Food Standards Act 1999

1999 CHAPTER 28

Other functions of the Agency

17 Delegation of powers to make emergency orders

(1) Arrangements may be made between the Secretary of State and the Agency authorising the Agency to exercise on behalf of the Secretary of State the power to make orders under—

(a) section 1(1) of the Food and Environment Protection Act 1985 (emergency orders); and

(b) section 13(1) of the 1990 Act (emergency control orders).

(2) The authority given by any such arrangements is subject to any limitations and conditions provided for in the arrangements.

(3) Where by virtue of any such arrangements the Agency is authorised to exercise a power, anything done or omitted to be done by the Agency in the exercise or purported exercise of the power shall be treated as done or omitted by the Secretary of State.

(4) Nothing in any such arrangements prevents the Secretary of State exercising any power.

(5) This section applies with the necessary modifications—

(a) to any power mentioned in subsection (1) so far as it is exercisable by the National Assembly for Wales or the Scottish Ministers, and

(b) to the power of a Northern Ireland Department to make orders under section 1(1) of the Food and Environment Protection Act 1985 or Article 12(1) of the 1991 Order,

as it applies to a power exercisable by the Secretary of State.

18 Functions under other enactments

(1) Schedule 3 (which contains provisions conferring functions under certain enactments on the Agency) has effect.

(2) Any amendment made by Schedule 3 which extends to Scotland is to be taken as a pre-commencement enactment for the purposes of the Scotland Act 1998.

19 Publication etc. by the Agency of advice and information

(1) The Agency may, subject to the following provisions of this section, publish in such manner as it thinks fit—
  (a) any advice given under section 6, 7 or 9 (including advice given in pursuance of a request under section 6(2));
  (b) any information obtained through observations under section 10 or monitoring under section 12; and
  (c) any other information in its possession (whatever its source).

(2) The exercise of that power is subject to the requirements of the Data Protection Act 1998.

(3) That power may not be exercised if the publication by the Agency of the advice or information in question—
  (a) is prohibited by an enactment;
  (b) is incompatible with any Community obligation; or
  (c) would constitute or be punishable as a contempt of court.

(4) Before deciding to exercise that power, the Agency must consider whether the public interest in the publication of the advice or information in question is outweighed by any considerations of confidentiality attaching to it.

(5) Where the advice or information relates to the performance of enforcement authorities, or particular enforcement authorities, in enforcing relevant legislation, subsection (4) applies only so far as the advice or information relates to a person other than—
  (a) an enforcement authority, or
  (b) a member, officer or employee of an enforcement authority acting in his capacity as such.

(6) Expressions used in subsection (5) and defined in section 15 have the same meaning as in that section.

(7) Except as mentioned above, the power under subsection (1) is exercisable free from any prohibition on publication that would apply apart from this section.

(8) In this section "enactment" means an enactment contained in, or in subordinate legislation made under, any Act, Act of the Scottish Parliament or Northern Ireland legislation.

(9) The Agency may also disclose to another public authority any advice or information mentioned in subsection (1); and the other provisions of this section apply in relation to disclosure under this subsection as they apply in relation to publication under that subsection.

20 Power to issue guidance on control of food-borne diseases

(1) The Agency may issue general guidance to local authorities or other public authorities on matters connected with the management of outbreaks or suspected outbreaks of food-borne disease.

(2) Guidance issued under this section must identify the authority or authorities to which it is addressed.

(3) The Agency shall publish any guidance issued under this section in such manner as it thinks fit.

(4) Any authority to whom guidance under this section is issued shall have regard to the guidance in carrying out any functions to which the guidance relates.

(5) In this section "food-borne disease" means a disease of humans which is capable of being caused by the consumption of infected or otherwise contaminated food.

(6) This section has effect without prejudice to any other powers of the Agency.

21 Supplementary powers

(1) The Agency has power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of its functions.

(2) Without prejudice to the generality of subsection (1), that power includes power—
   (a) to carry on educational or training activities;
   (b) to give financial or other support to activities carried on by others;
   (c) to acquire or dispose of any property or rights;
   (d) to institute criminal proceedings in England and Wales and in Northern Ireland.

(3) The Agency may make charges for facilities or services provided by it at the request of any person.