



Food Safety Act 1990

1990 CHAPTER 16

PART I

PRELIMINARY

2 Extended meaning of “sale” etc.

(1) For the purposes of this Act—

- (a) the supply of food, otherwise than on sale, in the course of a business; and
- (b) any other thing which is done with respect to food and is specified in an order made by [^{F1}the Secretary of State],

shall be deemed to be a sale of the food, and references to purchasers and purchasing shall be construed accordingly.

(2) This Act shall apply—

- (a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
- (c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in paragraph (a) or (b) above, as if the food were, or had been, exposed for sale by the occupier of the premises;

and in this subsection “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

Status: Point in time view as at 20/12/2004. This version of this provision has been superseded.

Changes to legislation: Food Safety Act 1990, Section 2 is up to date with all changes known to be in force on or before 17 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)

Textual Amendments

- F1** Words in s. 2(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**

Modifications etc. (not altering text)

- C1** S. 2 applied (9.4.1992) by S.I. 1992/496, **reg. 7(1)(a)**
S. 2 applied: (13.9.1992) by S.I. 1992/1971, **reg. 9(a)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(a)**
S. 2 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(a)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(a)**
S. 2 applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(a)**
S. 2 applied: (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(4)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(4)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/148, **regs. 1(1), 5(4)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/149, **regs. 1(1), 5(4)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(4)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(4)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(4)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(4)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(4)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(4)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(4)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(4)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(4)**
- C2** S. 2 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**
S. 2 applied (with modifications): (1.7.1992) by S.I. 1992/1357, **reg. 9**; (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**
S. 2 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(a)**; (2.9.1994) by S.I. 1994/2127, **reg. 5**
S. 2 applied (with modifications): (1.1.1995) by S.I. 1994/3082, **reg. 21**; (1.4.1995) by S.I. 1995/539, **reg. 22** and S.I. 1995/540, **reg. 24**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(a)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(a)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(a)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (20.9.1995) by S.I. 1995/2148, **reg. 17** (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(a)**; (1.1.1996) by S.I. 1995/3124, **reg. 11(a)**; (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**; (1.1.1996) by S.I. 1995/3205, **reg. 14**; (1.1.1996) by S.I. 1995/3240, **reg. 10(a)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49, Sch. 9**)
S. 2 applied (with modifications): (29.3.1996) by S.I. 1996/961, **art. 4(a)**; (1.7.1996) by S.I. 1996/1499, **reg. 48**; (1.7.1996) by S.I. 1996/1502, **reg. 6**; (5.7.1996) by S.I. 1996/1743, **reg. 5** (which S.I. was revoked (1.9.1996) by S.I. 1996/2097, **reg. 8**); (1.9.1996) by S.I. 1996/2097, **reg. 6**
S. 2 applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6**; (30.6.1997) by S.I. 1995/1544, **reg. 10(1)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(a)**; (17.11.1997) by S.I. 1997/2537, **reg. 9**; (31.3.1999) by: S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**; (1.1.1998) by S.I. 1997/2965, **reg. 30**
S. 2 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(a)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(a)**; (31.10.1998) by S.I. 1998/2424, **reg. 8**
S. 2 applied (with modifications): (S.) (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (S.) (17.12.1999) by S.S.I. 1999/186, **art. 9**; (19.3.1999) by S.I. 1996/1499, **reg. 48** (as substituted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(a)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
S. 2 applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(a)**; (W.) (25.7.2000) by S.I. 2000/1925, **art. 10(1)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(a)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(a)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(a)**

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- S. 2 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)**; (W.) (1.5.2001) by S.I. 2001/1440, **reg. 10(a)**
- S. 2 applied (with modifications): (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(a)**; (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(a)**; (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(a)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(a)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(a)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, regs. 1(2)(3), **9(a)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, regs. 1(2)(3), **8(a)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, regs. 1(2)(3), **9(a)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(a)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(a)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(a)**
- C3** S. 2 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(a)**
- C4** S. 2 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(a)**
- C5** S. 2 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(a)**
- C6** S. 2 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(1)(a)** (with reg. 3)
- C7** S. 2 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(a)** (with reg. 11)
- C8** S. 2 extended (31.7.2003) by The Food Safety (Ships and Aircraft) (Wales) Order 2003 (S.I. 2003/1774), arts. 1, 3, **Sch.**
- C9** S. 2 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(a)**
- C10** S. 2 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(a)** (with reg. 4)
- C11** S. 2 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(a)** (with reg. 3)
- C12** S. 2 applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(b)**
- C13** S. 2 applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(a)**
- C14** S. 2 applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(a)**
- C15** S. 2 applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(a)** (with reg. 3)
- C16** S. 2 applied (with modifications) (28.11.2003) by Specified Sugar Products (Scotland) Regulations 2003 (S.S.I. 2003/527), regs. 1(1), **9** (with reg. 10)
- C17** S. 2 applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(a)**
- C18** S. 2 applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(a)**
- C19** S. 2 applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), regs. 1(1), **10(a)** (with regs. 3, 11)
- C20** S. 2 applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(a)** (with reg. 3)
- C21** S. 2 applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), regs. 1(1), **9(1)(a)**
- C22** S. 2 applied (with modifications) (5.3.2004) by Jam and Similar Products (Wales) Regulations 2004 (S.I. 2004/553), regs. 1, **9(1)(a)** (with reg. 3)
- C23** S. 2 applied (with modifications) (16.4.2004) by Food (Jelly Mimi-Cups) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/187), regs. 1(1), **6(a)**

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- C24** S. 2 applied (with modifications) (28.4.2004) by [Jam and Similar Products \(Scotland\) Regulations 2004 \(S.S.I. 2004/133\)](#), regs. 1(1), **10(a)**
- C25** S. 2 applied (with modifications) (31.5.2004) by [Meat Products \(Wales\) Regulations 2004 \(S.I. 2004/1396\)](#), regs. 1(c), **8(a)** (with reg. 3)

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