



Food Safety Act 1990

1990 CHAPTER 16

PART I

PRELIMINARY

1 Meaning of “food” and other basic expressions.

- (1) In this Act “food” includes—
- drink;
 - articles and substances of no nutritional value which are used for human consumption;
 - chewing gum and other products of a like nature and use; and
 - articles and substances used as ingredients in the preparation of food or anything falling within this subsection.
- (2) In this Act “food” does not include—
- live animals or birds, or live fish which are not used for human consumption while they are alive;
 - fodder or feeding stuffs for animals, birds or fish;
 - controlled drugs within the meaning of the ^{M1}Misuse of Drugs Act 1971; or
 - subject to such exceptions as may be specified in an order made by [^{F1}the Secretary of State]—
 - medicinal products within the meaning of the ^{M2}Medicines Act 1968 in respect of which product licences within the meaning of that Act are for the time being in force; or
 - other articles or substances in respect of which such licences are for the time being in force in pursuance of orders under section 104 or 105 of that Act (application of Act to other articles and substances).
- (3) In this Act, unless the context otherwise requires—
- “business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

Status: Point in time view as at 01/04/2000. This version of this provision has been superseded.

Changes to legislation: Food Safety Act 1990, Section 1 is up to date with all changes known to be in force on or before 01 July 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)

“commercial operation”, in relation to any food or contact material, means any of the following, namely—

- (a) selling, possessing for sale and offering, exposing or advertising for sale;
- (b) consigning, delivering or serving by way of sale;
- (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
- (d) storing or transporting for the purpose of sale;
- (e) importing and exporting;

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;

“contact material” means any article or substance which is intended to come into contact with food;

“food business” means any business in the course of which commercial operations with respect to food or food sources are carried out;

“food premises” means any premises used for the purposes of a food business;

“food source” means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);

“premises” includes any place, any vehicle, stall or moveable structure and, for such purposes as may be specified in an order made by [^{F1} the Secretary of State], any ship or aircraft of a description so specified.

- (4) The reference in subsection (3) above to preparing for sale shall be construed, in relation to any contact material, as a reference to manufacturing or producing for the purpose of sale.

Textual Amendments

- F1** Words in s. 1(2)(3) 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)

- C1** S. 1 applied (with modifications)(1.1.1995) by S.I. 1994/3144, **reg. 9(14)**

Marginal Citations

- M1** 1971 c. 38.
M2 1968 c. 67.

Status:

Point in time view as at 01/04/2000. This version of this provision has been superseded.

Changes to legislation:

Food Safety Act 1990, Section 1 is up to date with all changes known to be in force on or before 01 July 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.