

*These notes refer to the Food Standards Act 1999 (c.28)  
which received Royal Assent on 11 November 1999*

# FOOD STANDARDS ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 25: Power to modify enactments about disclosure of information*

91. This section enables the Secretary of State to make orders for the purpose of relaxing or overriding any prohibitions on disclosure of information contained in other legislation that would otherwise prevent the Agency from obtaining or publishing information in carrying out its functions under the Act. While section 19 requires the Agency to observe statutory bars on disclosure in exercising its power to publish, this section provides a means for dealing with those that would unnecessarily limit the Agency's ability to carry out its functions effectively. Some specific bars to disclosure are already dealt with directly in this Act (for example, by over-riding the limitation on disclosure of information about veterinary medicines in the Medicines Act 1968). This section provides the power to respond to any further barriers to disclosure identified in the light of experience.
92. *Subsection (1)* provides the basic order-making power.
93. A parallel enabling power exercisable by Scottish Ministers is provided in *subsection (2)*. *Subsection (3)* prevents Scottish Ministers from exercising their parallel powers in relation to legislation that lies outside their devolved competence. *Subsection (4)* makes similar provision for Northern Ireland.
94. *Subsection (5)* specifies the circumstances in which the enabling powers may be used to modify legislation i.e. where the legislation prevents the disclosure of information relevant to the Agency's functions, or prevent the Agency from publishing some information which would otherwise be published in accordance with section 19.
95. *Subsection (7)* applies this section (with appropriate modifications) to allow the removal or modification of common law rules.