



# Food Standards Act 1999

## 1999 CHAPTER 28

### *General provisions relating to the functions of the Agency*

#### **24 Directions relating to breach of duty or to international obligations**

- (1) If it appears to the Secretary of State that there has been a serious failure by the Agency—
  - (a) to comply with section 23(1) or (2), or
  - (b) to perform any other duty which he considers should have been performed by it,he may give the Agency such directions as he may consider appropriate for remedying that failure.
- (2) The power under subsection (1) may also be exercised—
  - (a) so far as it is exercisable in relation to Wales, by the National Assembly for Wales;
  - (b) by the Scottish Ministers (in so far as it is exercisable by them within devolved competence or by virtue of an Order in Council made under section 63 of the Scotland Act 1998); and
  - (c) so far as it is exercisable in relation to Northern Ireland, by the Department of Health and Social Services for Northern Ireland.
- (3) Directions under subsection (1) must include a statement summarising the reasons for giving them.
- (4) The Secretary of State may give the Agency such directions as he considers appropriate for the implementation of—
  - (a) any obligations of the United Kingdom under the Community Treaties, or
  - (b) any international agreement to which the United Kingdom is a party.
- (5) The power under subsection (4) may also be exercised—
  - (a) by the National Assembly for Wales (in relation to implementation for which it is responsible);

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*Status: This is the original version (as it was originally enacted).*

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- (b) by the Scottish Ministers (in relation to implementation within devolved competence or for which they have responsibility by virtue of an Order in Council under section 63 of the Scotland Act 1998); and
  - (c) by the Department of Health and Social Services for Northern Ireland (in relation to implementation for which a Northern Ireland Department is responsible).
- (6) An authority proposing to give directions under this section shall consult the Agency and the other appropriate authorities before doing so.
- (7) If the Agency fails to comply with any directions under this section, the authority giving the directions may give effect to them (and for that purpose may exercise any power of the Agency).
- (8) If the Agency fails to comply with directions under subsection (1), the Secretary of State may, with the agreement of the other appropriate authorities, remove all the members of the Agency from office (and, until new appointments are made, may carry out the Agency's functions himself or appoint any other person or persons to do so).
- (9) Any directions given under this section shall be published in such manner as the authority giving them considers appropriate for the purpose of bringing the matters to which they relate to the attention of persons likely to be affected by them.
- (10) In this section "devolved competence" has the same meaning as in the Scotland Act 1998.