



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Food safety*

#### 13 Emergency control orders.

- (1) If it appears to [<sup>F1</sup>the Secretary of State] that the carrying out of commercial operations with respect to food, food sources or contact materials of any class or description involves or may involve imminent risk of injury to health, he may, by an order (in this Act referred to as an “emergency control order”), prohibit the carrying out of such operations with respect to food, food sources or contact materials of that class or description.
- (2) Any person who knowingly contravenes an emergency control order shall be guilty of an offence.
- (3) [<sup>F2</sup>The Secretary of State][<sup>F3</sup>or the Food Standards Agency] may consent, either unconditionally or subject to any condition that [<sup>F4</sup>the authority giving the consent] considers appropriate, to the doing in a particular case of anything prohibited by an emergency control order.
- (4) It shall be a defence for a person charged with an offence under subsection (2) above to show—
  - (a) that consent had been given under subsection (3) above to the contravention of the emergency control order; and
  - (b) that any condition subject to which that consent was given was complied with.
- (5) [<sup>F5</sup>The Secretary of State]— [<sup>F6</sup>or the Food Standards Agency]
  - (a) may give such directions as appear to [<sup>F7</sup>the authority giving the directions] to be necessary or expedient for the purpose of preventing the carrying out of commercial operations with respect to any food, food sources or contact

*Changes to legislation: Food Safety Act 1990, Section 13 is up to date with all changes known to be in force on or before 14 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) View outstanding changes*

- materials which [<sup>F7</sup>the authority giving the directions]believes, on reasonable grounds, to be food, food sources or contact materials to which an emergency control order applies; and
- (b) may do anything which appears to [<sup>F7</sup>the authority giving the directions] to be necessary or expedient for that purpose.
- (6) Any person who fails to comply with a direction under this section shall be guilty of an offence.
- (7) If [<sup>F8</sup>the Secretary of State][<sup>F9</sup>or the Food Standards Agency]does anything by virtue of this section in consequence of any person failing to comply with an emergency control order or a direction under this section, [<sup>F10</sup>that authority] may recover from that person any expenses reasonably incurred by him under this section.
- [<sup>F11</sup>(8) In the application of this section to Scotland, the references to the Food Standards Agency are to be ignored.]

#### Textual Amendments

- F1** Words in s. 13(1) 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**
- F2** Words in s. 13(3) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(2)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F3** Words in s. 13(3) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(2)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F4** Words in s. 13(3) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(2)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F5** Words in s. 13(5) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(3)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F6** Words in s. 13(5) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(3)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F7** Words in s. 13(5) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(3)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F8** Words in s. 13(7) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(4)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F9** Words in s. 13(7) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(4)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F10** Words in s. 13(7) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 11(1)(4)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F11** S. 13(8) inserted (S.) (1.4.2015) by Food (Scotland) Act 2015 (asp 1), s. 63(2), **sch. para. 3(3)** (with s. 62); S.S.I. 2015/99, **art. 2**

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

- C1** S. 13 transfer of functions (23.3.2005) by Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), art. 1, **Sch.** (with art. 6)
- C2** S. 13(1) amended (1.4.2000) by 1999 c. 28, **s. 17(1)(b)** (with s. 38); S.I. 2000/1066, **art. 2**
- C3** S. 13(3) amended (1.4.2000) by 1999 c. 28, s. 18, Sch. 3 Pt. I para. 1, **3** (with s. 38); S.I. 2000/1066, **art. 2**

**Changes to legislation:**

Food Safety Act 1990, Section 13 is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(2)(a) repealed by [2007 c. 15 Sch. 23 Pt. 1](#)