
STATUTORY INSTRUMENTS

1990 No. 2462

FOOD

**The Food Safety (Enforcement Authority)
(England and Wales) Order 1990**

<i>Made</i>	- - - -	<i>4th December 1990</i>
<i>Laid before Parliament</i>		<i>11th December 1990</i>
<i>Coming into force</i>	- -	<i>1st January 1991</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 4(1) and 5(4) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Order, hereby make the following Order:—

Title, commencement and interpretation

1.—(1) This Order may be cited as the Food Safety (Enforcement Authority) (England and Wales) Order 1990 and shall come into force on 1st January 1991.

(2) In this Order, “the Act” means the Food Safety Act 1990.

Enforcement of the Act

2.—(1) Subject to article 3 below, as respects any non-metropolitan district of England and Wales—

- (a) the functions of an enforcement authority under section 12 of the Act (which relates to emergency prohibition notices and orders) shall be exercised solely by the council of that district; and
- (b) the provisions of section 15 of the Act (which relates to falsely describing or presenting food) shall be enforced solely by the council of the non-metropolitan county.

(2) As respects the Inner Temple and the Middle Temple, the functions of an enforcement authority under section 12 aforesaid shall be exercised solely by the appropriate Treasurer, and the provisions of section 15 aforesaid shall be enforced solely by the Common Council of the City of London.

Enforcement by other bodies

3. Nothing in this Order shall affect any assignment of functions under this Act—
- (a) to a port health authority by an Order under section 2 of the Public Health (Control of Disease) Act 1984⁽²⁾; or
 - (b) to a joint board for a united district by an Order made under section 6 of the Public Health Act 1936⁽³⁾.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th December 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

Stephen Dorrell
Parliamentary Under-Secretary of State for
Health

4th December 1990

3rd December 1990

David Hunt
Secretary of State for Wales

(2) 1984 c. 22.

(3) 1936 c. 49; section 6(1) was amended by Schedule 2 to the Public Health (Control of Disease) Act 1984.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order assigns responsibility for the enforcement of certain provisions of the Food Safety Act 1990 as respects non-metropolitan districts of England and Wales and the Temples. The provisions of that Act are enforced in England and Wales jointly by food authorities (as defined in section 5(1) of the Act) except where an Order provides that they shall be enforced solely by one authority.

The Order provides that, as respects non-metropolitan counties, the functions of an enforcement authority under section 12 (emergency prohibition notices and orders) shall be exercised solely by the district council, and that section 15 (falsely describing or presenting food) shall be enforced solely by the county council.

It also provides that, as respects the Temples, functions of an enforcement authority under section 12 shall be exercised solely by the appropriate Treasurer, and that section 15 shall be enforced solely by the Common Council of the City of London.

The Order does not affect any assignment of functions to a port health authority under section 2 of the Public Health (Control of Disease) Act 1984 or to a joint board for a united district under section 6 of the Public Health Act 1936.