



# 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 [<sup>F1</sup>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.

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### 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S. 2 applied: (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(4)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(4)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/148, **regs. 1(1), 5(4)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/149, **regs. 1(1), 5(4)** (which S.S.I. was revoked (13.9.2002) by S.S.I.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)
- C26 S. 2 applied (with modifications) (12.1.2005) by Food with Added Phytosterols or Phytostanols (Labelling) (England) Regulations 2004 (S.I. 2004/3344), regs. 1, **10(1)(a)**
- C27 S. 2 applied (with modifications) (1.2.2005) by Food Labelling (Added Phytosterols or Phytostanols) (Scotland) Regulations 2005 (S.S.I. 2005/1), regs. 1(1), **10(1)(a)**
- C28 S. 2 amendment to earlier affecting provision S.I. 1995/77, reg. 23 (6.3.2005) by Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (S.S.I. 2004/7), regs. 1(1), **9**
- C29 S. 2 applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004 (S.I. 2004/314), regs. 1, **12(a)** (with reg. 3)
- C30 S. 2 amendment to earlier affecting provision SI 1995/77, reg. 23 (6.3.2005) by The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004 (S.I. 2004/313), regs. 1, **9**
- C31 S. 2 applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003 (S.I. 2003/3207), regs. 1, **12(a)** (with reg. 3)
- C32 S. 2 applied (with modifications) by S.I. 1995/77, reg. 23 (as amended (6.3.2005) by Infant Formula and Follow-on Formula (Amendment) (England) Regulations 2003 (S.I. 2003/3208), regs. 1, **9**); Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (S.S.I. 2004/7), regs. 1(1), **9**; and The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004 (S.I. 2004/313), regs. 1, **9**)
- C33 S. 2 applied (with modifications) (6.3.2005) by Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (S.S.I. 2004/8), regs. 1(1), **12(a)**
- C34 S. 2 applied (with modifications) (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(1)(a)**
- C35 S. 2 applied (with modifications) (30.4.2005) by Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005 (S.I. 2005/1224), regs. 1, **10(1)(a)**
- C36 S. 2 applied (with modifications) (21.5.2005) by Materials and Articles in Contact with Food (Scotland) Regulations 2005 (S.S.I. 2005/243), regs. 1(1), **14(1)** (with reg. 3)
- C37 S. 2(1)(b): 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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