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STATUTORY INSTRUMENTS

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**1992 No. 117**

**FOOD**

**The Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992**

<i>Made</i>	- - - -	<i>23rd January 1992</i>
<i>Laid before Parliament</i>		<i>30th January 1992</i>
<i>Coming into force</i>	- -	<i>3rd April 1992</i>

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State respectively concerned with health in England and food and health in Wales, acting jointly in exercise of the powers conferred by section 59(2) of the Food Safety Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Food Safety Act 1990 (Consequential Modifications) (Local Enactments) Order 1992 and shall come into force on 3rd April 1992.

**Modifications to the Stoke on Trent Corporation Act 1935 and the Staffordshire Act 1983**

2. —

(1) In the Stoke on Trent Corporation Act 1935(2) section 68, and the reference in section 116 to Part VI of that Act, shall cease to have effect.

(2) In the Staffordshire Act 1983(3) section 41 (which modifies section 68(b) of the Stoke on Trent Corporation Act 1935) and Schedule 2 (which sets out that section as so modified) shall cease to have effect.

**Modification to the Essex County Council Act 1952**

3. In the Essex County Council Act 1952(4) section 103 shall cease to have effect.

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(1) 1990 c. 16. Section 4(1) contains a definition of “the Ministers ” relevant to the powers being exercised in the making of this Order.  
(2) 1935 c.cxi. Section 68 was amended by section 41 of the Staffordshire Act 1983.  
(3) 1983 c.xviii.  
(4) 1952 c.l. The Act was modified in its application to the London Boroughs of Barking, Havering, Redbridge and Waltham Forest by the Local Law (North East London Boroughs) Order 1965 (S.I. 1965/510).

#### **Modifications to the West Midlands County Council Act 1980**

4. In the West Midlands County Council Act 1980(5) section 34, and the references to that section in section 116(2) and section 117(2), shall cease to have effect.

#### **Modifications to the Cheshire County Council Act 1980**

5. In the Cheshire County Council Act 1980(6) section 22, and the references to that section in sections 108(2) and 109(2), shall cease to have effect.

#### **Modifications to the South Yorkshire Act 1980**

6. In the South Yorkshire Act 1980(7) section 20, and the references to that section in sections 105(2) and 106(2), shall cease to have effect.

#### **Modifications to the Greater Manchester Act 1981**

7. In the Greater Manchester Act 1981(8) sections 31 and 51 shall cease to have effect, and the reference to section 31 in section 179(2), and the references to sections 31 and 51 in section 180(2), shall cease to have effect.

#### **Modifications to the County of Kent Act 1981**

8. —

(1) The County of Kent Act 1981(9) shall be modified in accordance with the provisions of this article.

(2) Sections 21 and 22 shall cease to have effect.

(3) In section 128(2) the references to section 21 and paragraph (a) of subsection (1) of section 22, and in section 129(2) the references to sections 21 and 22, shall cease to have effect.

#### **Modifications to the East Sussex Act 1981**

9. In the East Sussex Act 1981(10) section 25, and the reference to that section in section 102(2), shall cease to have effect.

#### **Modifications to the Derbyshire Act 1981**

10. In the Derbyshire Act 1981(11) section 20, and the references to that section in section 63(2) of, and in Schedule 4 to, that Act shall cease to have effect.

#### **Modifications to the Humberside Act 1982**

11. In the Humberside Act 1982(12) the following shall cease to have effect—

(a) section 74;

(b) the references in section 94(2) to section 74(1)(a), and in section 95(2) to section 74.

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(5) 1980 c.xi.  
(6) 1980 c.xiii.  
(7) 1980 c.xxxvii.  
(8) 1981 c.ix.  
(9) 1981 c.xviii.  
(10) 1981 c.xxv.  
(11) 1981 c.xxxiv.  
(12) 1982 c.iii.

### **Modifications to the County of Avon Act 1982**

12. In the County of Avon Act 1982(13) section 22, and the references to that section in sections 58(2) and 59(2), shall cease to have effect.

### **Modifications to the Cumbria Act 1982**

13. In the Cumbria Act 1982(14) the following shall cease to have effect—

- (a) the definition of “food ” in section 2(1);
- (b) section 13, and the references to that section in sections 63(2) and 64(2).

### **Modifications to the Hampshire Act 1983**

14. In the Hampshire Act 1983(15) the definition of “food ” in section 2(1), and section 5, shall cease to have effect.

### **Modifications to the Leicestershire Act 1985**

15. In the Leicestershire Act 1985(16) section 22, and the reference to that section in section 106(2), shall cease to have effect.

### **Modifications to the Oxfordshire Act 1985**

16. In the Oxfordshire Act 1985(17) section 18, and the reference to that section in section 46(2), shall cease to have effect.

### **Modification to the Worcester City Council Act 1985**

17. In the Worcester City Council Act 1985(18) section 35 shall cease to have effect.

### **Modification to the Berkshire Act 1986**

18. In the Berkshire Act 1986(19) section 20 shall cease to have effect.

### **Repeals and revocation**

19. —

(1) The enactments specified in column 1 of the Schedule to this Order are repealed to the extent specified in column 2 of the Schedule.

(2) In Schedules 1 and 3 to the Local Law (North East London Boroughs) Order 1965(20) , in the entries relating to the Essex County Council Act 1952, the words “Section 103 ” shall be omitted.

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(13) 1982 c.iv.  
(14) 1982 c.xv.  
(15) 1983 c.xviii.  
(16) 1985 c.xvii.  
(17) 1985 c.xxxiv.  
(18) 1985 c.xliii.  
(19) 1986 c.ii.  
(20) S.I. 1965/510.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd January 1992.

*John Gummer*  
Minister of Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Health

23rd January 1992

*Stephen Dorrell*  
Parliamentary Under Secretary of State,  
Department of Health

23rd January 1992

*David Hunt*  
Secretary of State for Wales

## SCHEDULE

Article 19(1)

## PROVISIONS IN LOCAL ACTS REPEALED BY THIS ORDER

<i>Enactment</i>	<i>Extent of repeal</i>
Stoke on Trent Corporation Act (1935 c.cxi.)	Section 68.
Essex County Council Act 1952 (1952 c.1.)	Section 103.
West Midlands County Council Act 1980 (1980 c.xi.)	Section 34. In section 116(2) and section 117(2) the words “Section 34 (Registration of hawkers of food and premises);”.
Cheshire County Council Act 1980 (1980 c.xiii.)	Section 22. In section 108(2) and section 109(2) the words “Section 22 (Registration of hawkers of food and premises);”.
South Yorkshire Act 1980 (1980 c.xxxvii.)	Section 20. In section 105(2) and section 106(2) the words “Section 20 (Registration of hawkers of food and their premises);”.
Greater Manchester Act 1981 (1981 c.ix.)	Section 31. Section 51. In section 179(2) and section 180(2) the words “Section 31 (Registration of hawkers of food and their premises);”.
County of Kent Act 1981 (1981 c.xviii.)	Sections 21 and 22. In section 128(2) the words “Section 21 (Registration of eating houses) and paragraph (a) of subsection (1) of section 22 (Registration of food hawkers and their premises);”.
East Sussex Act 1981 (1981 c.xxv.)	Section 25. In section 102(2) the words “Section 25 (Registration of hawkers of food and their premises);”.
Derbyshire Act 1981 (1981 c.xxxiv.)	Section 20. In section 63(2) and in Schedule 4, the words “Section 20 (Registration of hawkers of food and their premises);”.
Humberside Act 1982 (1982 c.iii.)	Section 74. In section 94(2) the words “Paragraph (a) of subsection (1) of section 74 (Registration of hawkers of food and their premises);”.
County of Avon Act 1982 (1982 c.iv.)	Section 22. In sections 58(2) and 59(2) the words “Section 22 (Registration of food hawkers and their premises);”.

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<i>Enactment</i>	<i>Extent of repeal</i>
Cumbria Act 1982 (1982 c.xv.)	In section 2(1) the definition of “food”.Section 13. In sections 63(2) and 64(2), the words “Section 13 (Registration of hawkers of food and their premises);”.
Hampshire Act 1983 (1983 c.xviii.)	In section 2(1) the definition of “food”. Section 5.
Leicestershire Act 1985 (1985 c.xvii.)	Section 22. In section 106 (2) the words “Section 22 (Closure of insanitary premises and stalls);” Schedule 2.
Staffordshire Act 1983 (1983 c.xviii.)	Section 41. Schedule 2.
Oxfordshire Act 1985 (1985 c.xxxiv.)	Section 18. In section 46(2) the words “Section 18 (Notification of premises for sale of food etc.);”.
Worcester City Council Act 1985 (1985 c.xiii.)	Section 35.
Berkshire Act 1986 (1986 c.ii.)	Section 20.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 19 of the Food Safety Act 1990 ( “the 1990 Act ”) authorises the creation of a system of registration of premises used or proposed to be used for the purposes of a food business. The Food Premises (Registration) Regulations 1991 (S.I.1991/2825) have been made to provide such a system. In consequence of the coming into force of section 19 of the 1990 Act, a number of provisions in local Acts of Parliament which deal with the same subject are no longer necessary. This Order modifies those Acts by omitting the unnecessary provisions with consequential repeals (articles 1 to 13, 16 to 18 and 19(1) and the Schedule).

The Order revokes that part of the Local Law (North East London Boroughs) Order 1965 which applied the registration provisions of the Essex County Council Act 1952, with modifications, to the London Boroughs of Barking, Havering, Redbridge and Waltham Forest (article 19(2)).

Section 22 of the Food Act 1984 required three days' notice to be given for an application for an emergency order requiring the closure of premises. It was repealed on 1st January 1991 with the coming into force of the main provisions of the 1990 Act. In consequence, certain provisions of the Greater Manchester Act 1981, the Hampshire Act 1983 and the Leicestershire Act 1985, which abridged the period mentioned in section 22(2) of the 1984 Act in the areas to which they applied, have become unnecessary and are repealed (articles 7, 14 and 15).