

*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 23: Consideration of objectives, risks, costs and benefits, etc

81. This section requires the Agency, in carrying out its functions, to have due regard to its statement of general objectives and practices (section 22) and take account of relevant advice from advisory committees and certain other considerations, as follows.
82. *Subsection (2)* requires the Agency to take account in its decision-making process of:
 - a) the nature and magnitude of risks which the action under consideration is designed to address. Risk to health is highlighted as of particular importance but other risks in relation to consumer protection (for example where labelling may mislead consumers) may also be relevant. The Agency is also required to take account of any uncertainty in the evidence. For example, where it is taking decisions in relation to a risk which is potentially very serious, but about which there is very little evidence, the Agency is likely to want to take a precautionary approach; and
 - b) the likely costs and benefits associated with the course of action under consideration. This would mean that the Agency must balance obvious compliance costs, as well as matters such as restriction of consumer choice, against the benefits of reduced risk to health etc. arising from any action.
83. *Subsection (3)* provides that the duty under the section does not apply where it is unreasonable or impracticable. For example, some of the Agency's actions may raise no concerns about risk, or an analysis of costs and benefits may not be appropriate. Decisions on appointments would be examples of this kind.