



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART I

CONTAMINATION OF FOOD

Emergency orders etc.

2 Powers of Ministers when emergency order has been made.

- (1) [^{F1}A designating authority][^{F2}or the Food Standards Agency] may consent, either unconditionally or subject to any condition that [^{F3}the authority giving the consent] considers appropriate, to the doing in a particular case of anything prohibited by an emergency order.
- (2) It shall be a defence for a person charged with an offence under section 1(6) above to show—
 - (a) that consent had been given under subsection (1) above to the contravention of the emergency prohibition ; and
 - (b) that any condition subject to which that consent had been given was complied with.
- (3) [^{F1}A designating authority][^{F4}or the Food Standards Agency]—
 - (a) may give any person such directions as appear to [^{F5}the authority giving the directions] to be necessary or expedient for the purpose of preventing human consumption of food which [^{F5}the authority giving the directions] believes, on reasonable grounds, is, or may be, or may become, unsuitable for human consumption in consequence of [^{F6}designated circumstances]; and
 - (b) may do anything which appears to [^{F1} the designating authority][^{F7}or the Agency (as the case may be)]to be necessary or expedient for that purpose ;and such directions may be given and such action may be taken after the emergency order has ceased to be in force.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 2. (See end of Document for details)

- (4) Any person who—
- (a) fails to comply with a direction under this section ; or
 - (b) causes or permits any other person to do so,
- shall be guilty of an offence.
- (5) If [^{F1}a designating authority][^{F8}or the Food Standards Agency]does anything by virtue of this section in consequence of a failure on the part of any person to comply with such a direction, [^{F9}the authority taking that action] may recover from that person any expenses reasonably incurred by [^{F10}that authority] under this section.
- (6) If [^{F1}a designating authority][or the Food Standards Agency]does anything by virtue of this section in consequence of any person causing or permitting another person to fail to comply with such a direction, [^{F9}the authority taking that action] may recover from the person who caused or permitted the failure to comply any expenses reasonably incurred by [^{F10}that authority] under this section.

[^{F11}(7) In the application of this section to Scotland, the references to the Food Standards Agency are to be ignored.]

Textual Amendments

- F1** Words in s. 2 substituted (30.6.1999) by S.I. 1999/1756, art. 2, **Sch. para. 10(5)** (with art. 8); S.I. 1998/3178
- F2** Words in s. 2(1) inserted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(a)(i)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F3** Words in s. 2(1) substituted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(a)(ii)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F4** Words in s. 2(3) inserted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(b)(i)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F5** Words in s. 2(3) substituted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(b)(ii)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F6** Words substituted (*retrosp.*) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), **ss. 51(1)(2)(d)**, 54
- F7** Words in s. 2 inserted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(b)(iii)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F8** Words in s. 2(5)(6) inserted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(c)(i)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F9** Words in s. 2(5)(6) substituted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 6(4)(c)(ii)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F10** Words in s. 2(5)(6) substituted (1.4.2000) by 1999 c. 28, ss. 40(1)(2), **Sch. 5 para. 6(4)(c)(iii)** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F11** S. 2(7) inserted (S.) (1.4.2015) by Food (Scotland) Act 2015 (asp 1), s. 63(2), **Sch. para. 2(3)** (with s. 62); S.S.I. 2015/99, **art. 2**

Modifications etc. (not altering text)

- C1** S. 2 amended (1.4.2000) by 1999 c. 28, s. 18, **Sch. 3 Pt. III para. 16(2)** (with s. 38); S.I. 2000/1066, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 2.