

*These notes refer to the Food Standards Act 1999 (c.28)  
which received Royal Assent on 11 November 1999*

# FOOD STANDARDS ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 12: Monitoring of enforcement action*

44. This section empowers the Agency to monitor, set standards for and audit the performance of enforcement authorities (which are defined in section 15) in carrying out food law enforcement.
45. *Subsection (2)* gives the Agency power to set standards against which to monitor performance. Normally, these would be set in respect of enforcement authorities generally, although the power extends to the setting of standards for individual authorities, should this be necessary.
46. Under *subsection (3)* the Agency must publish (as part of its annual report) information about its own performance as an enforcement authority corresponding to the information it would obtain about other authorities. At present, for the most part, this would relate to its role in enforcing the provisions of the various meat hygiene regulations through the Meat Hygiene Service (which will become part of the Agency) and in the enforcement of dairy hygiene regulations. The information published must include details on the Agency's performance in relation to any standards it has set to apply to its own enforcement activities which might, for example, be contained in a code of practice or equivalent; and any particular objectives it has set in its section 22 statement of objectives and practices. During consideration in the House of Lords, the Government gave a commitment that these would include objectives relating to the principles of better regulation.
47. The general publication of audit reports by the Agency is dealt with in section 19.
48. It is envisaged that a reasonable period of time would be provided for an enforcement authority to report back under *subsection (5)(b)* on its response to a report on its performance that was issued under *subsection (4)*. This would take account of the need for local authorities to consider their response in the course of their usual committee cycle.