

**1990 No. 2486**

**FOOD**

**The Food Safety Act 1990 (Consequential Modifications)  
(England and Wales) Order 1990**

<i>Made - - - -</i>	<i>10th December 1990</i>
<i>Laid before Parliament</i>	<i>11th December 1990</i>
<i>Coming into force</i>	<i>1st January 1991</i>

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The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 4(1), 57(1) and 59(2) of the Food Safety Act 1990 (a), and of all other powers enabling them in that behalf, hereby make the following Order:-

## PART I

### TITLE, COMMENCEMENT AND INTERPRETATION

#### **Title, commencement and interpretation**

1.—(1) This Order may be cited as the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990 and shall come into force on 1st January 1991.

(2) Unless the context otherwise requires, any reference in this Order to a Schedule shall be construed as a reference to a Schedule to this Order.

## PART II

### MODIFICATIONS RELATING TO “THE ACT”, “FOOD” AND “FOOD AUTHORITY”

#### **Definition of “the Act”**

2.—(1) In the provisions of the Regulations specified in column 3 of Part I of Schedule 1 for the definition of “the Act” there shall be substituted the following definition—

“ ‘the Act’ means the Food Safety Act 1990;”.

(2) In the provisions of the Regulations specified in column 3 of Part II of Schedule 1 there shall be inserted at the appropriate place the following definition—

“ ‘the Act’ means the Food Safety Act 1990;”.

(3) In the Regulations specified in Part II of Schedule 1 for the words “the Food and Drugs Act 1955” and the words “the Food Act 1984”, in each place where they occur, there shall be substituted the words “the Act”.

#### **Definition of “food”**

3. In regulation 2(1) of each of the Regulations specified in Schedule 2 the definition of “food” shall cease to have effect.

#### **Definition of “food authority”**

4.—(1) In regulation 2(1) of each of the Regulations specified in Part I of Schedule 3 the definition of “food and drugs authority” shall cease to have effect.

(2) In the Regulations specified in Parts I and II of Schedule 3 for the words “food and drugs authority” in each place where they occur there shall be substituted the words “food authority”.

(3) In regulation 2(1) of each of the Regulations specified in Part I of Schedule 3, and in the provisions of the Regulations specified in column 3 of Part II of Schedule 3, there shall be inserted, at the appropriate place, the following definition—

“ ‘food authority’ means—

(a) in England, for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London;

(b) in Wales, the county council;”.

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(a) 1990 c.16.

(4) In regulation 2(1) of each of the Regulations specified in Part I of Schedule 4 the definition of "local authority" shall cease to have effect.

(5) For the words "local authority" in each place where they occur in the Regulations specified in Parts I and II of Schedule 4 there shall be substituted the words "food authority".

(6) In regulation 2(1) of each of the Regulations specified in Part I of Schedule 4, and in the provisions of the Regulations specified in column 3 of Part II of Schedule 4, there shall be inserted, at the appropriate place, the following definition—

“ 'food authority' means—

- (a) as respects any district or London borough, the council of the district or borough;
- (b) as respects the City of London, the Common Council;
- (c) as respects the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer respectively;”.

## PART III

### APPLICATION OF PROVISIONS OF THE ACT

#### Application of sections of the Food Safety Act

5.—(1) After regulation 2 of the Regulations specified in Schedule 5 there shall be inserted the following regulation—

“**Application of sections 2, 3, 20, 21, 30(8), 33, 36 and 44 of the Act**

2A. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

- section 2 (extended meaning of "sale" etc.);
- section 3 (presumption that food intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate); and
- section 44 (protection of officers acting in good faith).”.

(2) The provisions of the Regulations (if any) specified in column 3 of Schedule 5 shall cease to have effect.

(3) After regulation 2 of the Regulations specified in Schedule 6 there shall be inserted the following regulation—

“**Application of sections 2, 3, 20, 21, 22, 30(8), 33, 36 and 44 of the Act**

2A. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

- section 2 (extended meaning of "sale" etc.);
- section 3 (presumption that food intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 22 (defence of publication in the course of business);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate); and
- section 44 (protection of officers acting in good faith).”.

(4) The provisions of the Regulations specified in column 3 of Schedule 6 shall cease to have effect.

#### **Application of other provisions**

6.—(1) For the provisions of the Regulations specified in column 3 of Schedule 7 there shall be substituted the following regulation bearing the same number—

##### **“Condemnation of food**

Where any food is certified by a food analyst as being food which it is an offence against these Regulations to sell or import that food may be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements and section 8(3) shall apply for the purposes of these Regulations as it applies for the purposes of the Act.”.

(2) For the provisions of the Regulations specified in column 3 of Schedule 8 there shall be substituted the following provision bearing the same number—

“The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

section 20 (offences due to fault of another person);

section 21 (defence of due diligence); and

section 44 (protection of officers acting in good faith).”.

(3) For the provisions of the Regulations specified in column 3 of Schedule 9 there shall be substituted the following paragraph bearing the same number—

“Where a food authority has refused to issue, or has withdrawn, a certificate the person aggrieved may carry on that business until the time to appeal has expired and, if an appeal is lodged, until the appeal is finally disposed of.”.

#### **Time limits for prosecutions**

7. To the provisions of the Regulations specified in column 3 of Schedule 10 there shall be added at the end the following paragraph numbered sequentially—

“No prosecution for an offence under these Regulations which is triable either summarily or on indictment shall be begun after the expiry of—

(a) three years from the commission of the offence; or

(b) one year from its discovery by the prosecutor, whichever is the earlier.”.

## **PART IV**

### **MODIFICATIONS RELATING TO IMPORTS**

#### **Consequential modifications to the Imported Food Regulations 1984**

8.—(1) The Imported Food Regulations 1984(a) shall have effect subject to the following amendments.

(2) In regulation 2 in the definition of “authorised officer” the words after “enforcing authority” to the end of that definition shall cease to have effect.

(3) In regulations 4(6) and 5(5) in the definition of “receiving authority” paragraph (a) shall cease to have effect and for paragraph (b) there shall be substituted the following paragraph—

“(b) where that place is in England, Wales or Scotland, a food authority;”.

(4) In regulation 6(1)(a) for the words “section 1(1)” there shall be substituted the words “section 7(1)”.

(5) For regulation 7(2) of those Regulations there shall be substituted the following paragraph—

(a) S.I. 1984/1918.

“(2) If on such examination being made it appears to an authorised officer that the food is being or has been imported in contravention of regulation 6, that food may be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements and section 8(3) shall apply for the purposes of these Regulations as it applies for the purposes of the Act.”.

(6) In regulation 8 of those Regulations for the words “section 78” there shall be substituted the words “section 29”, for the words “section 79” there shall be substituted the words “section 30” and the words “food and drugs” shall cease to have effect.

(7) For regulation 23 of those Regulations there shall be substituted the following regulation—

**“Compensation**

**23.** Any disputed question as to the right or amount of any compensation payable under these Regulations shall be determined by arbitration.”.

## PART V

### MODIFICATIONS RELATING TO MEAT

#### **Consequential modifications to the Poultry Meat (Water Content) Regulations 1984**

**9.—(1)** The Poultry Meat (Water Content) Regulations 1984(a) shall have effect subject to the following amendments.

(2) In regulation 2, at the appropriate place, there shall be inserted the following definition—

“ ‘local authority’ means—

- (a) as respects any district or London borough, the council of the district or borough;
- (b) as respects the City of London, the Common Council;
- (c) as respects the Inner Temple and the Middle Temple, the Sub-Treasurer and Under Treasurer respectively;”.

(3) In regulation 4(1)(e) for the words “section 92(1) of the Food and Drugs Act 1955” there shall be substituted the words “section 30(1) of the Act”.

(4) In regulation 8(4) for the words from “Section 93” to “analysis” there shall be substituted the words “Section 30 of the Act (which contains provisions as to samples taken for analysis), and Regulations made under section 31 of that Act.”.

#### **Consequential modifications to the Meat and Meat Products (Hormonal Substances) Regulations 1989**

**10.—(1)** The Meat and Meat Products (Hormonal Substances) Regulations 1989(b) shall have effect subject to the following amendments.

(2) In regulation 2(1)—

- (a) the definition of “the Food Act” shall cease to have effect;
- (b) there shall be inserted at the appropriate place the following definition—  
“ ‘the Act’ means the Food Safety Act 1990;”;
- (c) in the definition of “human consumption” for the words “section 132” there shall be substituted the words “section 53(1)”;
- (d) in the definition of “slaughterhouse” for the words “section 132” there shall be substituted the words “section 53(1)”.

(3) For the words “the Food Act”, in each place where they occur, there shall be substituted the words “the Act”.

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(a) S.I. 1984/1145.

(b) S.I. 1989/2133.

(4) In regulations 4(4), 15(1) and 17(9) for the words "section 9(1)(b)" there shall be substituted the words "section 9(3)(b)".

(5) In regulations 4(5), 15(2) and 17(10) for the words "section 9(2) and (3)" there shall be substituted the words "section 9(5) and (6)".

(6) In regulations 4(4), (5), 15(1), (2) and 17(9) and (10) for the words "unfit for human consumption", wherever they occur, there shall be substituted the words "failing to comply with food safety requirements".

(7) In regulation 5(1) for the words "a sampling officer by section 78(2) and (3)" there shall be substituted the words "an authorised officer of an enforcement authority by section 29".

(8) In regulation 5(3) for the words "section 78" there shall be substituted the words "section 29".

(9) After regulation 14 there shall be inserted the following provision—

**"Compensation**

**14A.** Any disputed question as to the right or amount of any compensation payable under these Regulations shall be determined by arbitration."

## PART VI

### MODIFICATIONS RELATING TO MILK

#### **Consequential modifications to the Milk and Dairies (General) Regulations 1959**

**11.—(1)** The Milk and Dairies (General) Regulations 1959(a) shall have effect subject to the following amendments.

(2) In regulation 2(1) there shall be inserted at the appropriate place the following definition—

"'cream' means that part of the milk rich in fat which has been separated by skimming or otherwise;"

(3) After regulation 2(2) there shall be inserted the following paragraph—

"(3) The provisions of these Regulations which apply in relation to cream, other than provisions relating to the registration of dairymen and dairies, shall also apply in relation to reconstituted cream, that is, a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except—

(a) water, or

(b) ingredients (not added fraudulently to increase bulk, weight or measure, or conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream."

(4) In regulation 3 after the word "regulations" where it first appears, there shall be inserted the words "10A,".

(5) After regulation 3 there shall be inserted the following regulation—

"3A. It shall be the duty of the Ministers to enforce these Regulations except as provided in regulation 3 above."

(6) In regulation 5, paragraph (2) shall cease to have effect.

(7) In regulation 8(3) for the words "Part I of the Second Schedule to the Food and Drugs Act 1955" there shall be substituted the words "Part III of the Schedule".

(8) After regulation 10 there shall be inserted the following regulation—

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(a) S.I. 1959/277; relevant amending instrument is S.I. 1962/1288.

**“Sale of milk from diseased cows**

**10A.—(1) A person is guilty of an offence who—**

(a) sells, or offers or exposes for sale, for human consumption, or

(b) uses in the manufacture of products for sale for human consumption,

the milk of any cow which he knows or suspects is affected with tuberculosis of the udder or is giving tuberculous milk, or is affected with tuberculous emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough and shows clinical signs of tuberculosis or any other disease of cows to which this regulation applies.

(2) In proceedings under this regulation, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was suffering as mentioned above, if he could with ordinary care have ascertained the fact.

(3) The diseases of cows to which this regulation applies are—

Acute Mastitis

Actinomycosis of the udder

Suppuration of the udder

Any infection of the udder or teats which is likely to convey disease

Any comatose condition

Any septic condition of the uterus

Anthrax

Foot-and-mouth.”.

(9) For paragraph (7) of regulation 20 there shall be substituted the following paragraph—

“(7) Any disputed question as to the right or amount of any compensation payable under these Regulations shall be determined by arbitration.”.

(10) In the Schedule, for the title to Part I there shall be substituted the following title—

“Constitution of Tribunals”.

(11) In the Schedule after paragraph 12 there shall be added the following Part—

### “PART III

#### REGISTRATION OF DAIRYMEN UNDER REGULATION 8

1. If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister, that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or, is so registered by the authority, being an act or default, committed whether within or without the authority’s district, in relation to the quality, storage or distribution of milk, they may serve on him a notice—

(a) stating the place and time, not being less than 21 days after the date of the service of the notice, at which they propose to take the matter into consideration; and

(b) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned, to show cause why they should not, for reasons specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

2. A person entitled under paragraph 1 of this Part to appear before any authority—

(a) may appear in person or by counsel or a solicitor or any other representative; or

(b) may be accompanied by any person he may wish to assist him in the proceedings.

3. If a person on whom a notice is served under paragraph 1 of this Part fails to show cause to the authority's satisfaction, they may refuse to register him or may cancel his registration, as the case may be, and—
- (a) shall forthwith give notice to him of their decision in the matter; and
  - (b) shall, if so required by him within 14 days from the date of their decision, give to him within 48 hours after receiving the requirement, a statement of the grounds of the decision.

4. A person aggrieved by the decision of an authority under this Part to refuse to register him, or to cancel his registration, may appeal to a magistrates' court.

5. The court before whom a person registered as a dairyman otherwise than by the Minister is convicted of an offence under any of the provisions of these Regulations, or under any other Milk and Dairies Regulations, may, in addition to any other punishment, cancel his registration as such.

6. An authority other than the Minister may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them or the Minister or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he is guilty of an offence.

7. Where under this Part a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of contract for the purchase of further supplies of milk from any person, if the refusal or cancellation was due to the quality of the milk supplied by that person."

#### **Consequential modifications to the Milk and Dairies (Heat Treatment of Cream) Regulations 1983**

12.—(1) The Milk and Dairies (Heat Treatment of Cream) Regulations 1983 (a) shall have effect subject to the following amendments.

(2) For the definition of "cream" in regulation 2(1) there shall be substituted the following definition—

" 'cream' means that part of cows' milk rich in fat which has been separated by skimming or otherwise and includes—

- (a) such cream to which permitted ingredients have been added, and
- (b) reconstituted cream, that is, a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except—
  - (i) water, or
  - (ii) ingredients (not added fraudulently to increase bulk, weight or measure or conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream."

(3) In regulation 7(2) the words "(subject to the proviso at the end of section 87(3) of the Act)" shall cease to have effect.

(4) Regulation 7(3) shall cease to have effect.

#### **Consequential modifications to the Milk (Special Designation) Regulations 1989**

13.—(1) The Milk (Special Designation) Regulations 1989 (b) shall have effect subject to the following amendments.

(2) In regulation 2(1)—

(a) there shall be inserted at the appropriate place the following definition—

" 'catering sale' means a sale of milk, or of things made from milk or of which milk is an ingredient, as, or as part of, a meal or refreshments; and "caterer" means a person who carries on a business which consists of or comprises making such sales;"

(a) S.I. 1983/1509 (to which there are amendments not relevant to this Order).

(b) S.I. 1989/2383.



- (b) in the definition of "licence held by a retailer for a specified area" for the words "Part II of the Act" there shall be substituted the words "regulation 2B"; and
  - (c) the definition of "specified area" shall cease to have effect.
- (3) After regulation 2 there shall be inserted the following Part—

## "PART IA

### GENERAL PROVISIONS AS TO SPECIAL DESIGNATIONS

#### **Restrictions on the use of special designations**

**2A.—(1)** Subject to paragraph (2) below, no person shall, for the purpose of the sale or advertisement of any milk, use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk.

(2) For the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk if—

- (a) the milk is milk bought by him; and
- (b) that designation was used for the purpose of the sale of milk to him.

(3) No person shall, for the purpose of the sale or advertisement of any milk, refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

- (a) that there is in force a licence authorising the use of a special designation in connection with that milk; or
- (b) that the milk is tested, approved or graded by any competent person; or
- (c) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

(4) In any proceedings taken under paragraph (3) above it rests on the person charged to prove the truth of any suggestion which in the court's opinion, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

(5) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of these Regulations.

#### **Restrictions on the sale of milk**

**2B.—(1)** Subject to paragraph (2) below, no person shall sell milk either to a caterer or by retail for human consumption unless he uses a special designation in accordance with these Regulations.

(2) Paragraph (1) above shall not apply to—

- (a) a sale by a producer of milk from cows to persons—
  - (i) employed by him in or in connection with such production, or
  - (ii) employed by him otherwise in agriculture, if he does not engage in any other selling of milk;
- (b) a sale by a caterer if either—
  - (i) he holds a licence authorising him to use a special designation, or
  - (ii) he bought the milk under a sale for the purpose of which a special designation was used;
- (c) a sale to a caterer if the caterer holds a licence authorising him to use the special designation appropriate to that milk;
- (d) a sale to a caterer who buys the milk with a view to subjecting it to a process to which milk is required to be subjected as a condition of the use of a special designation in connection with it, and he is the holder of a licence authorising him to use that designation;

- (e) a sale to a caterer who buys the milk for the purposes of a business of his as a milk dealer or a manufacturer of milk products other than his business as a caterer;
  - (f) a sale to a caterer where the seller has reasonable cause to believe that the buyer was either not a caterer, or that, if he knows he is a caterer, the conditions in subparagraphs (d) or (e) above are fulfilled;
  - (g) a sale made with the consent of the Ministers;
  - (h) a sale by a caterer of milk sold to the caterer under a consent given by the Ministers.
- (3) The Ministers may give such consent for the purposes of paragraph (2) above—
- (a) either generally as respects selling milk in a defined area or restricted to a particular retailer or establishment or otherwise, and
  - (b) either unconditionally or subject to conditions,
- as may appear to them to be requisite to meet any circumstance in which the use of a special designation appears to them to be for the time being not reasonably practicable.

#### **Breach of retailer's licence**

2C.—(1) In the event of a breach of any condition to which this regulation applies of a licence held by a retailer, the holder of the licence shall be guilty of an offence subject to the following provisions.

(2) A person shall not be guilty of an offence under this regulation if the act or omission concerned renders him liable to punishment imposed by or under any enactment other than this regulation.

(3) A person shall not be guilty of an offence under this regulation unless the breach of condition was the later, or a later, of two or more such breaches, occurring within a period of 12 months, of conditions either of that licence or of that licence and a former licence by way of renewal of which that licence was granted, and was committed either—

- (a) after the licensing authority had given him notice in writing as to an earlier of those two or more breaches informing him of his being alleged to have committed it, and warning him of the liability to prosecution imposed by this regulation; or
- (b) after he had been convicted of an offence under this regulation because of an earlier of those two or more breaches.

(4) In any prosecution under this regulation, it is a defence for the holder of the licence to prove (either as to the breach for which he is being prosecuted or as to the earlier breach relied on for the purposes of paragraph (3) above, unless it is one under which he has been convicted of such an offence)—

- (a) that neither he nor any servant or agent of his—
  - (i) did or knew of the doing of, any act that constituted the breach or can reasonably be regarded as having been the cause or among the causes of it, or
  - (ii) omitted to do, or knew of the omission to do, any act the omission of which constituted the breach, or the doing of which can reasonably be regarded as a precaution that would have prevented it; and
- (b) if the breach was in connection with milk that had been sold to him, or had been delivered to him after being subjected to a process to which it was required to be subjected as a condition of the use of the special designation to which his licence related, that that designation—
  - (i) was used for the purpose of the sale to him or in connection with the delivery to him, as the case may be, and
  - (ii) was so used without any breach, discoverable by the exercise of reasonable diligence on the part of himself or any servant or agent of his, of any condition, relating to receptacles, to closing, to fastening or to marking, of a licence to use that designation held by the person who sold the milk to him or subjected it to the process, as the case may be.

- (5) This regulation applies to the following conditions:
- (a) the examination or testing of animals, the inoculation of animals, the keeping of any animal or herd away from other animals, or other measure for detecting the existence of disease in animals or preventing the contracting or spread of it;
  - (b) the marking, or keeping of records, of any animals, or other measures for their identification;
  - (c) the subjection of milk to any process of heat-treatment, or to any cooling or other process, requirements in connection with the subjection of milk to such a process or as to the temperature or other conditions under which it is to be kept afterwards, or the recording or retention of evidence of the observance of such requirements;
  - (d) satisfaction of a test of milk, being a test related to the subjection of milk to such a process as is mentioned above or to the observance of any such requirements as are mentioned above;
  - (e) measures for securing that milk produced, or subjected to a process, as required by any condition is kept away from, and free from admixture with, other milk not so produced or subjected or other things, or is not subjected to some specified process;
  - (f) the manner in which milk produced, or subjected to any process, in accordance with any conditions is to be dealt with or kept as respects the receptacles in which it is to be put or to remain, the closing or fastening of receptacles, or the marking of receptacles, or of things by which they are closed or fastened;
  - (g) the manner of describing milk produced, or subjected to any process, in accordance with any conditions;
  - (h) the making or keeping of records of milk produced, bought, subjected to any process, or sold.

#### **Adulteration**

**2D.—(1)** A person is guilty of an offence—

- (a) who adds any water or colouring matter, or any dried or condensed milk or liquid reconstituted from it, to milk intended for sale for human consumption; or
- (b) who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, for human consumption, any milk to which any addition has been made in contravention of sub-paragraph (a) above.

(2) For the purposes of paragraph (1)(b) above, a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected.

(3) The treatment of milk by the application of steam shall not be treated for the purposes of this regulation as the making of an addition of water to that milk if it is done in accordance with Schedule 4.”.

(4) In regulations 2(1), 9(1) and (2), 10(1), (4) and (6), 16(1) and (2), and 17(1), (2)(f), (3) and (5)(c) the words “for a specified area” shall cease to have effect, and in regulation 21(1) the words “for specified areas” shall cease to have effect.

(5) In regulation 9(1), 10(1), 16(1), 17(1) and 21(1) for the words “section 45 of the Act” there shall be substituted the words “regulation 2C”, and in regulations 9(1) and 16(1) for the words “section 45” there shall be substituted the words “regulation 2C”.

(6) In regulation 9(1)(b) and 16(1)(b), for the words “that section” there shall be substituted the words “that regulation”.

(7) In regulations 9(1)(b) and 16(1)(b) for the words “section 39, 40 or 41 of the Act” there shall be substituted the words “regulation 2A or 2B”.

(8) Paragraph (3) of regulation 12, paragraph (3) of regulation 14 and paragraph (2) of regulation 21 shall each cease to have effect.

(9) In regulation 21 after paragraph (1) there shall be inserted the following paragraphs—

“(1A) The provisions of regulations 2A (except in so far as it applies to anything done in relation to raw milk by the producer of the milk), 2B and 2D shall be enforced—

- (a) in any metropolitan district or London borough by the council of that district or borough;
- (b) in any non-metropolitan county, by the council of that county;
- (c) in the City of London (including the Temples) by the Common Council.

(1B) The provisions of Regulations 2A (except as enforced under paragraph (1A) above) and 2C (except as enforced under paragraph (1) above) shall be enforced by the Ministers.”.

(10) After regulation 21 there shall be inserted the following Regulations—

**“Penalties**

21A. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years or to both.

**Time limits for prosecutions**

21B. No prosecution for an offence under these Regulations shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor, whichever is the earlier.

**Application of provisions of the Food Safety Act 1990**

21C. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and unless the context otherwise requires any reference in them to the Act shall be construed as a reference to these Regulations—

- section 2 (extended definition of “sale” etc.);
- section 3 (presumptions that food intended for human consumption);
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 22 (defence of publication in the course of business);
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate); and
- section 44 (protection of officers acting in good faith).”.

**Consequential modifications to the Milk and Milk Products (Protection of Designations) Regulations 1990**

14.—(1) The Milk and Milk Products (Protection of Designations) Regulations 1990 (a) shall have effect subject to the following amendments.

(2) After regulation 1 there shall be inserted the following regulation—

**“Interpretation**

1A. In these Regulations—

“the Act” means the Food Safety Act 1990;

“food authority” means—

- (a) in England, for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London;
- (b) in Wales, the county councils.”.

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(a) S.I. 1990/607.

(3) In regulation 2(2) for the words "food and drugs authority" there shall be substituted the words "food authority".

#### **Consequential modifications to the Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1990**

15.—(1) The Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1990(a) shall have effect subject to the following amendments.

(2) In regulation 2(1), in the definition of "served" for the words "section 125" there shall be substituted the words "section 50"; and

(3) In regulation 3(3)(c) for the words "section 42 of the Act" there shall be substituted the words "regulation 2B of the Milk (Special Designation) Regulations 1989".

#### **Miscellaneous modifications and revocations of provisions relating to milk**

16.—(1) In the Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956(b) in regulation 2(1), in the definition of 'specified description', the words from "(being in each case" to the end of that definition shall cease to have effect.

(2) In the Drinking Milk Regulations 1976(c) regulation 9 shall cease to have effect.

(3) In the Milk-based Drinks (Hygiene and Heat Treatment) Regulations 1983(d) paragraph (3) of regulation 10 shall cease to have effect.

(4) In paragraph 3(a) of Schedule 3 to the Importation of Milk Regulations 1988(e) for the words "sections 38 to 47 of the Food Act 1984 (which relate to special designations)" there shall be substituted the words "the Milk (Special Designation) Regulations 1989".

## **PART VII**

### **MODIFICATIONS TO PORT HEALTH AUTHORITY ORDERS**

#### **Port Health Authority Orders**

17.—(1) In the Schedule to each of the Port Health Authority Orders specified in Schedule 11 any reference to the Food and Drugs Act 1955, the Importation of Milk Act 1983 or the Food Act 1984 shall cease to have effect.

(2) After the provisions of the Orders specified in column 3 of Schedule 11 there shall be inserted the following paragraph numbered sequentially—

"There are hereby assigned to the port health authority constituted by this Order the functions, rights and liabilities of a food authority under the Food Safety Act 1990 so far as they are applicable to a port health authority."

## **PART VIII**

### **MISCELLANEOUS MODIFICATIONS AND REVOCATIONS**

#### **Miscellaneous consequential modifications**

18.—(1) In the Public Health (Shell-fish) Regulations 1934 (f)—

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(a) S.I. 1990/1584.

(b) S.I. 1956/919; relevant amending instrument is S.I. 1962/1288.

(c) S.I. 1976/1883 (to which there are amendments not relevant to this Order).

(d) S.I. 1983/1508 (to which there are amendments not relevant to this Order).

(e) S.I. 1988/1803.

(f) S.R. & O. 1934/1342; relevant amending instrument is S.I. 1982/1727.

- (a) in regulation 2(2) for the definition of "local authority" there shall be substituted the following definition—  
 " 'food authority' means a port health authority, the Common Council of the City of London, the council of a metropolitan district, the council of a London borough and the council of a district;";
- (b) for the words "port sanitary authority" in each place where they occur there shall be substituted the words "port health authority"; and
- (c) for the words "local authority" in each place where they occur there shall be substituted the words "food authority".
- (2) In the Ice-Cream (Heat Treatment, etc.) Regulations 1959(a) in regulation 2(1) for the definition of "home-going ship" there shall be substituted the following definition—  
 " 'home-going ship' means a ship plying exclusively in inland waters, or engaged exclusively in coastal excursions; and for the purpose of this definition "inland waters" means any canal, river, lake, navigation or estuary, and "coastal excursion" means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain;".
- (3) In the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966(b) for regulation 24(1)(c)(ii) there shall be substituted the following provision—  
 "(ii) provided for use by persons employed at premises occupied by the Crown, or".
- (4) In the Food Hygiene (General) Regulations 1970(c) in regulation 8(2) for the words "under section 16 of the Act" there shall be substituted the words "with a food authority".
- (5) In the Poultry Meat (Hygiene) Regulations 1976(d) in regulation 2(1) in the definition of "inspector" for the words "section 86(4) of the Act and the Authorised Officers (Meat Inspection) Regulations 1974 as amended" there shall be substituted the words "section 5(6) of the Act and the Authorised Officers (Meat Inspection) Regulations 1987".
- (6) In the Condensed Milk and Dried Milk Regulations 1977(e) and in the Caseins and Caseinates Regulations 1985(f) for paragraphs (a) and (b) of regulations 9A and 6A respectively, there shall be substituted the following words—  
 "the powers of an authorised officer of an enforcement authority under section 29 of the Act and the duties of such an officer under any Regulations made under the Act."
- (7) In the Slaughterhouses (Hygiene) Regulations 1977(g) in regulation 2(1) in the definition of "authorised officer" for the words "section 86 of the Food and Drugs Act 1955" there shall be substituted the words "section 5(6) of the Act".
- (8) In the Authorised Officers (Meat Inspection) Regulations 1987(h) in regulation 2 for the words "Pursuant to section 73(2) of the Food Act 1984 any officer of a council" there shall be substituted the words "Pursuant to section 5(6) of the Food Safety Act 1990 any officer of a food authority".
- (9) In the Fresh Meat Export (Hygiene and Inspection) Regulations 1987(i) in regulation 2(1) in the definition of "inspector" for the words "section 73 of the Act" there shall be substituted the words "section 5(6) of the Act".
- (10) In the Preservatives in Food Regulations 1989(j) in regulation 8(1) the words after "such substance present" to the end shall cease to have effect and there shall be substituted the following—

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- (a) S.I. 1959/734; relevant amending instrument is S.I. 1962/1287.  
 (b) S.I. 1966/791; relevant amending instrument is S.I. 1966/1487.  
 (c) S.I. 1970/1172 (to which there are amendments not relevant to this Order).  
 (d) S.I. 1976/1209; relevant amending instrument is S.I. 1982/1727.  
 (e) S.I. 1977/928; relevant amending instrument is S.I. 1989/1959.  
 (f) S.I. 1985/2026 as amended by S.I. 1989/2321.  
 (g) S.I. 1977/1805 (to which there are amendments not relevant to this Order).  
 (h) S.I. 1987/133.  
 (i) S.I. 1987/2237.  
 (j) S.I. 1989/533 (to which there are amendments not relevant to this Order).

“the power of an authorised officer of an enforcement authority under section 29 of the Act to procure samples and the duties of such an officer under any Regulations made under the Act shall be exercised in accordance with Part I of Schedule 4.”.

(11) In the Spirit Drinks Regulations 1990(a) in regulation 4(1) for the word “council” in each place where it occurs there shall be substituted the words “food authority or port health authority”.

(12) In the Tryptophan in Food Regulations 1990(b) in regulation 5 for the words “food and drugs authority” there shall be substituted the words “drugs authority”.

#### Miscellaneous revocations

19.—(1) The provisions of the Regulations specified in column 3 of Schedule 12 are revoked.

(2) The Food and Drugs (Legal Proceedings) Regulations 1962(c) are revoked.

(3) In the London Authorities (Miscellaneous Health Provisions) Order 1965(d) article 3 shall cease to have effect.

(4) In the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966 in regulation 12(1)(c) the words “section 4 of” shall cease to have effect.

(5) In Schedule 2 to the Ice-Cream Regulations 1967(e) the words “The Food and Drugs (Legal Proceedings) Regulations 1962” in column 1 and the relative words in columns 2 and 3 shall cease to have effect.

(6) In the Food Hygiene (General) Regulations 1970—

(a) in regulation 27(1)(c) the words “section 4 of” shall cease to have effect; and

(b) regulation 35 shall cease to have effect.

(7) In Schedule 2 to the Slaughterhouses (Hygiene) Regulations 1977 the words “The Food and Drugs (Legal Proceedings) Regulations 1962” in column 1 and the relative words in columns 2 and 3 of that Schedule shall cease to have effect.

(8) In Schedule 2 to the Lead in Food Regulations 1979(f) the words “The Food and Drugs (Legal Proceedings) Regulations 1962” in column 1 and the relative words in columns 2 and 3 of that Schedule shall cease to have effect.

(9) In the National Health Service (Food Premises) Regulations 1987(g) in regulation 1(2) the definition of “the food legislation” shall cease to have effect.

(10) In the Preserved Sardines (Marketing Standards) Regulations 1990(h) regulation 4 shall cease to have effect.

## PART IX

### APPLICATION OF THE FOOD SAFETY ACT 1990 TO THE ISLES OF SCILLY

#### Application of the Food Safety Act to the Isles of Scilly

20.—(1) The Food Safety Act 1990 shall apply to the Isles of Scilly subject to the modification that in section 5(1) of that Act after paragraph (c) there shall be inserted the following paragraph—

“as respects the Isles of Scilly, the Council of the Isles of Scilly.”.

(2) In the Isles of Scilly (Functions) Order 1979(i) in article 3—

(a) in paragraph (a) for the words “the Food and Drugs Act 1955” there shall be substituted the words “the Food Safety Act 1990”;

(b) in paragraph (c) for the words “as food and drugs authorities by the Food and Drugs Act 1955” there shall be substituted the words “by the Food Safety Act 1990”.

(a) S.I. 1990/1179.

(b) S.I. 1990/1728.

(c) S.I. 1962/1287.

(d) S.I. 1965/528.

(e) S.I. 1967/1866 (to which there are amendments not relevant to this Order).

(f) S.I. 1979/1254 (to which there are amendments not relevant to this Order).

(g) S.I. 1987/18.

(h) S.I. 1990/1084.

(i) S.I. 1979/72.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th December 1990.



*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

10th December 1990

*Stephen Dorrell*  
Parliamentary Under Secretary of State for Health

7th December 1990

*David Hunt*  
Secretary of State for Wales

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SCHEDULE 1  
DEFINITION OF "THE ACT"

Article 2

PART I

Column 1 <i>S.R. &amp; O./ S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1956/919	The Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956	Regulation 2(1)
1960/1602	The Food Hygiene (Docks, Carriers etc.) Regulations 1960	Regulation 2(1)
1963/1503	The Liquid Egg (Pasteurisation) Regulations 1963	Regulation 2(1)
1964/19	The Meat (Treatment) Regulations 1964	Regulation 2(1)
1964/760	The Soft Drinks Regulations 1964	Regulation 2(1)
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966	Regulation 2(1)
1966/1073	The Mineral Hydrocarbons in Food Regulations 1966	Regulation 2(1)
1966/1074	The Butter Regulations 1966	Regulation 2(1)
1967/1582	The Solvents in Food Regulations 1967	Regulation 2(1)
1967/1866	The Ice-Cream Regulations 1967	Regulation 2(1)
1967/1867	The Margarine Regulations 1967	Regulation 2(1)
1970/94	The Cheese Regulations 1970	Regulation 2(1)
1970/752	The Cream Regulations 1970	Regulation 2(1)
1970/1172	The Food Hygiene (General) Regulations 1970	Regulation 2(1)
1973/1340	The Colouring Matter in Food Regulations 1973	Regulation 2(1)
1976/509	The Specified Sugar Products Regulations 1976	Regulation 2(1)
1976/541	The Cocoa and Chocolate Products Regulations 1976	Regulation 2(1)
1976/1209	The Poultry Meat (Hygiene) Regulations 1976	Regulation 2(1)
1976/1832	The Honey Regulations 1976	Regulation 2(1)
1976/2186	The Milk and Dairies (Milk Bottle Caps) (Colour) Regulations 1976	Regulation 2(1)



Column 1 <i>S.R. &amp; O./ S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1977/691	The Erucic Acid in Food Regulations 1977	Regulation 2(1)
1977/927	The Fruit Juices and Fruit Nectars Regulations 1977	Regulation 2(1)
1977/928	The Condensed Milk and Dried Milk Regulations 1977	Regulation 2(1)
1978/105	The Antioxidants in Food Regulations 1978	Regulation 2(1)
1978/1420	The Coffee and Coffee Products Regulations 1978	Regulation 2(1)
1979/1254	The Lead in Food Regulations 1979	Regulation 2(1)
1980/36	The Chloroform in Food Regulations 1980	Regulation 2(1)
1980/1834	The Miscellaneous Additives in Food Regulations 1980	Regulation 2(1)
1981/1063	The Jam and Similar Products Regulations 1981	Regulation 2(1)
1982/1018	The Meat (Sterilisation and Staining) Regulations 1982	Regulation 3(1)
1983/1211	The Sweeteners in Food Regulations 1983	Regulation 2(1)
1983/1508	The Milk-Based Drinks (Hygiene and Heat Treatment) Regulations 1983	Regulation 2(1)
1983/1509	The Milk and Dairies (Heat Treatment of Cream) Regulations 1983	Regulation 2(1)
1984/1304	The Bread and Flour Regulations 1984	Regulation 2(1)
1984/1305	The Food Labelling Regulations 1984	Regulation 2(1)
1984/1566	The Meat Products and Spreadable Fish Products Regulations 1984	Regulation 2(1)
1984/1918	The Imported Food Regulations 1984	Regulation 2(1)
1987/2237	The Fresh Meat Export (Hygiene and Inspection) Regulations 1987	Regulation 2(1)
1988/2206	The Milk and Dairies (Semi-Skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988	Regulation 2(1)
1989/533	The Preservatives in Food Regulations 1989	Regulation 2(1)
1989/876	The Emulsifiers and Stabilisers in Food Regulations 1989	Regulation 2(1)
1989/910	The Tetrachloroethylene in Olive Oil Regulations 1989	Regulation 2(1)
1989/2061	The Bovine Offal (Prohibition) Regulations 1989	Regulation 2(1)
1989/2383	The Milk (Special Designation) Regulations 1989	Regulation 2(1)
1990/1084	The Preserved Sardines (Marketing Standards) Regulations 1990	Regulation 2(1)
1990/1179	The Spirit Drinks Regulations 1990	Regulation 2(1)
1990/1584	The Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1990	Regulation 2(1)

## PART II

1934/1342	The Public Health (Shell-Fish) Regulations 1934	Regulation 2(2)
1959/277	The Milk and Dairies (General) Regulations 1959	Regulation 2(1)
1959/734	The Ice-Cream (Heat Treatment, etc.) Regulations 1959	Regulation 2(1)
1959/831	The Arsenic in Food Regulations 1959	Regulation 2(1)
1960/2331	The Skimmed Milk with Non-Milk Fat Regulations 1960	Regulation 2(1)
1976/1883	The Drinking Milk Regulations 1976	Regulation 2(1)
1977/1805	The Slaughterhouses (Hygiene) Regulations 1977	Regulation 2(1)

Column 1 <i>S.R. &amp; O./ S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1984/1145	The Poultry Meat (Water Content) Regulations 1984	Regulation 2
1985/2026	The Caseins and Caseinates Regulations 1985	Regulation 2
1990/1323	The Ungraded Eggs (Hygiene) Regulations 1990	Regulation 2
1990/1728	The Tryptophan in Food Regulations 1990	Regulation 1(2)

**SCHEDULE 2**  
**DEFINITION OF "FOOD"**

Article 3

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>
1959/831	The Arsenic in Food Regulations 1959
1960/1602	The Food Hygiene (Docks, Carriers etc.) Regulations 1960
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966
1966/1073	The Mineral Hydrocarbons in Food Regulations 1966
1966/1074	The Butter Regulations 1966
1967/1582	The Solvents in Food Regulations 1967
1967/1866	The Ice-Cream Regulations 1967
1967/1867	The Margarine Regulations 1967
1970/94	The Cheese Regulations 1970
1970/752	The Cream Regulations 1970
1970/1172	The Food Hygiene (General) Regulations 1970
1973/1340	The Colouring Matter in Food Regulations 1973
1976/509	The Specified Sugar Products Regulations 1976
1976/541	The Cocoa and Chocolate Products Regulations 1976
1976/1832	The Honey Regulations 1976
1977/691	The Erucic Acid in Food Regulations 1977
1977/927	The Fruit Juices and Fruit Nectars Regulations 1977
1977/928	The Condensed Milk and Dried Milk Regulations 1977
1978/105	The Antioxidants in Food Regulations 1978
1978/1420	The Coffee and Coffee Products Regulations 1978
1979/1254	The Lead in Food Regulations 1979
1980/36	The Chloroform in Food Regulations 1980
1980/1834	The Miscellaneous Additives in Food Regulations 1980
1984/1305	The Food Labelling Regulations 1984
1984/1918	The Imported Food Regulations 1984
1989/533	The Preservatives in Food Regulations 1989
1989/876	The Emulsifiers and Stabilisers in Food Regulations 1989

## "FOOD AUTHORITY" IN PLACE OF "FOOD AND DRUGS AUTHORITY"

## PART I

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>
1956/919	The Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956
1959/831	The Arsenic in Food Regulations 1959
1960/2331	The Skimmed Milk with Non-Milk Fat Regulations 1960
1964/19	The Meat (Treatment) Regulations 1964
1964/760	The Soft Drinks Regulations 1964
1966/1073	The Mineral Hydrocarbons in Food Regulations 1966
1966/1074	The Butter Regulations 1966
1967/1582	The Solvents in Food Regulations 1967
1967/1866	The Ice-Cream Regulations 1967
1967/1867	The Margarine Regulations 1967
1970/94	The Cheese Regulations 1970
1970/752	The Cream Regulations 1970
1973/1340	The Colouring Matter in Food Regulations 1973
1976/509	The Specified Sugar Products Regulations 1976
1976/541	The Cocoa and Chocolate Products Regulations 1976
1976/1832	The Honey Regulations 1976
1976/1883	The Drinking Milk Regulations 1976
1976/2186	The Milk and Dairies (Milk Bottle Caps) (Colour) Regulations 1976
1977/691	The Erucic Acid in Food Regulations 1977
1977/927	The Fruit Juices and Fruit Nectars Regulations 1977
1977/928	The Condensed Milk and Dried Milk Regulations 1977
1978/105	The Antioxidants in Food Regulations 1978
1978/1420	The Coffee and Coffee Products Regulations 1978
1979/1254	The Lead in Food Regulations 1979
1980/36	The Chloroform in Food Regulations 1980
1980/1834	The Miscellaneous Additives in Food Regulations 1980
1981/1063	The Jam and Similar Products Regulations 1981
1983/1211	The Sweeteners in Food Regulations 1983
1989/533	The Preservatives in Food Regulations 1989

## PART II

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1984/1145	The Poultry Meat (Water Content) Regulations 1984	Regulation 2
1984/1304	The Bread and Flour Regulations 1984	Regulation 2(1)
1984/1566	The Meat Products and Spreadable Fish Products Regulations 1984	Regulation 2(1)
1985/2026	The Caseins and Caseinates Regulations 1985	Regulation 2
1989/876	The Emulsifiers and Stabilisers in Food Regulations 1989	Regulation 2(1)
1989/910	The Tetrachloroethylene in Olive Oil Regulations 1989	Regulation 2
1990/1084	The Preserved Sardines (Marketing Standards) Regulations 1990	Regulation 2(1)
1990/1179	The Spirit Drinks Regulations 1990	Regulation 2(1)

## SCHEDULE 4

Article 4(4), (5) and (6)

## "FOOD AUTHORITY" IN PLACE OF "LOCAL AUTHORITY"

## PART I

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>
1959/277	The Milk and Dairies (General) Regulations 1959
1959/734	The Ice-Cream (Heat Treatment, etc.) Regulations 1959
1960/1602	The Food Hygiene (Docks, Carriers etc.) Regulations 1960
1963/1503	The Liquid Egg (Pasteurisation) Regulations 1963
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966
1970/1172	The Food Hygiene (General) Regulations 1970
1976/1209	The Poultry Meat (Hygiene) Regulations 1976
1977/1805	The Slaughterhouses (Hygiene) Regulations 1977
1987/2236	The Meat Inspection Regulations 1987
1987/2237	The Fresh Meat Export (Hygiene and Inspection) Regulations 1987
1988/2206	The Milk and Dairies (Semi-Skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988
1989/2133	The Meat and Meat Products (Hormonal Substances) Regulations 1989

## PART II

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1982/1018	The Meat (Sterilisation and Staining) Regulations 1982	Regulation 3(1)
1983/1508	The Milk-Based Drinks (Hygiene and Heat Treatment) Regulations 1983	Regulation 2(1)
1983/1509	The Milk and Dairies (Heat Treatment of Cream) Regulations 1983	Regulation 2(1)
1984/1918	The Imported Food Regulations 1984	Regulation 2
1989/2061	The Bovine Offal (Prohibition) Regulations 1989	Regulation 2(1)
1989/2383	The Milk (Special Designation) Regulations 1989	Regulation 2(1)
1990/1323	The Ungraded Eggs (Hygiene) Regulations 1990	Regulation 2
1990/1728	The Tryptophan in Food Regulations 1990	Regulation 1(2)

## SCHEDULE 5

Article 5(1) and (2)

## APPLICATION OF SECTIONS 2, 3, 20, 21, 30(8), 33, 36 AND 44 OF THE ACT

Column 1 <i>S.R. &amp; O./ S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Revoked</i>
1934/1342	The Public Health (Shell-Fish) Regulations 1934	Regulation 14
1956/919	The Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956	Regulation 6
1959/277	The Milk and Dairies (General) Regulations 1959	Regulation 5A
1959/734	The Ice-Cream (Heat Treatment, etc.) Regulations 1959	Regulation 10
1959/831	The Arsenic in Food Regulations 1959	Regulations 2(3) and 6
1963/1503	The Liquid Egg (Pasteurisation) Regulations 1963	Regulations 2(2) and 5
1964/19	The Meat (Treatment) Regulations 1964	Regulation 6
1964/760	The Soft Drinks Regulations 1964	Regulations 2(3) and 17
1966/1073	The Mineral Hydrocarbons in Food Regulations 1966	Regulation 8
1976/1209	The Poultry Meat (Hygiene) Regulations 1976	Regulations 3(6) and 31
1976/1883	The Drinking Milk Regulations 1976	Regulation 10
1976/2186	The Milk and Dairies (Milk Bottle Caps) (Colour) Regulations 1976	Regulation 5
1977/691	The Erucic Acid in Food Regulations 1977	Regulations 2(4) and 6
1979/1254	The Lead in Food Regulations 1979	Regulations 2(3) and 8
1980/36	The Chloroform in Food Regulations 1980	Regulations 2(2) and 7
1983/1509	The Milk and Dairies (Heat Treatment of Cream) Regulations 1983	Regulation 8

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Revoked</i>
1984/1145	The Poultry Meat (Water Content) Regulations 1984	Regulations 13, 14 and 15
1984/1918	The Imported Food Regulations 1984	Regulations 3, 24, and 25
1987/2237	The Fresh Meat Export (Hygiene and Inspection) Regulations 1987	Regulations 15 and 18
1988/2206	The Milk and Dairies (Semi-Skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988	Regulation 6
1989/910	The Tetrachloroethylene in Olive Oil Regulations 1989	Regulation 5
1989/2061	The Bovine Offal (Prohibition) Regulations 1989	Regulations 2(2)(a) and 16
1989/2133	The Meat and Meat Products (Hormonal Substances) Regulations 1989	Regulations 2(2), 14, 19, 20 and 21
1990/1084	The Preserved Sardines (Marketing Standards) Regulations 1990	Regulation 6
1990/1323	The Ungraded Eggs (Hygiene) Regulations 1990	
1990/1728	The Tryptophan in Food Regulations 1990	Regulation 4

## SCHEDULE 6

Article 5(3) and (4)

### APPLICATION OF SECTIONS 2, 3, 20, 21, 22, 30(8), 33, 36 AND 44 OF THE ACT

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Revoked</i>
1960/2331	The Skimmed Milk with Non-Milk Fat Regulations 1960	Regulations 5(3) and (4) and 9
1966/1074	The Butter Regulations 1966	Regulations 2(5), 8 and 9
1967/1582	The Solvents in Food Regulations 1967	Regulations 2(5), 9 and 10
1967/1866	The Ice-Cream Regulations 1967	Regulations 2(5), 9 and 10
1967/1867	The Margarine Regulations 1967	Regulations 2(5), 12 and 13
1970/94	The Cheese Regulations 1970	Regulations 2(5), 17 and 18
1970/752	The Cream Regulations 1970	Regulations 2(5), 13 and 14
1973/1340	The Colouring Matter in Food Regulations 1973	Regulations 2(6), 10 and 11
1976/509	The Specified Sugar Products Regulations 1976	Regulations 2(6), 11 and 12
1976/541	The Cocoa and Chocolate Products Regulations 1976	Regulations 2(5), 17 and 18
1976/1832	The Honey Regulations 1976	Regulations 2(6), 11 and 12

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Revoked</i>
1977/927	The Fruit Juices and Fruit Nectars Regulations 1977	Regulations 2(5), 13 and 14
1977/928	The Condensed Milk and Dried Milk Regulations 1977	Regulations 2(6), 11 and 12
1978/105	The Antioxidants in Food Regulations 1978	Regulations 2(5), 9 and 10
1978/1420	The Coffee and Coffee Products Regulations 1978	Regulations 2(5), 11 and 12
1980/1834	The Miscellaneous Additives in Food Regulations 1980	Regulations 2(4), 8 and 9
1981/1063	The Jam and Similar Products Regulations 1981	Regulations 2(5), 17 and 18
1983/1211	The Sweeteners in Food Regulations 1983	Regulations 2(2) and 10
1983/1508	The Milk-Based Drinks (Hygiene and Heat Treatment) Regulations 1983	Regulation 11
1984/1304	The Bread and Flour Regulations 1984	Regulations 2(2) and 13
1984/1305	The Food Labelling Regulations 1984	Regulations 2(2), 42 and 43
1984/1566	The Meat Products and Spreadable Fish Products Regulations 1984	Regulations 2(2), 16, 17 and 18
1985/2026	The Caseins and Caseinates Regulations 1985	Regulations 8 and 9
1989/533	The Preservatives in Food Regulations 1989	Regulations 2(5), 11(2) and 12
1989/876	The Emulsifiers and Stabilisers in Food Regulations 1989	Regulations 2(4), 9 and 10
1990/607	The Milk and Milk Products (Protection of Designations) Regulations 1990	Regulations 3 and 4
1990/1179	The Spirit Drinks Regulations 1990	Regulation 6

## SCHEDULE 7

Article 6(1)

### APPLICATION OF SECTIONS 8(3) AND 9 OF THE ACT

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1959/831	The Arsenic in Food Regulations 1959	Regulation 4
1964/19	The Meat (Treatment) Regulations 1964	Regulation 4
1966/1073	The Mineral Hydrocarbons in Food Regulations 1966	Regulation 5
1967/1582	The Solvents in Food Regulations 1967	Regulation 7
1973/1340	The Colouring Matter in Food Regulations 1973	Regulation 8
1978/105	The Antioxidants in Food Regulations 1978	Regulation 7
1979/1254	The Lead in Food Regulations 1979	Regulation 5
1980/36	The Chloroform in Food Regulations 1980	Regulation 5

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1980/1834	The Miscellaneous Additives in Food Regulations 1980	Regulation 6
1983/1211	The Sweeteners in Food Regulations 1983	Regulation 8
1989/533	The Preservatives in Food Regulations 1989	Regulation 9
1989/876	The Emulsifiers and Stabilisers in Food Regulations 1989	Regulation 7
1990/1728	The Tryptophan in Food Regulations 1990	Regulation 3

### SCHEDULE 8

Article 6(2)

#### APPLICATION OF SECTIONS 20, 21 AND 44 OF THE ACT

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1960/1602	The Food Hygiene (Docks, Carriers etc.) Regulations 1960	Regulation 26
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966	Regulation 25(4)
1970/1172	The Food Hygiene (General) Regulations 1970	Regulation 29(4)
1977/1805	The Slaughterhouses (Hygiene) Regulations 1977	Regulation 49
1982/1018	The Meat (Sterilisation and Staining) Regulations 1982	Regulation 27

### SCHEDULE 9

Article 6(3)

#### APPLICATION OF APPEAL PROVISION

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1960/1602	The Food Hygiene (Docks, Carriers etc.) Regulations 1960	Regulation 24(5)
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966	Regulation 24(10)
1970/1172	The Food Hygiene (General) Regulations 1970	Regulation 28(7)

### SCHEDULE 10

Article 7

#### TIME LIMITS FOR INDICTABLE OFFENCES

Column 1 <i>S.R. &amp; O./ S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1934/1342	The Public Health (Shell-fish) Regulations 1934	Regulation 12
1959/734	The Ice-Cream (Heat Treatment etc.) Regulations 1959	Regulation 7
1960/1602	The Food Hygiene (Docks, Carriers, etc.) Regulations 1960	Regulation 25
1963/1503	The Liquid Egg (Pasteurisation) Regulations 1963	Regulation 4
1966/791	The Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966	Regulation 26



Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Amended</i>
1970/1172	The Food Hygiene (General) Regulations 1970	Regulation 30
1976/1209	The Poultry Meat (Hygiene) Regulations 1976	Regulation 29
1977/1805	The Slaughterhouses (Hygiene) Regulations 1977	Regulation 51
1982/1018	The Meat (Sterilisation and Staining) Regulations 1982	Regulation 26
1984/1918	The Imported Food Regulations 1984	Regulation 20
1987/2236	The Meat Inspection Regulations 1987	Regulation 17
1987/2237	The Fresh Meat Export (Hygiene and Inspection) Regulations 1987	Regulation 17
1989/2061	The Bovine Offal (Prohibition) Regulations 1989	Regulation 15
1990/1179	The Spirit Drinks Regulations 1990	Regulation 5

## SCHEDULE 11

Article 17

### PORT HEALTH AUTHORITY ORDERS

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions referred to</i>
1977/1457	The Plymouth Port Health Authority Order 1977	Article 4(3)
1977/1458	The Barrow Port Health Authority Order 1977	Article 4(3)
1977/1459	The River Blyth Port Health Authority Order 1977	Article 7(3)
1977/1460	The Manchester Port Health Authority Order 1977	Article 7(3)
1978/383	The Poole Port Health Authority Order 1978	Article 4(3)
1978/685	The Whitstable Port Health Authority Order 1978	Article 4(3)
1978/819	The Dover Port Health Authority Order 1978	Article 4(3)
1978/1695	The Ramsgate Port Health Authority Order 1978	Article 4(3)
1979/134	The Stroud Port Health Authority Order 1979	Article 4(3)
1979/1085	The Fowey Port Health Authority Order 1979	Article 7(3)
1980/609	The Lancaster Port Health Authority Order 1980	Article 4(3)
1980/1024	The Teignmouth Port Health Authority Order 1980	Article 5(3)
1980/1063	The Folkestone Port Health Authority Order 1980	Article 6(3)
1980/1104	The Great Yarmouth Port Health Authority Order 1980	Article 4(3)
1980/1320	The Weymouth Port Health Authority Order 1980	Article 9(3)
1980/1329	The Newhaven (Lewes District) Port Health Authority Order 1980	Article 5(3)
1980/1330	The Penwith Port Health Authority Order 1980	Article 5(3)
1980/1469	The Colchester Port Health Authority Order 1980	Article 5(3)
1980/1481	The Faversham Port Health Authority Order 1980	Article 4(3)
1980/1497	The Maldon Port Health Authority Order 1981	Article 5(3)
1981/88	The Lowestoft Port Health Authority Order 1981	Article 4(3)
1981/166	The Exeter Port Health Authority Order 1981	Article 8(3)
1981/495	The Fleetwood Port Health Authority Order 1981	Article 4(3)

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions referred to</i>
1981/682	The Ipswich Port Health Authority Order 1981	Article 4(3)
1981/978	The Boston Port Health Authority Order 1981	Article 5(3)
1981/1281	The Port Health Authorities (Tendring and Suffolk Coastal) Order 1981	Article 6(3)
1982/1274	The River Tees Port Health Authority Order 1982	Article 8(3)
1982/1275	The Hartlepool Port Health Authority Order 1982	Article 4(3)
1982/1327	The Kings Lynn Port Health Authority Order 1982	Article 4(3)
1982/1328	The Wisbech Port Health Authority Order 1982	Article 5(3)
1982/1476	The Grimsby Port Health Authority Order 1982	Article 4(3)
1982/1854	The Hull and Goole Port Health Authority Order 1982	Article 8(3)
1982/1855	The Immingham (Cleethorpes) Port Health Authority Order 1982	Article 5(3)
1984/714	The Whitehaven Port Health Authority Order 1984	Article 4(3)
1984/715	The Workington Port Health Authority Order 1984	Article 4(3)
1984/1054	The Medway Port Health Authority Order 1984	Article 4(3)
1987/731	The Bristol Port Health Authority Order 1987	Article 4(4)
1988/1457	The Mersey Port Health Authority Order 1988	Article 4(3)
1988/2075	The Falmouth and Truro Port Health Authority Order 1988	Article 8(3)
1990/81	The Cowes Port Health Authority Order 1990	Article 4(3)
1990/82	The Portsmouth Port Health Authority Order 1990	Article 4(3)
1990/83	The Southampton Port Health Authority Order 1990	Article 4(3)
1990/1119	The Tyne Port Health Authority Order 1990	Article 9(3)

## SCHEDULE 12

Article 19(1)

### REVOCATION OF PROVISIONS DISAPPLYING SECTION 109(3) OF THE FOOD AND DRUGS ACT 1955

Column 1 <i>S.I. No.</i>	Column 2 <i>Title</i>	Column 3 <i>Provisions Revoked</i>
1960/2331	The Skimmed Milk with Non-Milk Fat Regulations 1960	Regulation 7(3)
1964/760	The Soft Drinks Regulations 1964	Regulation 16(3)
1966/1074	The Butter Regulations 1966	Regulation 7(3)
1967/1582	The Solvents in Food Regulations 1967	Regulation 8(3)
1967/1866	The Ice-Cream Regulations 1967	Regulation 8(3)
1967/1867	The Margarine Regulations 1967	Regulation 11(3)
1970/94	The Cheese Regulations 1970	Regulation 16(3)
1970/752	The Cream Regulations 1970	Regulation 12(3)
1973/1340	The Colouring Matter in Food Regulations 1973	Regulation 9(3)
1976/509	The Specified Sugar Products Regulations 1976	Regulation 10(3)
1976/541	The Cocoa and Chocolate Products Regulations 1976	Regulation 16(3)

<b>Column 1</b> <i>S.I. No.</i>	<b>Column 2</b> <i>Title</i>	<b>Column 3</b> <i>Provisions Revoked</i>
1976/1832	The Honey Regulations 1976	Regulation 10(3)
1977/927	The Fruit Juices and Fruit Nectars Regulations 1977	Regulation 12(3)
1977/928	The Condensed Milk and Dried Milk Regulations 1977	Regulation 10(3)
1978/105	The Antioxidants in Food Regulations 1978	Regulation 8(3)
1978/1420	The Coffee and Coffee Products Regulations 1978	Regulation 10(3)

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends various Orders and Regulations applying to England and Wales which refer to the Food and Drugs Act 1955 and the Food Act 1984. The 1955 Act was consolidated by the 1984 Act, which has now been largely repealed by the Food Safety Act 1990.

The Order amends Regulations referring to the 1955 Act and the 1984 Act. It amends Regulations defining food so that they are consistent with the new definition in the 1990 Act, and changes references to food and drugs authorities and (where necessary) local authorities to food authorities as defined in that Act. Where Regulations apply provisions of the earlier Acts, they are amended so that the provisions of the 1990 Act are applied.

Amendments are made to Regulations relating to imports and meat, and Regulations relating to milk are amended so that provisions contained in the 1984 Act concerning milk are now in those Regulations.

Port Health Authority Orders are amended so that they refer to the 1990 Act. Necessary miscellaneous textual amendments are made to Regulations having effect under the 1990 Act which is applied (with modifications) to the Isles of Scilly in place of the 1984 Act.

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