

*Status: Point in time view as at 05/07/1991.*

*Changes to legislation: Food Safety Act 1990, SCHEDULE 4 is up to date with all changes known to be in force on or before 29 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 4

Section 59(3).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Ships and aircraft*

- 1 In relation to any time before the commencement of the first order under section 1(3) of this Act—
- (a) any ship which is a home-going ship within the meaning of section 132 of the 1984 Act or section 58 of the 1956 Act (interpretation) shall be regarded as premises for the purposes of this Act; and
  - (b) the powers of entry conferred by section 32 of this Act shall include the right to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part II of this Act;
- and in this Act as it applies by virtue of this paragraph “occupier”, in relation to any ship or aircraft, means the master, commander or other person in charge of the ship or aircraft.

##### *Regulations under the 1984 Act*

- 2 (1) In so far as any existing regulations made, or having effect as if made, under any provision of the 1984 Act specified in the first column of Table A below have effect in relation to England and Wales, they shall have effect, after the commencement of the relevant repeal, as if made under the provisions of this Act specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.
- (2) In this paragraph and paragraphs 3 and 4 below “existing regulations” means—
- (a) any regulations made, or having effect as if made, under a provision repealed by this Act; and
  - (b) any orders having effect as if made under such regulations,
- which are in force immediately before the coming into force of that repeal; and references to the commencement of the relevant repeal shall be construed accordingly.

TABLE A

<i>Provision of the 1984 Act</i>	<i>Provision of this Act</i>
section 4 (composition etc. of food)	sections 16(1)(a), (c) and (f) and (3) and 17(1)
section 7 (describing food)	section 16(1)(e)

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section 13 (food hygiene)	section 16(1)(b), (c), (d) and (f), (2) and (3)
section 33 (milk and dairies)	section 16(1)(b), (c), (d) and (f), (2) and (3)
section 34 (registration), so far as relating to dairies or dairy farms	section 19
section 38 (milk: special designations)	section 18(2)
section 73(2) (qualification of officers)	section 5(6)
section 76(2) (public analysts)	section 27(2)
section 79(5) (form of certificate)	section 49(2)
section 119 (Community provisions)	section 17(2)

*Regulations under the 1956 Act*

- 3 Any existing regulations made, or having effect as if made, under any provision of the 1956 Act specified in the first column of Table B below shall have effect, after the commencement of the relevant repeal, as if made under the provisions of this Act specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.

TABLE B

<i>Provision of the 1956 Act</i>	<i>Provision of this Act</i>
section 4 (composition etc. of food)	sections 16(1)(a), (c) and (f) and (3) and 17(1)
section 7 (describing food)	section 16(1)(e)
section 13 (food hygiene)	sections 5(6) and 16(1)(b), (c), (d) and (f), (2) and (3)
section 16(2) (regulations as to milk)	section 18(2)
section 27(2) (public analysts)	section 27(2)
section 29(3) (form of certificate)	section 49(2)
section 56A (Community provisions)	section 17(2)

*Other regulations*

- 4 In so far as any existing regulations made under section 1 of the <sup>M1</sup>Importation of Milk Act 1983 have effect in relation to Great Britain, they shall have effect, after the commencement of the relevant repeal, as if made under section 18(1)(c) of this Act.

**Marginal Citations**

**M1** 1983 c. 37.

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### *Orders with respect to milk in Scotland*

- 5 the Milk and Dairies (Scotland) Act 1914 (orders with respect to milk) shall have effect, after the commencement of the relevant repeal, as if it were regulations made under section 16(1)(b), (d) and (f) and (2) of this Act.
- (2) Any existing order made under section 3 of the <sup>M2</sup>Milk and Dairies (Amendment) Act 1922 (sale of milk under special designations) shall have effect, after the commencement of the relevant repeal, as if it were regulations made under section 18(2) of this Act.
- (3) In this paragraph “existing order” means any order made under a provision repealed by this Act which is in force immediately before the coming into force of that repeal; and references to the commencement of the relevant repeal shall be construed accordingly.

#### **Marginal Citations**

**M2** 1922 c. 54.

### *Disqualification orders*

- 6 The repeal by this Act of section 14 of the 1984 Act (court’s power to disqualify caterers) shall not have effect as respects any order made, or having effect as if made, under that section which is in force immediately before the commencement of that repeal.

### *Food hygiene byelaws*

- 7 (1) The repeal by this Act of section 15 of the 1984 Act (byelaws as to food) shall not have effect as respects any byelaws made, or having effect as if made, under that section which are in force immediately before the commencement of that repeal.
- (2) In so far as any such byelaws conflict with any regulations made, or having effect as if made, under Part II of this Act, the regulations shall prevail.

### *Closure orders*

- 8 The repeal by this Act of section 21 of the 1984 Act or section 1 of the <sup>M3</sup>Control of Food Premises (Scotland) Act 1977 (closure orders) shall not have effect as respects any order made, or having effect as if made, under that section which is in force immediately before the commencement of that repeal.

#### **Marginal Citations**

**M3** 1977 c. 28.

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