

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

FOOD STANDARDS ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 17: Delegation of powers to make emergency orders

62. Under sections 1 and 2 of the Food and Environment Protection Act 1985 and section 13 of the Food Safety Act 1990 the Secretary of State may make emergency orders in response to circumstances or incidents which pose a threat to public health in relation to food. The Secretary of State will retain these powers, and in addition the Agency may be empowered by him to make emergency orders itself on his behalf. This power does not give the Agency the ability to make legislation itself in other areas, and in practice it is envisaged that the Agency will only make orders in emergency situations where the Secretary of State is not available.
63. *Subsection (3)* makes it clear that it is the Secretary of State who is ultimately answerable for emergency legislation made by the Agency on his behalf, and that anything done by the Agency is in law done by the Secretary of State.
64. Responsibility for orders under the two Acts is devolved to the appropriate authorities in Scotland and Wales, and in Northern Ireland is exercised by departments under equivalent legislation. *Subsection (5)* provides these authorities with the power to delegate their powers to make emergency orders under the relevant legislation to the Agency within their own competence.