



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Powers of Ministers*

#### **42 Default powers**

- (1) Where the Minister is satisfied that—
  - (a) a food authority (in this section referred to as “the authority in default”) have failed to discharge any duty imposed by or under this Act; and
  - (b) the authority’s failure affects the general interests of consumers of food,  
he may by order empower another food authority (in this section referred to as “the substitute authority”), or one of his officers, to discharge that duty in place of the authority in default.
- (2) For the purpose of determining whether the power conferred by subsection (1) above is exercisable, the Minister may cause a local inquiry to be held; and where he does so, the relevant provisions of the Local Government Act shall apply as if the inquiry were a local inquiry held under that Act.
- (3) Nothing in subsection (1) above affects any other power exercisable by the Minister with respect to defaults of local authorities.
- (4) The substitute authority or the Minister may recover from the authority in default any expenses reasonably incurred by them or him under subsection (1) above; and for the purpose of paying any such amount the authority in default may—
  - (a) raise money as if the expenses had been incurred directly by them as a local authority; and
  - (b) if and to the extent that they are authorised to do so by the Minister, borrow money in accordance with the statutory provisions relating to borrowing by a local authority.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In this section “the relevant provisions of the Local Government Act” means subsections (2) to (5) of section 250 of the Local Government Act 1972 in relation to England and Wales and subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973 in relation to Scotland.