



Food Safety Act 1990

1990 CHAPTER 16

PART II

MAIN PROVISIONS

Regulations

18 Special provisions for particular foods etc.

- (1) [^{F1}the Secretary of State] may by regulations make provision—
- (a) for prohibiting the carrying out of commercial operations with respect to novel foods, or food sources from which such foods are intended to be derived, of any class specified in the regulations;
 - (b) for prohibiting the carrying out of such operations with respect to genetically modified food sources, or foods derived from such food sources, of any class so specified; or
 - (c) for prohibiting the importation of any food of a class so specified,
- and (in each case) for excluding from the prohibition any food or food source which is of a description specified by or under the regulations and, in the case of a prohibition on importation, is imported at an authorised place of entry.
- (2) [^{F2}The Secretary of State] may also by regulations—
- (a) prescribe, in relation to milk of any description, such a designation (in this subsection referred to as a “special designation”) as [the Secretary of State considers] appropriate;
 - (b) provide for the issue by enforcement authorities of licences to producers and sellers of milk authorising the use of a special designation; and
 - (c) prohibit, without the use of a special designation, all sales of milk for human consumption, other than sales made with [the Secretary of State’s].
- (3) In this section—
- “authorised place of entry” means any port, aerodrome or other place of entry authorised by or under the regulations and, in relation to food in a

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Changes to legislation: *Food Safety Act 1990, Section 18 is up to date with all changes known to be in force on or before 06 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)*

particular consignment, includes any place of entry so authorised for the importation of that consignment;

“description”, in relation to food, includes any description of its origin or of the manner in which it is packed;

“novel food” means any food which has not previously been used for human consumption in Great Britain, or has been so used only to a very limited extent.

- (4) For the purposes of this section a food source is genetically modified if any of the genes or other genetic material in the food source—
- (a) has been modified by means of an artificial technique; or
 - (b) is inherited or otherwise derived, through any number of replications, from genetic material which was so modified;

and in this subsection “artificial technique” does not include any technique which involves no more than, or no more than the assistance of, naturally occurring processes of reproduction (including selective breeding techniques or *in vitro* fertilisation).

Textual Amendments

- F1** Words in s. 18(1) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with s. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** Words in s. 18(2) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 12** (with s. 38, 40(2)); S.I. 2000/1066, **art. 2**

Modifications etc. (not altering text)

- C1** S. 18 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)

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