



Food Safety Act 1990

1990 CHAPTER 16

PART I

PRELIMINARY

3 Presumptions that food intended for human consumption.

- (1) The following provisions shall apply for the purposes of this Act.
- (2) Any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption.
- (3) The following, namely—
 - (a) any food commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that food; and
 - (b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption.
- (4) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Modifications etc. (not altering text)

- C1** S. 3 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(1)(a)**
- C2** S. 3 applied: (9.4.1992) by S.I. 1992/496, **reg. 7(1)(b)**; (13.9.1992) by S.I. 1992/1971, **reg. 9(b)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(b)**; (1.10.1992) by S.I. 1992/2037, **reg. 23(a)** (which S.I. was revoked (1.4.1995) by S.I. 1995/539, **reg. 25**, Sch. 22 (with **regs. 3(2)**, **25**, **Sch. 22**))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. 3 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(b)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(b)**

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- C3** S. 3 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**
 S. 3 applied (with modifications) (1.7.1992) by S.I. 1992/1357, **reg. 9**
 S. 3 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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1, 18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1, 19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**
 S. 3 applied (with modifications) (1.4.1994) by S.I. 1994/743, **reg. 8(1)(b)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(a)** (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**
 S. 3 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995): by S.I. 1995/539, **reg. 22** and 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)(b)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(b)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(b)**; (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(b)** and S.I. 1995/3124, **reg. 11(b)**; (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(b)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49, Sch. 9**)
 S. 3 applied (with modifications): (29.3.1996) by S.I. 1996/961, **art. 4(b)**; (1.7.1996): by S.I. 1996/1499, **reg. 48** and 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. 3 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**); (18.7.1997) by S.I. 1997/1729, **reg. 34(1)**; (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. 3 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(b)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(a)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(b)**
 S. 3 applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (17.12.1999) by S.S.I. 1999/186 art. 9; (19.3.1999) by S.I. 1996/1499 **reg. 48** (as substituted by 1999/747, **reg. 11**); (17.12.1999) by S.I. 1999/1540, **reg. 19(1)(b)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
 S. 3 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(b)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(b)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(b)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(b)**
 S. 3 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)** and S.I. 2001/1440, **reg. 10(b)**
 S. 3 applied (with modifications): (E.) (16.2.2002) by S.I. 2002/334, **art. 5(1)(a)**; (S.) (16.2.2002) by S.S.I. 2002/64, **art. 5(1)(a)**; (W.) (23.2.2002) by S.I. 2002/402, **art. 5(1)(a)**; (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(b)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(b)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(a)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(a)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(a)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(b)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(b)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(b)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(b)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(b)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(b)**
- C4** S. 3 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(a)**
- C5** S. 3 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(a)**
- C6** S. 3 applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), **regs. 1, 7(1)(a)**

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- C7 S. 3 applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C8 S. 3 applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), regs. 1(1), **7(1)(a)**
- C9 S. 3 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(b)**
- C10 S. 3 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(b)**
- C11 S. 3 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(b)**
- C12 S. 3 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)(b)** (with reg. 3)
- C13 S. 3 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(b)** (with reg. 11)
- C14 S. 3 extended (31.7.2003) by The Food Safety (Ships and Aircraft) (Wales) Order 2003 (S.I. 2003/1774), arts. 1, 3, **Sch.**
- C15 S. 3 applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(a)**
- C16 S. 3 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(b)**
- C17 S. 3 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(b)** (with reg. 4)
- C18 S. 3 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(b)** (with reg. 3)
- C19 S. 3 applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(b)**
- C20 S. 3 applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(b)**
- C21 S. 3 applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(b)** (with reg. 3)
- C22 S. 3 applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(b)**
- C23 S. 3 applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(b)**
- C24 S. 3 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)
- C25 S. 3 applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(b)**
- C26 S. 3 applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), regs. 1(1), **10(b)** (with regs. 3, 11)
- C27 S. 3 applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(b)** (with reg. 3)
- C28 S. 3 applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), regs. 1(1), **9(1)(b)**
- C29 S. 3 applied (with modifications) (5.3.2004) by Jam and Similar Products (Wales) Regulations 2004 (S.I. 2004/553), regs. 1, **9(1)(b)** (with reg. 3)
- C30 S. 3 applied (with modifications) (28.4.2004) by Jam and Similar Products (Scotland) Regulations 2004 (S.S.I. 2004/133), regs. 1(1), **10(b)**
- C31 S. 3 applied (with modifications) (31.5.2004) by Meat Products (Wales) Regulations 2004 (S.I. 2004/1396), regs. 1(c), **8(b)** (with reg. 3)
- C32 S. 3 applied (4.10.2004) by Genetically Modified Food (England) Regulations 2004 (S.I. 2004/2335), regs. 1(b), **6(1)(a)**

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- C33** S. 3 applied (with modifications) (15.11.2004) by Genetically Modified Food (Scotland) Regulations 2004 (S.S.I. 2004/432), regs. 1(1), **6(1)(a)**
- C34** S. 3 applied (17.12.2004) by Genetically Modified Food (Wales) Regulations 2004 (S.I. 2004/3220), regs. 1(b), **6(1)(a)**
- C35** S. 3 applied (with modifications) (20.12.2004) by Contaminants in Food (England) Regulations 2004 (S.I. 2004/3062), regs. 1, **7(1)(a)**
- C36** S. 3 applied (with modifications) (25.12.2004) by Contaminants in Food (Scotland) Regulations 2004 (S.S.I. 2004/525), regs. 1(1), **7(1)(a)**
- C37** S. 3 applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(3)(a)**
- C38** S. 3 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)(b)**
- C39** S. 3 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)(b)**
- C40** S. 3 applied (with modifications) (1.3.2005) by The Contaminants in Food (Wales) Regulations 2005 (S.I. 2005/364), regs. 1, **7(1)(a)**
- C41** S. 3 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(b)** (with reg. 3)
- C42** S. 3 amendment to earlier affecting provision SI 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**
- C43** S. 3 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(b)**
- C44** S. 3 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(b)** (with reg. 3)
- C45** S. 3 applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by Infant Formula and Follow-on Formula (Amendment) (England) Regulations 2003 (S.I. 2003/3208), regs. 1, **9**)
- C46** S. 3 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**
- C47** S. 3 applied (with modifications) (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(3)(a)**
- C48** S. 3 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)(b)**
- C49** S. 3 applied by SI 1998/1376 reg. 12(1) (as substituted (21.5.2005) by Materials and Articles in Contact with Food (Scotland) Regulations 2005 (S.S.I. 2005/243), regs. 1(1), **15(6)** (with reg. 3))
- C50** S. 3 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(3)** (with reg. 3)
- C51** S. 3 applied (16.6.2005) by Smoke Flavourings (England) Regulations 2005 (S.I. 2005/464), regs. 1(b)(ii), **6**
- C52** S. 3 applied (16.6.2005) by Smoke Flavourings (Wales) Regulations 2005 (S.I. 2005/1350), regs. 1(b)(ii), **6(a)**
- C53** S. 3 applied (with modifications) (24.6.2005) by The Materials and Articles in Contact with Food (Wales) Regulations 2005 (S.I. 2005/1647), regs. 1, **14(3)(a)** (with reg. 3)
- C54** S. 3 applied (with modifications) (1.7.2005) by Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005/332), regs. 1(1), **15(1)(a)**
- C55** S. 3 applied (with modifications) (1.8.2005) by The Food Supplements (Wales) Regulations 2003 (S.I. 2003/1719), regs. 1, **11(b)** (with reg. 3)
- C56** S. 3 applied (with modifications) (1.8.2005) by Food Supplements (Scotland) Regulations 2003 (S.S.I. 2003/278), regs. 1(1), **11(b)** (with regs. 3, 5)
- C57** S. 3 applied (with modifications) (1.8.2005) by The Food Supplements (England) Regulations 2003 (S.I. 2003/1387), regs. 1, **11(b)**
- C58** S. 3 applied (with modifications) (11.11.2005) by Tryptophan in Food (England) Regulations 2005 (S.I. 2005/2630), regs. 1, **8(b)**

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- C59** S. 3 applied (with modifications) (11.11.2005) by Tryptophan in Food (Scotland) Regulations 2005 (S.S.I. 2005/479), regs. 1(1), **8(b)**
- C60** S. 3 applied (with modifications) (11.11.2005) by The Tryptophan in Food (Wales) Regulations 2005 (S.I. 2005/3111), regs. 1, **8(b)**
- C61** S. 3 applied (with modifications) (1.1.2006) by Contaminants in Food (England) Regulations 2005 (S.I. 2005/3251), regs. 1, **6(1)(a)**
- C62** S. 3 applied (with modifications) (1.1.2006) by Contaminants in Food (Scotland) Regulations 2005 (S.S.I. 2005/606), regs. 1(1), **6(1)(a)**
- C63** S. 3 applied (with modifications) (1.3.2006) by The Contaminants in Food (Wales) Regulations 2006 (S.I. 2006/485), regs. 1, **6(1)(a)**
- C64** S. 3 applied (30.6.2006) by Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2006 (S.S.I. 2006/314), regs. 1(1), **21(a)**
- C65** S. 3 applied (30.6.2006) by Plastic Materials and Articles in Contact with Food (England) Regulations 2006 (S.I. 2006/1401), regs. 1, **21(a)**
- C66** S. 3(4) applied (1.1.1993) by S.I. 1992/3145, **reg. 11(2)** (which S.I. was revoked (1.7.1998) by S.I. 1998/1376, **reg. 14**)
S. 3(4) applied (1.7.1998) by S.I. 1998/1376, **reg. 12(2)**

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