provisions replacing any of those provisions by virtue of section 17 of the said Act of 1990, paragraph 27 of Schedule 3 to the said Act of 1968 or Article 72 or 73 of the said Order.”

The Medicines Act 1968 (c. 67)

- 8 In section 108 of the Medicines Act 1968 (enforcement in England and Wales)—

(a) for the words “food and drugs authority”, in each place where they occur, there shall be substituted the words “ drugs authority ”; and

(b) after subsection (11) there shall be inserted the following subsection—

“(12) In this section “drugs authority” means—

- (a) as respects each London borough, metropolitan district or non-metropolitan county, the council of that borough, district or county; and
- (b) as respects the City of London (including the Temples), the Common Council of that City.”

- 9 In section 109 of that Act (enforcement in Scotland)—

(a) paragraph (c) of subsection (2) shall cease to have effect; and

(b) after that subsection there shall be inserted the following subsection—

“(2A) Subsection (12) of section 108 of this Act shall have effect in relation to Scotland as if for paragraphs (a) and (b) there were substituted the words “ an islands or district council ”.”

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10 After section 115 of that Act there shall be inserted the following section—

“115A Facilities for microbiological examinations.

A drugs authority or the council of a non-metropolitan district may provide facilities for microbiological examinations of drugs.”

11 In section 132(1) of that Act (interpretation), the definition of “food and drugs authority” shall cease to have effect and after the definition of “doctor” there shall be inserted the following definition—

““drugs authority” has the meaning assigned to it by section 108(12) of this Act;”.

12 In paragraph 1(2) of Schedule 3 to that Act (sampling) for the words from “in relation to England and Wales” to “Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ except in relation to Northern Ireland, has the meaning assigned to it by section 27 of the Food Safety Act 1990 ”.

The Transport Act 1968 (c. 73)

13 In Schedule 16 to the Transport Act 1968 (supplementary and consequential provisions), in paragraph 7(2), paragraphs (d) and (e) shall cease to have effect.

The Tribunals and Inquiries Act 1971 (c. 62)

^{F1}14

Textual Amendments

F1 Sch. 3 para. 14 repealed (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch.4 Pt. 1

The Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)

^{F2}15

Textual Amendments

F2 Sch. 3 para. 15 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

The Poisons Act 1972 (c. 66)

16 In section 8(4)(a) of the Poisons Act 1972 (evidence of analysis in proceedings under Act) for the words “section 76 of the Food Act 1984, or section 27 of the ^{M3}Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”.

Marginal Citations

M3 1956 c. 30.

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The Local Government Act 1972 (c. 70)

- 17 In section 259(3) of the Local Government Act 1972 (compensation for loss of office)—
- (a) in paragraph (b), for the words “food and drugs authority, within the meaning of the Food Act 1984” there shall be substituted the words “ food authority within the meaning of the Food Safety Act 1990 ”;
 - (b) in paragraph (c), for sub-paragraphs (i) and (ii) there shall be substituted the words “ which are incorporated or reproduced in the Slaughterhouses Act 1974 or the Food Safety Act 1990 ”; and
 - (c) the words “section 129(1) of the ^{M4}Food and Drugs Act 1955” shall cease to have effect.

Marginal Citations

M4 1955 c. 16.

The Slaughterhouses Act 1974 (c. 3)

- 18 In the following provisions of the Slaughterhouses Act 1974, namely—
- ^{F3}(a)
 - (b) section 4(2)(a) (requirements to be complied with in relation to knacker’s yard licences);
 - (c) section 12(2) (regulations with respect to slaughterhouses and knackers’ yards to prevail over byelaws); and
 - ^{F3}(d)
- for the words “section 13 of the ^{M5}Food Act 1984” there shall be substituted the words “ section 16 of the Food Safety Act 1990 ”.

Textual Amendments

F3 Sch. 3 para. 18(a)(d) repealed (11.9.1996) by 1996/2235, art. 11, Sch.

Marginal Citations

M5 1984 c. 30.

The Licensing (Scotland) Act 1976 (c. 66)

- 19 [^{F4}In section 23(4) of the Licensing (Scotland) Act 1976 (application for new licence), for the words “section 13 of the ^{M6}Food and Drugs (Scotland) Act 1956” there shall be substituted “ section 16 of the Food Safety Act 1990 ”.]

Textual Amendments

F4 Sch. 3 para. 19 repealed (S.) (1.9.2009 at 5.00 a.m.) by Licensing (Scotland) Act 2005 (asp 16), s. 150(2), Sch. 7 (with s. 143); S.S.I. 2007/472, art. 3

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Marginal Citations

M6 1956 c. 30.

The Weights and Measures &c. Act 1976 (c. 77)

20 (1) In subsection (1) of section 12 of the Weights and Measures &c. Act 1976 (shortages of food and other goods), for paragraphs (a) and (b) there shall be substituted the following paragraph—

“(a) section 16 of the Food Safety Act 1990 (“the 1990 Act”);”.

(2) In subsection (9) of that section—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) where it was imposed under the 1990 Act—

- (i) the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in so far as it was imposed in relation to England and Wales; and
- (ii) the Secretary of State in so far as it was imposed in relation to Scotland;”;

(b) in paragraph (c), the words “the 1956 Act or” shall cease to have effect.

21 In Schedule 6 to that Act (temporary requirements imposed by emergency orders), for paragraphs 2 and 3 there shall be substituted the following paragraph—

“ Food Safety Act 1990 (c. 16)

2 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food Safety Act 1990.

(2) The following provisions of that Act—

- (a) Part I (preliminary);
- (b) Part III (administration and enforcement); and
- (c) sections 40 to 50 (default powers and other supplemental provisions),

shall apply as if the substituted requirement were imposed by regulations under section 16 of that Act.”

The Hydrocarbon Oil Duties Act 1979 (c. 5)

22 In Schedule 5 to the Hydrocarbon Oil Duties Act 1979 (sampling) in paragraph 5(d) for the words “section 76 of the Food Act 1984, section 27 of the Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”.

The Slaughter of Animals (Scotland) Act 1980 (c. 13)

23 In section 19(2) of the Slaughter of Animals (Scotland) Act 1980 (enforcement) for the words “section 13 of the Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 16 of the Food Safety Act 1990 ” and for the words “section 36 of the said Act of 1956” there shall be substituted the words “ section 32 of the said Act of 1990 ”.

24 In section 22 of that Act (interpretation)—

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- (a) for the definition of “knacker’s yard” there shall be substituted the following definition—

““knacker’s yard” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption; and “knacker” means a person whose business it is to carry out such slaughtering, flaying or cutting up”; and

- (b) for the definition of “slaughterhouse” there shall be substituted the following definition—

““slaughterhouse” means a place for slaughtering animals, the flesh of which is intended for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or keeping, or subjecting to any treatment or process, products of the slaughtering of animals there; and “slaughterman” means a person whose business it is to carry out such slaughtering”.

The Civic Government (Scotland) Act 1982 (c. 45)

25 In section 39 of the Civic Government (Scotland) Act 1982 (street traders’ licences)

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- (a) in subsection (3)(b), for the words “section 7 of the ^{M7}Milk and Dairies (Scotland) Act 1914” there shall be substituted the words “ regulations made under section 19 of the Food Safety Act 1990 ”; and
- (b) in subsection (4)—
- (i) for the words “regulations made under sections 13 and 56 of the ^{M8}Food and Drugs (Scotland) Act 1956”, there shall be substituted the words “ section 1(3) of the Food Safety Act 1990 ”;
- (ii) for the words “islands or district council” there shall be substituted the words “ food authority (for the purposes of section 5 of the Food Safety Act 1990) ”; and
- (iii) for the words “sections 13 and 56 of the Food and Drugs (Scotland) Act 1956”, there shall be substituted the words “ section 16 of the Food Safety Act 1990 ”.

Marginal Citations

M7 1914 c. 46.

M8 1956 c. 30.

The Public Health (Control of Disease) Act 1984 (c. 22)

26 In section 3(2) of the Public Health (Control of Disease) Act 1984 (jurisdiction and powers of port health authority), for paragraph (a) there shall be substituted the following paragraph—

“(a) of a food authority under the Food Safety Act 1990;”.

27 In section 7(3) of that Act (London port health authority), for paragraph (d) there shall be substituted the following paragraph—

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“(d) of a food authority under any provision of the Food Safety Act 1990.”

28 (1) In subsection (1) of section 20 of that Act (stopping of work to prevent spread of disease), in paragraph (b) for the words “subsection (1) of section 28 of the ^{M9}Food Act 1984” there shall be substituted “ subsection (1A) below ”.

(2) After that subsection there shall be inserted the following subsection—

“(1A) The diseases to which this subsection applies are—

- (a) enteric fever (including typhoid and paratyphoid fevers);
- (b) dysentery;
- (c) diphtheria;
- (d) scarlet fever;
- (e) acute inflammation of the throat;
- (f) gastro-enteritis; and
- (g) undulant fever.”

Marginal Citations

M9 1984 c. 30.

The Food and Environment Protection Act 1985 (c. 48)

29 In section 24(1) of the Food and Environment Protection Act 1985 (interpretation)

- (a) in the definition of “designated incident”, for the words “designated incident” there shall be substituted the words “ designated circumstances ”;
- (b) the definition of “escape” shall cease to have effect; and
- (c) for the definition of “food” there shall be substituted—

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

30 In section 25 of that Act (Northern Ireland) after subsection (4) there shall be inserted the following subsection—

“(4A) Section 24(1) above shall have effect in relation to Northern Ireland as if for the definition of “food” there were substituted the following definition—

““food” has the meaning assigned to it by Article 2(2) of the Food (Northern Ireland) Order 1989, except that it includes water which is bottled or is an ingredient of food;”

The Local Government Act 1985 (c. 51)

31 In paragraph 15 of Schedule 8 to the Local Government Act 1985 (trading standards and related functions)—

- (a) sub-paragraph (2) shall cease to have effect; and
- (b) at the end of sub-paragraph (6) there shall be added the words “ or section 5(1) of the Food Safety Act 1990 ”.

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The Weights and Measures Act 1985 (c. 72)

- 32 In section 38 of the Weights and Measures Act 1985 (special powers of inspectors), subsection (4) (exclusion for milk) shall cease to have effect.
- 33 In section 93 of that Act (powers under other Acts with respect to marking of food) for the words “^{M10}Food Act 1984” there shall be substituted the words “ Food Safety Act 1990 ”.

Marginal Citations

M10 1984 c. 30.

- 34 In section 94(1) of that Act (interpretation), in the definition of “drugs” and “food” for the words “Food Act 1984, or, in Scotland, the ^{M11}Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ Food Safety Act 1990 ”.

Marginal Citations

M11 1956 c. 30.

The Agriculture Act 1986 (c. 49)

- 35 In section 1(6) of the Agriculture Act 1986 (provision of agricultural goods and services), in the definition of “food”, for the words “Food Act 1984” there shall be substituted “ Food Safety Act 1990 ”.

The National Health Service (Amendment) Act 1986 (c. 66)

- 36 (1) In subsection (2) of section 1 of the National Health Service (Amendment) Act 1986 (application of food legislation to health authorities and health service premises)—
- (a) for the words “appropriate authority” there shall be substituted the word “ Ministers ”; and
 - (b) for the word “authority” there shall be substituted the word “ Ministers ”.
- (2) For subsection (7) of that section there shall be substituted—
- “(7) In this section—
- “the Ministers” has the same meaning as in the Food Safety Act 1990;
 - “the food legislation” means the Food Safety Act 1990 and any regulations or orders made (or having effect as if made) under it;
 - “health authority”—
- (a) as respects England and Wales, has the meaning assigned to it by section 128 of the 1977 Act; and
 - (b) as respects Scotland, means a Health Board constituted under section 2 of the 1978 Act, the Common Services Agency constituted under section 10 of that Act or a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984.”

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The Consumer Protection Act 1987 (c. 43)

- 37 In section 19(1) of the Consumer Protection Act 1987 (interpretation of Part II), in the definition of “food” for the words “Food Act 1984” there shall be substituted “ Food Safety Act 1990 ”.

The Road Traffic Offenders Act 1988 (c. 53)

- 38 In section 16(7) of the Road Traffic Offenders Act 1988 (meaning of “authorised analyst” in relation to proceedings under Act), for the words “section 76 of the Food Act 1984, or section 27 of the ^{M12}Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”.

Marginal Citations

M12 1956 c. 30.

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