



Food Standards Act 1999

1999 CHAPTER 28

Other functions of the Agency

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 [^{F1}the data protection legislation].
- (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 [^{F2}EU] 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.

Changes to legislation: There are currently no known outstanding effects for the Food Standards Act 1999, Section 19. (See end of Document for details)

- (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 [F³—
“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
“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.

Textual Amendments

- F1** Words in s. 19(2) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 46\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)
- F2** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\), arts. 2, 3, 6](#) (with [art. 3\(2\)\(3\)4\(2\)6\(4\)\(5\)](#))
- F3** Words in s. 19(8) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 46\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)

Modifications etc. (not altering text)

- C1** S. 19 applied (W.) (1.1.2006) by [The Official Feed and Food Controls \(Wales\) Regulations 2005 \(S.I. 2005/3254\), regs. 1, 7\(6\)](#)
- C2** S. 19 applied (E.) (1.1.2006) by [The Official Feed and Food Controls \(England\) Regulations 2005 \(S.I. 2005/2626\), regs. 1\(b\), 7\(6\)](#)
- C3** S. 19 applied (S.) (1.1.2006) by [Official Feed and Food Controls \(Scotland\) Regulations 2005 \(S.S.I. 2005/616\), regs. 1\(b\), 8\(6\)](#)
- C4** S. 19 applied (N.I.) (11.1.2006) by [The Official Feed and Food Controls Regulations \(Northern Ireland\) 2006 \(S.R. 2006/2\), regs. 1, 7\(6\)](#)
- C5** S. 19 applied (E.) (11.1.2006) by [The Official Feed and Food Controls \(England\) Regulations 2006 \(S.I. 2006/15\), regs. 1\(b\), 7\(6\)](#)
- C6** S. 19 applied (W.) (8.3.2006) by [The Official Feed and Food Controls \(Wales\) Regulations 2006 \(S.I. 2006/590\), regs. 1, 7\(6\)](#)
- C7** S. 19 applied (S.) (14.12.2007) by [Official Feed and Food Controls \(Scotland\) Regulations 2007 \(S.S.I. 2007/522\), regs. 1\(b\), 8\(6\)](#) (with [reg. 49\(2\)-\(4\)](#))
- C8** S. 19 applied (E.) (14.12.2007) by [Official Feed and Food Controls \(England\) Regulations 2007 \(S.I. 2007/3185\), regs. 1\(b\), 7\(6\)](#)
- C9** S. 19 applied (N.I.) (14.12.2007) by [The Official Feed and Food Controls Regulations \(Northern Ireland\) 2007 \(S.R. 2007/482\), regs. 1, 7\(6\)](#)
- C10** S. 19 applied (with modifications) (W.) (14.12.2007) by [The Official Feed and Food Controls \(Wales\) Regulations 2007 \(S.I. 2007/3294\), regs. 1, 7\(6\)](#)
- C11** S. 19 applied (N.I.) (25.1.2010) by [The Official Feed and Food Controls Regulations \(Northern Ireland\) 2009 \(S.R. 2009/427\), regs. 1, 7\(6\)](#)
- C12** S. 19 applied (S.) (25.1.2010) by [Official Feed and Food Controls \(Scotland\) Regulations 2009 \(S.S.I. 2009/446\), regs. 1\(b\), 7\(6\)](#)
- C13** S. 19 applied (E.) (25.1.2010) by [Official Feed and Food Controls \(England\) Regulations 2009 \(S.I. 2009/3255\), reg. 7\(6\)](#)

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C14 S. 19 applied (W.) (25.1.2010) by [The Official Feed and Food Controls \(Wales\) Regulations 2009 \(S.I. 2009/3376\)](#), regs. 1, [7\(6\)](#)

Changes to legislation:

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