



Food Act 1984

1984 CHAPTER 30

PART VII

GENERAL AND SUPPLEMENTAL

Inquiries, and default

112 Local Inquiries.

The appropriate Minister may cause a local inquiry to be held in any case where he is authorised by this Act—

- (a) to determine any difference,
- (b) to make any order,
- (c) to frame any scheme,
- (d) to give any consent, confirmation, sanction or approval, or
- (e) otherwise to act under this Act,

and in any other case where he deems it advisable that a local inquiry should be held in relation to any matter with which this Act is concerned in any place.

This section does not apply to Parts IV and V; and in this section “the appropriate Minister”, in relation to anything authorised to be done under this Act by the Minister or the Ministers, or the Secretary of State, means that Minister or those Ministers, or the Secretary of State, as the case may be.

113 Default: local authorities etc.

(1) If—

- (a) a complaint is made to the appropriate Minister that any council or joint board have failed to discharge their functions under this Act in any case where they ought to have done so, or

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- (b) the appropriate Minister is of opinion that an investigation should be made as to whether any council or joint board have failed as mentioned in paragraph (a),
the appropriate Minister may cause a local inquiry to be held into the matter.
- (2) If, after a local inquiry has been held in pursuance of this section, the appropriate Minister is satisfied that there has been such a failure on the part of the council or board in question, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the order.
- (3) If a council or board with respect to whom an order has been made under subsection (2) fail to comply with any requirement of the order within the time limited by it for compliance with that requirement, the appropriate Minister, instead of enforcing the order by mandamus or otherwise may—
- (a) if the body in default are the council or a joint board whose district lies wholly within one county, or a port health authority whose district (so far as it does not consist of water) lies wholly within one county, make an order transferring to the council of the county such of the functions of the body in default as may be specified in his order;
 - (b) in any other case, make an order transferring to himself such of the functions of the body in default as may be so specified.
- (4) Where under this section the appropriate Minister has made an order transferring to a county council or to himself any functions of a council or joint board—
- (a) the appropriate Minister may by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done under it; and
 - (b) when any order is so revoked the appropriate Minister may, either by the revoking order or by a subsequent order, provide as seems to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by the county council or by him in discharging any of the functions to which the order so revoked related.
- (5) This section does not apply to Part IV; and in this section “the appropriate Minister” means—
- (a) the Secretary of State, in relation to functions of councils or joint boards under any of the following provisions—
 - (i) section 15, 16, 17, 18 and 19,
 - (ii) sections 27 and 28,
 - (iii) sections 30 and 31,
 - (iv) section 74, so far as it relates to the enforcement and execution of sections 8 and 9 (except in their application to milk, or to meat or to meat products while in a slaughterhouse or in the course of importation) and to the enforcement and execution of section 35;
 - (b) the Secretary of State, in relation to functions of councils or joint boards under Part III;
 - (c) the Ministers, in relation to functions of councils or joint boards under regulations made under this Act;
 - (d) the Minister, in relation to any other functions of councils or joint boards.

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114 Default: food and drugs authorities.

If the Minister, after communication with a food and drugs authority, is of opinion—

- (a) that the authority have failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is their duty to execute or enforce, and
- (b) that their failure affects the general interests of consumers, or the general interests of agriculture in the United Kingdom,

he may by order empower an officer of his department to execute and enforce, or procure the execution and enforcement of, those provisions in relation to that kind of food.

Nothing in this section affects any other power exercisable by the Minister or a county council with respect to defaults of local authorities.

115 Expenses under ss. 113 and 114.

(1) Any expenses—

- (a) incurred by the appropriate Minister within the meaning of section 113 in discharging any functions of a council or joint board where he has by order under that section transferred those functions to himself, or
- (b) incurred by the Minister or his officer under section 114,

shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the appropriate Minister or the Minister, as the case may be, shall on demand be paid to him by the body in default, and shall be recoverable by him from them as a debt due to the Crown.

- (2) For the purpose of raising the money so required the council or the joint board, or the food and drugs authority, as the case may be, shall have the like power as they have of raising money for defraying expenses incurred directly by them as such a council, board or authority.
- (3) The payment of the expenses mentioned in subsection (1) shall to such extent as may be sanctioned by the Minister be a purpose for which a local authority, port health authority or joint board may borrow money in accordance with the statutory provisions relating to borrowing by such an authority or board.

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