



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

*Defences etc.*

#### 20 Offences due to fault of another person.

Where the commission by any person of an offence under any of the preceding provisions of this Part is due to an act or default of some other person, that other person shall be guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

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

- C1** S. 20 applied by S.I. 1991/370, **reg. 3(2)**  
S. 20 applied: (9.4.1992) by S.I. 1992/496, **reg. 7(1)(c)**; (29.5.1992) by S.I. 1992/1122, **reg. 4** (which S.I. was revoked (24.7.1992) by S.I. 1992/1601, **reg. 6**); (24.7.1992) by S.I. 1992/1601, **reg. 4**; (13.9.1992) by S.I. 1992/1971, **reg. 9(c)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(c)**; (1.10.1992) by S.I. 1992/2037, **reg. 23(b)** (which S.I. was revoked (1.4.1995) by S.I. 1995/539, reg. 25, Sch. 22 (with regs. 3(2), 25, **Sch. 22**))  
S. 20 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(c)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(c)**  
S. 20 applied (4.9.1996) by S.I. 1996/2265, **reg. 7(3)** (which S.I. was revoked (15.3.1997) by S.I. 1997/389, **reg. 14**)  
S. 20 applied (15.3.1997) by S.I. 1997/389, **reg. 10(3)** (which S.I. was revoked (1.8.1997 at 6.00 p.m.) by S.I. 1997/1905, **reg. 20**); (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(c)**; (1.8.1997 at 6.00 p.m.) by S.I. 1997/1905, **reg. 16(3)**  
S. 20 applied (30.6.1999) by S.I. 1999/ 1513, reg. 6(2)(a)  
S. 20 applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(b)**
- C2** S. 20 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**

*Status: Point in time view as at 18/12/2003. This version of this provision has been superseded.*

*Changes to legislation: Food Safety Act 1990, Section 20 is up to date with all changes known to be in force on or before 30 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)*

S. 20 applied (with modifications): (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1, 18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1, 19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (18.12.1992 for certain purposes and 1.1.1993 otherwise) by S.I. 1992/3165, **regs. 1, 7(2)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**

S. 20 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(c)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(b)** (which S.I. was revoked (1.4.1995) by S.I. 1995/540, **reg. 26** (with **reg. 3(5)**)); (2.9.1994) by S.I. 1994/2127, **reg. 5**; (1.1.1995) by S.I. 1994/3082, **reg. 21**

S. 20 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995) by S.I. 1995/539, **reg. 22**; (1.4.1995) by S.I. 1995/540, **reg. 24**; (1.4.1995) by S.I. 1995/614, **reg. 11**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(c)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(c)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(c)**; (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**; S.I. 1995/3123, **reg. 9(c)**; S.I. 1995/3124, **reg. 11(c)**; S.I. 1995/3240, **reg. 10(c)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49, Sch. 9**); (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**

S. 20 applied (with modifications): (29.3.1996) by S.I. 1996/961, **art. 4(c)**; (1.7.1996) by S.I. 1996/1499, **reg. 48**; (1.7.1996) by S.I. 1996/1502, **reg. 6**

S. 20 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**); (4.7.1997) by S.I. 1997/1499, **reg. 6(1)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, **reg. 11, Sch.**; S.S.I. 2002/267, **reg. 11, Sch.**; S.I. 2002/1886, **reg. 11, Sch.**); (17.11.1997) by S.I. 1997/2537, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**; (1.1.1998) by S.I. 1997/2965, **reg. 30** (with **reg. 32**); (31.3.1999) by S.I. 1997/2042, **reg. 9**; (31.3.1999) by S.I. 1997/2182, **reg. 9**

S. 20 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(c)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(c)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(b)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(c)**

S. 20 applied (with modifications): (S.) (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (S.) (17.2.1999) 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)(c)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**

S. 20 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)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(c)**

S. 20 applied (with modifications): (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(c)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(c)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(c)**

S. 20 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(c)**

S. 20 applied (with modifications): (E.) (2.2.2002) by S.I. 2002/183, **reg. 6(1)** (which S.I. was revoked (20.6.2002) by S.I. 2002/1614, **reg. 6**); (W.) (2.2.2002) by S.I. 2002/203, **reg. 6(1)** (which S.I. was revoked (12.7.2002) by S.I. 2002/1798, **reg. 6**); (S.) (2.2.2002) by S.S.I. 2002/36, **reg. 6(1)** (which S.S.I. was revoked (24.6.2002) by S.S.I. 2002/300, **reg. 6**); (E.) (16.2.2002) by S.I. 2002/334, **art. 5(1)(b)**; (S.) (16.2.2002) by S.S.I. 2002/64, **art. 5(1)(b)**; (W.) (23.2.2002) by S.I. 2002/402, **art. 5(1)(b)**; (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(c)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(c)**; (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(a)** (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(1)(a)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(1), 5(1)(a)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(1), 5(1)(a)** (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(1)(a)** (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(1)(a)** (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(1)(b)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(b)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(b)**; (E.) (18.6.2002) by S.I. 2002/890,

*Status: Point in time view as at 18/12/2003. This version of this provision has been superseded.*

*Changes to legislation: Food Safety Act 1990, Section 20 is up to date with all changes known to be in force on or before 30 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)*

- reg. 7(1)(b)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(a)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(a)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(b)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(a)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(b)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, regs. 1(2)(3), **9(c)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(a)** and S.I. 2002/2296, **reg. 5(1)(a)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(a)** and S.I. 2002/2351, **reg. 5(1)(a)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(a)** and S.S.I. 2002/425, **reg. 5(1)(a)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, regs. 1(2)(3), **8(c)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, regs. 1(2)(3), **9(c)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(c)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(c)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(c)**
- C3** S. 20 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(1)(b)**
- C4** S. 20 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), regs. 1, **10(b)**
- C5** S. 20 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), regs. 1(1), **10(b)**
- C6** S. 20 applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), regs. 1(1), **5(1)(a)**
- C7** S. 20 applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C8** S. 20 applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), regs. 1, **7(1)(b)**
- C9** S. 20 applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), regs. 1(1), **7(1)(b)**
- C10** S. 20 applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), regs. 1(1), **5(1)(a)**
- C11** S. 20 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(c)**
- C12** S. 20 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(c)**
- C13** S. 20 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(c)**
- C14** S. 20 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)(c)** (with reg. 3)
- C15** S. 20 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(c)** (with reg. 11)
- C16** S. 20 applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(a)**
- C17** S. 20 applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(a)**
- C18** S. 20 applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(b)**
- C19** S. 20 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(c)**
- C20** S. 20 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(c)** (with reg. 4)
- C21** S. 20 applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(1)(a)**
- C22** S. 20 applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(a)**
- C23** S. 20 applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(1)(a)**
- C24** S. 20 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(e)** (with reg. 3)

*Status: Point in time view as at 18/12/2003. This version of this provision has been superseded.*

*Changes to legislation: Food Safety Act 1990, Section 20 is up to date with all changes known to be in force on or before 30 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)*

- C25** S. 20 applied (with modifications) (5.9.2003) by [Food \(Brazil Nuts\) \(Emergency Control\) \(Wales\) Regulations 2003 \(S.I. 2003/2254\)](#), regs. 1(1), **5(1)(a)**
- C26** S. 20 applied (with modifications) (6.9.2003) by [The Food \(Pistachios from Iran\) \(Emergency Control\) \(Wales\) \(No.2\) Regulations 2003 \(S.I. 2003/2288\)](#), regs. 1(1), **5(1)(a)**
- C27** S. 20 applied (with modifications) (25.9.2003) by [Honey \(England\) Regulations 2003 \(S.I. 2003/2243\)](#), regs. 1, **9(c)**
- C28** S. 20 applied (with modifications) (25.9.2003) by [Food \(Hot Chilli And Hot Chilli Products\) \(Emergency Control\) \(Wales\) Regulations 2003 \(S.I. 2003/2455\)](#), regs. 1(1), **5(1)(a)**
- C29** S. 20 applied (with modifications) (30.9.2003) by [Food \(Peanuts from Egypt\) \(Emergency Control\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/418\)](#), regs. 1(1), **5(1)(a)**
- C30** S. 20 applied (with modifications) (30.9.2003) by [Food \(Pistachios from Iran\) \(Emergency Control\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/414\)](#), regs. 1(1), **5(1)(a)**
- C31** S. 20 applied (with modifications) (14.11.2003) by [Food \(Peanuts from Egypt\) \(Emergency Control\) \(Wales\) Regulations 2003 \(S.I. 2003/2910\)](#), regs. 1(1), **5(1)(a)**
- C32** S. 20 applied (with modifications) (28.11.2003) by [The Specified Sugar Products \(Wales\) Regulations 2003 \(S.I. 2003/3047\)](#), regs. 1, **9(c)**
- C33** S. 20 applied (with modifications) (28.11.2003) by [Honey \(Wales\) Regulations 2003 \(S.I. 2003/3044\)](#), regs. 1, **9(c)**
- C34** S. 20 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)
- C35** S. 20 applied (with modifications) (28.11.2003) by [Cocoa and Chocolate Products \(Wales\) Regulations 2003 \(S.I. 2003/3037\)](#), regs. 1, **10(c)**
- C36** S. 20 applied (with modifications) (28.11.2003) by [Condensed Milk and Dried Milk \(Wales\) Regulations 2003 \(S.I. 2003/3053\)](#), regs. 1, **9(1)(c)** (with reg. 3)
- C37** S. 20 applied (with modifications) (28.11.2003) by [The Fruit Juices and Fruit Nectars \(Wales\) Regulations 2003 \(S.I. 2003/3041\)](#), regs. 1, **9(c)**
- C38** S. 20 applied (with modifications) (18.12.2003) by [Honey \(Scotland\) Regulations 2003 \(S.S.I. 2003/569\)](#), regs. 1(1), **10(c)** (with regs. 3, 11)

**Status:**

Point in time view as at 18/12/2003. This version of this provision has been superseded.

**Changes to legislation:**

Food Safety Act 1990, Section 20 is up to date with all changes known to be in force on or before 30 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.