



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Regulations*

#### **16 Food safety and consumer protection.**

- (1) [<sup>F1</sup>the Secretary of State] may by regulations make—
- (a) provision for requiring, prohibiting or regulating the presence in food or food sources of any specified substance, or any substance of any specified class, and generally for regulating the composition of food;
  - (b) provision for securing that food is fit for human consumption and meets such microbiological standards (whether going to the fitness of the food or otherwise) as may be specified by or under the regulations;
  - (c) provision for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food;
  - (d) provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources;
  - [<sup>F2</sup>(da) provision for a food hygiene information scheme;]
  - (e) provision for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking, presenting or advertising of food, and the descriptions which may be applied to food; and
  - (f) such other provision with respect to food or food sources, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food or food sources, as appears to them to be necessary or expedient—
    - (i) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
    - (ii) for the purpose of protecting or promoting the interests of consumers.

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*Changes to legislation: Food Safety Act 1990, Section 16 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2) [<sup>F1</sup>the Secretary of State] may also by regulations make provision—
- (a) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to contact materials which are intended to come into contact with food intended for human consumption;
  - (b) for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking or advertising of such materials, and the descriptions which may be applied to them; and
  - (c) otherwise for prohibiting or regulating the carrying out of commercial operations with respect to such materials.
- (3) Without prejudice to the generality of subsection (1) above, regulations under that subsection may make any such provision as is mentioned in Schedule 1 to this Act.
- [<sup>F3</sup>(3A) Regulations under subsection (1)(e) may amend Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers.
- (3B) The inclusion in that Regulation of savings in respect of the power to make regulations under this Act of a particular kind is not to be taken as in any way limiting the generality of the provision that may be made by virtue of subsections (1)(e) and (3A).]
- (4) In making regulations under subsection (1) above, [<sup>F1</sup>the Secretary of State] shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.
- (5) In subsection (1) above and Schedule 1 to this Act, unless the context otherwise requires—
- (a) references to food shall be construed as references to food intended for sale for human consumption; and
  - (b) references to food sources shall be construed as references to food sources from which such food is intended to be derived.

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**Textual Amendments**

- F1** Words in s. 16(1)(2)(4) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with s. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** S. 16(1)(da) inserted (S.) (1.4.2015) by Food (Scotland) Act 2015 (asp 1), **ss. 34(1), 63(2)** (with s. 62); S.S.I. 2015/99, **art. 2**
- F3** S. 16(3A)(3B) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 174(1), 186(6)**; S.I. 2022/734, **reg. 2(a), Sch.** (with regs. 13, 29, 30)
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**Modifications etc. (not altering text)**

- C1** S. 16 transfer of functions (23.3.2005) by Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849), **art. 1, Sch.** (with art. 6)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(2)(a) repealed by [2007 c. 15 Sch. 23 Pt. 1](#)