



# Food Act 1984

## 1984 CHAPTER 30

### PART I

#### FOOD GENERALLY

##### *Registration of premises and licensing of vehicles*

#### **16 Registration: ice-cream, sausages etc.**

- (1) No premises shall be used for—
- (a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale, or
  - (b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale, unless they are registered under this section for that purpose by the local authority. For the purposes of this subsection—
    - (i) " sale " means sale for human consumption ;
    - (ii) the preparation of meat or fish by any process of cooking shall be deemed to be the preservation of that meat or fish.
- (2) A person who uses any premises in contravention of subsection (1) is guilty of an offence.
- (3) Nothing in this Part applies so as to require the registration under this section—
- (a) of premises used wholly or mainly as catering premises, or
  - (b) of premises used wholly or mainly as a school or club, or
  - (c) of domestic premises, if the only food intended for sale which is prepared or manufactured on them is food intended for sale for the benefit of the person preparing or manufacturing it by a society registered under the Industrial and Provident Societies Act 1965, or
  - (d) of premises of any description, if the only food intended for sale which is prepared or manufactured on them is food prepared or manufactured otherwise than in the course of a trade carried on by the person preparing

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*Status: This is the original version (as it was originally enacted).*

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or manufacturing it. and paragraph (a) of subsection (1) does not apply in relation to the sale or storage of ice-cream at any premises used as a theatre, cinematographic theatre, music hall or concert hall.

- (4) This section does not apply in relation to premises—
- (a) which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but
  - (b) which are not otherwise used for any purpose in connection with the preparation, storage or sale of food,
- except so far as may be expressly provided by regulations made under this Part.
- (5) Where in any district—
- (a) local Act provisions were in force at the commencement of this Act with respect to the registration of premises used for any of the purposes mentioned in subsection (1), and
  - (b) those provisions were in force at the commencement of the Food and Drugs Act 1938 (1st October 1939),
- that subsection, so far as it relates to registration for purposes regulated by the local Act provisions, shall not apply to that district until the Secretary of State, on the local authority's application, declares it to be in force there.
- (6) Where on an application made by a local authority under subsection (5) the Secretary of State declares subsection (1) to be in force in the authority's district, then, upon the declaration taking effect, such of the local Act provisions referred to in subsection (5) as may be specified in the declaration shall be repealed, or, as the case may be, shall be repealed as respects the authority's district.
- (7) Any premises which immediately before the repeal of those provisions were registered under them for any purpose mentioned in subsection (1)-shall be deemed to have been registered under this section for the purpose in question.

## **17 Extension of s. 16 to other businesses**

- (1) The Ministers may by order direct that section 16 shall have effect as if the purposes described in subsection (1) of that section included, except in such cases as may be prescribed by the order—
- (a) the sale or preparation for sale of food for human consumption, or
  - (b) the storage of food intended for such sale,
- in the course of any business of a class specified in the order.
- (2) An order made under this section shall provide—
- (a) for enabling premises used for purposes for which registration is required by the order to be registered under section 16 before the date when subsection (1) of that section becomes applicable to them by the order : and
  - (b) in relation to premises used for those purposes before that date, for excluding or restricting the power of the local authority to refuse applications for registration.
- (3) The purposes for which registration is required by an order made under this section may include any purpose for which, apart from the order, registration would be required under section 16.
- (4) Any such order—

- (a) may repeal, in whole or in part, paragraph (a) or (b) of section 16(1); and
  - (b) may provide for continuing in force the registration of any premises for purposes to which the order applies.
- (5) If—
- (a) at the time when premises become registrable for any purposes by an order made under this section, local Act provisions with respect to the registration of premises used for any of those purposes are in force in any district, then
  - (b) section 16(1), as having effect by the order, shall not, so far as it relates to registration for purposes regulated by the local Act provisions, apply to that district until the Secretary of State, on the application of the local authority, declares it to be in force there.
- (6) Where on an application made by a local authority under subsection (5) the Secretary of State declares section 16(1) to be in force in the authority's district, then, upon the declaration taking effect, such of the local Act provisions referred to in subsection (5) as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the authority's district
- (7) Any premises which immediately before the repeal of those provisions were registered under them for any of the purposes for which premises become registrable by virtue of the relevant order made under this section shall be deemed to have been registered under section 16 for the purpose in question.

## **18 Application for registration**

- (1) An application for the registration of any premises under section 16 shall specify—
- (a) the purpose or purposes for which the registration is applied for, and
  - (b) all rooms or accommodation in the premises proposed to be used for those purposes. and on such an application being made as mentioned above by the occupier of, or a person proposing to occupy, the premises to which the application relates, the local authority shall, subject to this section and section 19, register the premises for those purposes.
- (2) The local authority—
- (a) may register the same premises for more than one purpose for which registration under section 16 is required ; and
  - (b) may register different parts of the same premises for different purposes.
- (3) The premises registered under section 16 in pursuance of such an application as is mentioned above shall not include any room or accommodation not specified in the application.
- (4) Upon any change in the occupation of premises registered under section 16, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this subsection fails to do so, he shall be liable to a fine not exceeding level 1 on the standard scale.

## **19 Refusal or cancellation of registration**

- (1) Subsection (2) applies in the case of any premises in respect of which an application is made for registration under section 16, or which are registered under that section, if it appears to the local authority—
  - (a) that the requirements of regulations in force under section 13 are not complied with in connection with the premises or the business carried on at the premises; or
  - (b) that the premises or any part of the premises are other wise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on in them) for use for the purpose or purposes specified in the application, or for which they are used, as the case may be.
- (2) In such a case the authority may serve on the applicant for registration or, as the case may be, on the occupier of the premises, 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 there and then attend before them, with any witnesses whom he desires to call, to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.
- (3) A person entitled under subsection (2) 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 whom he may wish to assist him in the proceedings.
- (4) If a person on whom a notice is served under subsection (2) fails to show cause to the local authority's satisfaction, they may refuse the application or, as the case may be, cancel the registration of the premises, 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, not later than 48 hours after receiving the requirement, a statement of the grounds of the decision.
- (5) A person aggrieved by the decision of a local authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to a magistrates' court

## **20 Regulations for licensing vehicles, stalls etc.**

- (1) The Ministers may make regulations providing\_
  - (a) for the issue by local authorities of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption ; and
  - (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence issued under the regulations.
- (2) Regulations under this section—

- (a) may be made so as to apply either generally or to such class or classes of businesses as may be specified in the regulations; and
  - (b) may exempt from the requirements of this Act as to registration under section 16 any premises used for the storage of food intended for sale for human consumption in the course of a business in respect of which a licence is in force under the regulations.
- (3) Regulations made under this section may provide for the refusal or cancellation of a licence under the regulations, either wholly or in respect of a part of the business for which the licence is applied for or is held—
- (a) where the requirements of regulations in force under section 13 are not complied with in relation to that business, Or
  - (b) where the applicant or holder is unable or has failed to comply, in relation to that business, with any byelaws in force under section 15,
- and such regulations shall provide for affording to persons affected by any such refusal or cancellation an opportunity to make representations to the local authority, and to appeal from that authority's decision to a magistrates' court
- (4) Where—
- (a) any regulations under this section in relation to any class of business come into operation, and
  - (b) local Act provisions are then in force in any district being provisions under which persons engaged in that class of business are required to be licensed or registered,
- the regulations so far as they relate to that class of business shall not apply to that district until such date as may be appointed by an order made by the Secretary of State upon the local authority's application in that behalf.
- (5) Where an order is made under subsection (4) in relation to any district that order—
- (a) may repeal any such local Act provisions as are mentioned in that subsection, so far as they relate to that district and to the class of business in relation to which the regulations under this section have effect; and
  - (b) shall provide for securing that persons licensed or registered under those provisions are, in relation to any business of that class in which they are engaged, treated as licensed under the regulations.