



# Food Act 1984

## 1984 CHAPTER 30

### [<sup>F1</sup>PART I

#### FOOD GENERALLY

##### Textual Amendments

- F1** Pts. I, II (ss. 1–49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, [Sch. 5](#) (but (3.4.1992) as regards ss. 16–20; S.I. 1992/57, [art. 2](#) and not coming into force as regards s.13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#))

#### *Composition and labelling of food*

### **1 Offences as to preparation and sale of injurious foods.**

- (1) A person is guilty of an offence who—
- adds any substance to food,
  - uses any substance as an ingredient in the preparation of food,
  - abstracts any constituent from food, or
  - subjects food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.
- (2) A person is guilty of an offence who—
- sells for human consumption,
  - offers, exposes or advertises for sale for human consumption, or has in his possession for the purpose of such sale,
- any food rendered injurious to health by means of any operation described in subsection (1), subject to subsections (3) and (4).

*Status: Point in time view as at 04/11/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part I. (See end of Document for details)*

- (3) In proceedings under this section for an offence consisting of the advertisement for sale of any food, it is a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.
- (4) In determining for the purposes of this Act whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.

## 2 General protection for purchasers of food.

- (1) If a person sells to the purchaser's prejudice any food which is not—
- (a) of the nature, or
  - (b) of the substance, or
  - (c) of the quality,
- of the food demanded by the purchaser, he is guilty of an offence, subject to section 3.
- (2) In subsection (1) the reference to sale shall be construed as a reference to sale for human consumption; and in proceedings under that subsection it is not a defence that the purchaser was not prejudiced because he bought for analysis or examination.

## 3 Defences in proceedings under s. 2.

- (1) In proceedings under section 2 for an offence consisting of the sale of food—
- (a) to which any substance has been added, or
  - (b) in the preparation of which any substance has been used as an ingredient, or
  - (c) from which any constituent has been abstracted, or
  - (d) which has been subjected to any other process or treatment,
- other than food thereby rendered injurious to health, it is a defence to prove that—
- (i) the operation in question was not carried out fraudulently, and
  - (ii) the article was sold with a notice attached to it of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.
- (2) In proceedings under section 2 in respect of any food containing some extraneous matter, it is a defence to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.
- (3) In proceedings under section 2 in respect of diluted whisky, brandy, rum or gin, it is a defence to prove that—
- (a) the spirit in question had been diluted with water only; and
  - (b) its alcoholic strength by volume was still not lower than 37·2 per cent.

## 1<sub>F24</sub> Regulations as to composition of food etc.

- (1) The Ministers may, so far as appears to them to be necessary or expedient in the interests of the public health, or otherwise for the protection of the public, or to be called for by any Community obligation, make regulations for any of the following purposes—

*Status: Point in time view as at 04/11/1991.*

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- (a) for requiring, prohibiting or regulating the addition of any specified substance or any substance of any specified class, to food intended for sale for human consumption or any class of such food, or the use of any such substance as an ingredient in the preparation of such food, and generally for regulating the composition of such food;
  - (b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or any class of such food;
  - (c) for prohibiting or regulating the sale, possession for sale, offer or exposure for sale, consignment, or delivery, of food which does not comply with any of the regulations, or in relation to which an offence against the regulations has been committed or would have been committed if any relevant act or omission had taken place in England and Wales, or in Northern Ireland, subject to subsection (5), or for prohibiting or regulating the importation of any such food as is mentioned above;
  - (d) for prohibiting or regulating the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption.
- (2) In the exercise of their functions under this section the Ministers shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.
- (3) Regulations made under this section may apply to cream, and to any food containing milk, but otherwise shall not apply to milk.
- (4) Regulations so made may provide that, where any food is certified by a public analyst as being food to which the regulations apply so far as they are made under paragraph (c) of subsection (1), that food may be treated for the purposes of section 9, or in any corresponding Northern Ireland enactment, as being unfit for human consumption.

Those regulations may be—

- (a) in relation to such cases as may be specified, and
- (b) subject to such exceptions as may be allowed,

by or under the regulations, but nothing in any such regulations shall be taken as prejudicing the generality of the powers conferred by section 9, or in any corresponding Northern Ireland enactment.

<sup>F3</sup>(5) . . . . .]

**Textual Amendments**

**F2** S. 4: Pts. I, II (ss. 1-49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, **Sch. 5** but (*prosp.*) as regards ss. 16-20, and not coming into force as regards s. 13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#)).

**F3** S. 4(5) repealed (N.I.) ( 4.11.1991) by [S.I. 1991/762](#), art. 51(4), **Sch.4**; [S.R. 1991/175](#), art. 2(2).

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<sup>F4</sup>5

**Ministers’ power to obtain particulars of ingredients.**

- (1) To enable the Ministers to exercise their functions under section 4—
  - (a) they may by order require every person who at the date of the order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the order to provide the Minister (within such time as may be so specified) with the particulars mentioned in paragraph (b);
  - (b) those particulars shall be such as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for human consumption, or used for that purpose in the course of that business.
  
- (2) Without prejudice to the generality of subsection (1), an order made under that subsection may require the following particulars to be provided in respect of any substance—
  - (a) particulars of the composition and chemical formula of the substance;
  - (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food;
  - (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as mentioned above, is injurious to, or in any other way affects, health;
  - (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.
  
- (3) No particulars provided in accordance with an order under this section, and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except—
  - (a) in accordance with directions of the Minister, so far as may be necessary for the purposes of section 4 or of any corresponding enactment for the time being in force in Scotland or Northern Ireland,
  - (b) for the purposes of any proceedings for an offence against the order or any report of those proceedings,
 and a person who discloses any such information or particulars in contravention of this subsection is guilty of an offence.
  
- (4) Section 51 of the <sup>M1</sup>Patents Act 1949 (which secures inventions against anticipation in certain cases) applies in relation—
  - (a) to the disclosure of any invention made in pursuance of an order under this section, and
  - (b) to anything done in consequence of any such disclosure,
 as it applies in relation to such communications of inventions as are therein mentioned, and to anything done in consequence of such communications.

<sup>F5</sup>(5) . . . . .]

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#### Textual Amendments

- F4** S. 5: Pts. I, II (ss. 1-49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, **Sch. 5** but (*prosp.*) as regards ss. 16-20, and not coming into force as regards s. 13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#).
- F5** S. 5(5) repealed (N.I.) ( 4.11.1991) by [S.I. 1991/762](#), art. 51(4), **Sch.4**; [S.R. 1991/175](#), art. 2(2).

#### Marginal Citations

- M1** 1949 c. 87.

## 6 Food falsely described.

- (1) A person who gives with any food sold by him, or displays with any food exposed by him for sale, a label, whether or not attached to or printed on the wrapper or container, which—
- falsely describes the food, or
  - is calculated to mislead as to its nature, or its substance or its quality,
- is guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained that the label was of such character as mentioned above.
- (2) A person who publishes, or is a party to the publication of, an advertisement (not being such a label so given or displayed by him as mentioned above) which—
- falsely describes any food, or
  - is calculated to mislead as to the nature, or the substance or the quality of any food,
- is guilty of an offence, subject to subsection (3); and in any proceedings under this subsection against the manufacturer, producer or importer of the food, it rests on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.
- (3) In proceedings under subsection (2) it is a defence for the person charged to prove either—
- that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that subsection, or
  - that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.
- (4) For the purposes of this section, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.
- (5) In proceedings for an offence under this section the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.
- (6) In this section references to sale shall be construed as references to sale for human consumption.

*Status: Point in time view as at 04/11/1991.*

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**I**  
**F67**

### **Regulations as to describing food.**

- (1) The Ministers may make regulations for imposing requirements as to, and otherwise regulating—
- (a) the labelling, marking or advertising of food intended for sale for human consumption; and
  - (b) the descriptions which may be applied to such food.
- This provision is without prejudice to section 6.
- (2) Regulations made under this section—
- (a) may apply to cream, and to any food containing milk (but shall not otherwise apply to milk);
  - (b) may provide for any purpose authorised by paragraph (c) of section 4(1) in the case of regulations under that section.

**F7**(3) . . . . .]

#### **Textual Amendments**

**F6** S. 7: Pts. I, II (ss. 1-49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, [Sch. 5](#) but (*prosp.*) as regards ss. 16-20, and not coming into force as regards s. 13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#)).

**F7** S. 7(3) repealed (N.I.) ( 4.11.1991) by [S.I. 1991/762](#), art. 51(4), [Sch.4](#); S.R. 1991/175, art. 2(2).

### *Food unfit for human consumption*

## **8 Sale etc. of unfit food.**

- (1) A person who—
- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale, or
  - (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,
- any food intended for, but unfit for, human consumption is guilty of an offence, subject to subsection (3).
- (2) Where food in respect of which an offence under paragraph (a) of subsection (1) has been committed was sold to the offender by some other person, that person is also guilty of an offence, subject to subsection (3).
- (3) Where a person is charged with an offence under paragraph (b) of subsection (1), or under subsection (2), it is a defence for him to prove either—
- (a) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question that it was not intended for human consumption; or
  - (b) that, at the time when he delivered or despatched it to that person, either it was fit for human consumption or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

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- (4) If a person licensed under section 1 of the <sup>M2</sup>Slaughterhouses Act 1974 to keep a slaughterhouse is convicted of an offence under this section, the court may cancel his licence, in addition to any other punishment.
- (5) The justice of the peace before whom any food is brought under section 9 may, but need not, be a member of the court before which a person is charged with an offence under this section in relation to that food.

#### Marginal Citations

M2 1974 c. 3.

### 9 Examination and seizure of suspected food.

- (1) An authorised officer of a council—
  - (a) may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale; and
  - (b) if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a justice of the peace.
- (2) An officer who seizes any food under subsection (1) shall inform the person in whose possession the food was found of his intention to have it dealt with by a justice of the peace, and any person who under section 8 might be liable to a prosecution in respect of the food shall, if he attends before the justice of the peace upon the application for its condemnation, be entitled to be heard and to call witnesses.
- (3) If it appears to a justice of the peace that any food brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.
- (4) If a justice of the peace refuses to condemn any food seized under this Part by an authorised officer of a council, the council shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

### 10 Food as prizes etc.

Sections 8 and 9 apply—

- (a) in relation to any food which is intended for human consumption and is offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
- (c) in relation to any food which is intended for human consumption and is exposed or deposited in any premises for the purpose of being so offered or

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given away as mentioned above, as if the food were, or had been, exposed for sale by the occupier of the premises.

In this section “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

## 11 Food in transit.

- (1) If an authorised officer of a council has reason to suspect that any vehicle or container contains any food—
  - (a) which is intended for sale for human consumption, or
  - (b) which is in the course of delivery after sale for human consumption,
 he may examine the contents of the vehicle or container, subject to subsections (4) and (5).
- (2) For that purpose the officer may, if necessary, detain the vehicle or container.
- (3) If the officer finds any food which appears to him to be intended for, but unfit for, human consumption, he may deal with it as food falling within section 9(1), and subsections (2) to (4) of that section shall apply accordingly.
- (4) Nothing in this section authorises the detention of—
  - (a) any vehicle belonging to any of the Boards established by the <sup>M3</sup>Transport Act 1962, the London Transport Executive, and their wholly owned subsidiaries, and used by them for the purposes of any railway operated by them;
  - (b) any vehicle belonging to a railway company and used by them for the purposes of their undertaking;
  - (c) any authorised vehicle used for the purpose of his business as a carrier of goods by a person holding a licence under Part V of the <sup>M4</sup>Transport Act 1968.
- (5) Where the duties of an officer of customs and excise with respect to any goods have not been wholly discharged, nothing in this section authorises the examination of those goods without his consent.

### Marginal Citations

**M3** 1962 c. 46.

**M4** 1968 c. 73.

## 12 Products of knackers’ yards.

- (1) No person shall, for human consumption—
  - (a) sell, or
  - (b) offer or expose for sale, or
  - (c) have in his possession for the purpose of sale or of preparation for sale,
 any part of, or product derived wholly or partly from, an animal which has been slaughtered in a knacker’s yard or of which the carcase has been brought into a knacker’s yard.
- (2) A person who contravenes subsection (1) is guilty of an offence, and, if he is licensed under section 1 of the <sup>M5</sup>Slaughter-houses Act 1974 to keep either a slaughterhouse or a knacker’s yard, the court may, in addition to any other punishment, cancel his licence.



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#### Marginal Citations

M5 1974 c. 3.

### *Hygiene*

**13**

#### **Regulations as to food hygiene.**

- (1) the Ministers may make such regulations as appear to them to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with—
  - (a) the sale of food for human consumption, or
  - (b) the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption,or otherwise for the protection of the public health in connection with those matters.
- (2) Without prejudice to the generality of subsection (1), regulations made under this section may provide—
  - (a) for imposing requirements as to the construction, layout, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply and use of premises in, at or from which food is sold for human consumption, or offered, exposed, stored or prepared for sale, for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored);
  - (b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance;
  - (c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;
  - (d) for prohibiting spitting on premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed);
  - (e) for imposing requirements as to the clothing worn by persons in such premises;
  - (f) for securing the inspection of animals intended for slaughter, and of carcasses of animals, for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption;
  - (g) for requiring the staining or sterilisation in accordance with the regulations of meat which is unfit for human consumption, or which is derived from animals slaughtered in knackers' yards or from carcasses brought into knackers' yards, or which, though not unfit for human consumption, is not intended for such consumption;

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- (h) for regulating generally the treatment and disposal of any food unfit for human consumption;
- (j) for prohibiting or regulating, or enabling local authorities to prohibit or regulate, the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.

In this subsection “animals” includes poultry.

- (3) Regulations under this section may make different provisions in relation to different classes of business; and without prejudice to the foregoing provisions of this section or section 118, any such regulations imposing requirements in respect of premises may—
  - (a) impose on the occupier of the premises and, in the case of requirements of a structural character, on any owner of the premises who either lets them for use for a purpose to which the regulations apply or permits them to be so used after notice from the authority charged with the enforcement of the regulations, responsibility for compliance with those requirements;
  - (b) provide, subject to such limitations and safeguards as may be specified, for conferring, in relation to particular premises, exemptions from the operation of specified provisions contained in regulations made for the purposes of paragraph (a) or paragraph (b) of subsection (2) while there is in force a certificate of the local authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.
- (4) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of regulations made under this section, being requirements of a structural character, are complied with in respect of any premises owned or occupied by him claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he may apply to the county court.
- (5) The court may make such order concerning the expenditure or its apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable; and any order made under this subsection may direct that any such contract as mentioned above shall cease to have effect in so far as it is inconsistent with the terms of the order.
- (6) Regulations made under this section may impose in respect of accommodation in home-going ships, and in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed under the regulations in respect of premises.
- (7) references in this section to food shall be construed as references to food other than milk, except that—
  - (a) regulations under this section relating to importation may apply to milk; and
  - (b) any regulations under this section may apply to any food containing milk.
- (8) The Ministers shall from time to time take such steps as they think expedient for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.
- (9) If a person convicted of an offence against any regulations made under this section with respect to slaughterhouses or knackers’ yards is the holder of a licence under section 1 of the <sup>M6</sup>Slaughterhouses Act 1974 in respect of the premises where the

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offence was committed, the court may, in addition to any other punishment, cancel the licence.

<sup>F9</sup>(10).....]

#### Textual Amendments

**F8** S. 13: Pts. I, II (ss. 1-49) repealed (E.W.) (with savings for ss. 15 and 21) by [Food Safety Act 1990](#) (c. 16, SIF 53:1, 2), ss. 54, 59, Sch. 4 paras. 7, 8, **Sch. 5** but (*prosp.*) as regards ss. 16-20, and not coming into force as regards s. 13 so far as it relates to the Food Hygiene (Amendment) Regulations 1990 until either 1.4.1991 or 1.4.1992 as mentioned in [S.I. 1990/2372](#)).

**F9** S. 13(10) repealed (N.I.) ( 4.11.1991) by [S.I. 1991/762](#), art. 51(4), **Sch.4**; [S.R. 1991/175](#), **art. 2(2)**.

#### Marginal Citations

**M6** 1974 c. 3

## 14 Court's power to disqualify caterer.

- (1) The provisions of this section have effect where a person is proceeded against by a local authority for an offence against regulations made under section 13 in respect—
  - (a) of any premises used as catering premises; or
  - (b) of any business carried on at such premises.
- (2) If the person is convicted of the offence and the court thinks it expedient to do so—
  - (a) having regard to the gravity of the offence or (in the case of an offence committed in respect of premises) to the unsatisfactory nature of the premises, or
  - (b) having regard to any offences against regulations made under section 13 of which the person has been previously convicted,the court may, on the application of the local authority, make an order disqualifying that person from using those premises as catering premises for such period not exceeding two years as may be specified in the order.
- (3) An order under this section shall not be made against any person unless the local authority have, not less than 14 days before the date of the hearing, given that person written notice of their intention to apply for an order to be made against him.
- (4) A person subject to an order under this section is guilty of an offence if, while the order is in force—
  - (a) he uses the premises to which the order relates as catering premises; or
  - (b) he participates in the management of any business in the course of which the premises are so used by another person.
- (5) A person so subject may, from time to time after the expiry of 6 months from the date on which the order came into force, apply to the court before which he was convicted, or by which the order was made, to revoke the order; but where such an application is refused by the court a further application under this subsection shall not be entertained if made within 3 months of the refusal.
- (6) On any such application the court may, if it thinks proper having regard to all the circumstances of the case, including in particular—
  - (a) the person's conduct subsequent to the conviction, and

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(b) any improvement in the state of the premises to which the order relates, grant the application.

(7) The court to which an application under subsection (5) is made has power to order the applicant to pay the whole or any part of the costs of the application.

## **15 Byelaws as to food.**

A local authority may make byelaws for securing the observance of sanitary and cleanly conditions and practices—

- (a) in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption; and
- (b) in connection with the sale or exposure for sale in the open air of food intended for human consumption.

### *Registration of premises and licensing of vehicles*

## **16 Registration: ice-cream, sausages etc.**

(1) No premises shall be used for—

- (a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale, or
- (b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,

unless they are registered under this section for that purpose by the local authority.

For the purposes of this subsection—

- (i) “sale” means sale for human consumption;
- (ii) the preparation of meat or fish by any process of cooking shall be deemed to be the preservation of that meat or fish.

(2) A person who uses any premises in contravention of sub-section (1) is guilty of an offence.

(3) Nothing in this Part applies so as to require the registration under this section—

- (a) of premises used wholly or mainly as catering premises, or
- (b) of premises used wholly or mainly as a school or club, or
- (c) of domestic premises, if the only food intended for sale which is prepared or manufactured on them is food intended for sale for the benefit of the person preparing or manufacturing it by a society registered under the <sup>M7</sup>Industrial and Provident Societies Act 1965, or
- (d) of premises of any description, if the only food intended for sale which is prepared or manufactured on them is food prepared or manufactured otherwise than in the course of a trade carried on by the person preparing or manufacturing it,

and paragraph (a) of subsection (1) does not apply in relation to the sale or storage of ice-cream at any premises used as a theatre, cinematographic theatre, music hall or concert hall.

(4) This section does not apply in relation to premises—

*Status: Point in time view as at 04/11/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part I. (See end of Document for details)*

- (a) which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but
- (b) which are not otherwise used for any purpose in connection with the preparation, storage or sale of food

except so far as may be expressly provided by regulations made under this Part.

(5) Where in any district—

- (a) local Act provisions were in force at the commencement of this Act with respect to the registration of premises used for any of the purposes mentioned in subsection (1), and
- (b) those provisions were in force at the commencement of the <sup>M8</sup>Food and Drugs Act 1938 (1st October 1939)

that subsection, so far as it relates to registration for purposes regulated by the local Act provisions, shall not apply to that district until the Secretary of State, on the local authority's application, declares it to be in force there.

(6) Where on an application made by a local authority under subsection (5) the Secretary of State declares subsection (1) to be in force in the authority's district, then, upon the declaration taking effect, such of the local Act provisions referred to in subsection (5) as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the authority's district.

(7) Any premises which immediately before the repeal of those provisions were registered under them for any purpose mentioned in subsection (1) shall be deemed to have been registered under this section for the purpose in question.

#### Marginal Citations

M7 1965 c. 12.

M8 1938 c. 56.

## 17 Extension of s. 16 to other businesses.

(1) The Ministers may by order direct that section 16 shall have effect as if the purposes described in subsection (1) of that section included, except in such cases as may be prescribed by the order—

- (a) the sale or preparation for sale of food for human consumption, or
- (b) the storage of food intended for such sale,

in the course of any business of a class specified in the order.

(2) An order made under this section shall provide—

- (a) for enabling premises used for purposes for which registration is required by the order to be registered under section 16 before the date when subsection (1) of that section becomes applicable to them by the order; and
- (b) in relation to premises used for those purposes before that date, for excluding or restricting the power of the local authority to refuse applications for registration.

(3) The purposes for which registration is required by an order made under this section may include any purpose for which, apart from the order, registration would be required under section 16.

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- (4) Any such order—
- (a) may repeal, in whole or in part, paragraph (a) or (b) of section 16(1); and
  - (b) may provide for continuing in force the registration of any premises for purposes to which the order applies.
- (5) If—
- (a) at the time when premises become registrable for any purpose by an order made under this section, local Act provisions with respect to the registration of premises used for any of those purposes are in force in any district, then
  - (b) section 16(1), as having effect by the order, shall not, so far as it relates to registration for purposes regulated by the local Act provisions, apply to that district until the Secretary of State, on the application of the local authority, declares it to be in force there.
- (6) Where on an application made by a local authority under subsection (5) the Secretary of State declares section 16(1) to be in force in the authority's district, then, upon the declaration taking effect, such of the local Act provisions referred to in sub-section (5) as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the authority's district.
- (7) Any premises which immediately before the repeal of those provisions were registered under them for any of the purposes for which premises become registrable by virtue of the relevant order made under this section shall be deemed to have been registered under section 16 for the purpose in question.

## **18 Application for registration.**

- (1) An application for the registration of any premises under section 16 shall specify—
- (a) the purpose or purposes for which the registration is applied for, and
  - (b) all rooms or accommodation in the premises proposed to be used for those purposes,
- and on such an application being made as mentioned above by the occupier of, or a person proposing to occupy, the premises to which the application relates, the local authority shall, subject to this section and section 19, register the premises for those purposes.
- (2) The local authority—
- (a) may register the same premises for more than one purpose for which registration under section 16 is required; and
  - (b) may register different parts of the same premises for different purposes.
- (3) The premises registered under section 16 in pursuance of such an application as is mentioned above shall not include any room or accommodation not specified in the application.
- (4) Upon any change in the occupation of premises registered under section 16, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable to a fine not exceeding level 1 on the standard scale.

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## **19 Refusal or cancellation of registration.**

- (1) Subsection (2) applies in the case of any premises in respect of which an application is made for registration under section 16, or which are registered under that section, if it appears to the local authority—
  - (a) that the requirements of regulations in force under section 13 are not complied with in connection with the premises or the business carried on at the premises; or
  - (b) that the premises or any part of the premises are other-wise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on in them) for use for the purpose or purposes specified in the application, or for which they are used, as the case may be.
- (2) In such a case the authority may serve on the applicant for registration or, as the case may be, on the occupier of the premises, a notice—
  - (a) stating the place and time (not being less than 21 days after the date of the service of the notice) at which they propose to take the matter into consideration; and
  - (b) informing him that he may there and then attend before them, with any witnesses whom he desires to call, to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.
- (3) A person entitled under subsection (2) to appear before any authority—
  - (a) may appear in person or by counsel or a solicitor or any other representative; or
  - (b) may be accompanied by any person whom he may wish to assist him in the proceedings.
- (4) If a person on whom a notice is served under subsection (2) fails to show cause to the local authority's satisfaction, they may refuse the application or, as the case may be, cancel the registration of the premises, and
  - (a) shall forthwith give notice to him of their decision in the matter; and
  - (b) shall, if so required by him within 14 days from the date of their decision, give to him, not later than 48 hours after receiving the requirement, a statement of the grounds of the decision.
- (5) A person aggrieved by the decision of a local authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to a magistrates' court.

## **20 Regulations for licensing vehicles, stalls etc.**

- (1) The Ministers may make regulations providing—
  - (a) for the issue by local authorities of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption; and
  - (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence issued under the regulations.
- (2) Regulations under this section—
  - (a) may be made so as to apply either generally or to such class or classes of business as may be specified in the regulations; and

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- (b) may exempt from the requirements of this Act as to registration under section 16 any premises used for the storage of food intended for sale for human consumption in the course of a business in respect of which a licence is in force under the regulations.
- (3) Regulations made under this section may provide for the refusal or cancellation of a licence under the regulations, either wholly or in respect of a part of the business for which the licence is applied for or is held—
- (a) where the requirements of regulations in force under section 13 are not complied with in relation to that business, or
  - (b) where the applicant or holder is unable or has failed to comply, in relation to that business, with any byelaws in force under section 15,
- and such regulations shall provide for affording to persons affected by any such refusal or cancellation an opportunity to make representations to the local authority, and to appeal from that authority's decision to a magistrates' court.
- (4) Where—
- (a) any regulations under this section in relation to any class of business come into operation, and
  - (b) local Act provisions are then in force in any district, being provisions under which persons engaged in that class of business are required to be licensed or registered,
- the regulations so far as they relate to that class of business shall not apply to that district until such date as may be appointed by an order made by the Secretary of State upon the local authority's application in that behalf.
- (5) Where an order is made under subsection (4) in relation to any district, that order—
- (a) may repeal any such local Act provisions as are mentioned in that subsection, so far as they relate to that district and to the class of business in relation to which the regulations under this section have effect; and
  - (b) shall provide for securing that persons licensed or registered under those provisions are, in relation to any business of that class in which they are engaged, treated as licensed under the regulations.

### *Control of food premises*

## **21 Closure order.**

- (1) Where on an information laid by a local authority a person is convicted of an offence under regulations made under section 13 and the offence includes—
- (a) the carrying on of a food business at any insanitary premises or at any premises the condition, situation or construction of which is such that food is exposed to the risk of contamination, or
  - (b) the carrying on of a food business on, at or from a stall which is insanitary, or which is so situated or constructed, or is in such a condition, that the food is exposed to the risk of contamination,
- then, subject to subsection (2), if the court is satisfied that—
- (i) food continues or is likely to continue to be prepared, stored, sold or offered or exposed for sale at those premises or on, at or from that stall, and
  - (ii) by reason of the situation, construction or insanitary or defective condition of the premises or stall or the insanitary or defective condition of the fittings



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or fixtures or equipment or the infestation of vermin or the accumulation of refuse, the carrying on of a food business at those premises or on, at or from that stall would be dangerous to health,

the court may on the local authority's application, whether or not it makes any other order, by order (called "a closure order") prohibit the preparation, storage, sale or offer or exposure for sale at those premises or on, at or from that stall of food until the local authority certifies under subsection (4) that such specified measures as the court considers necessary to remove the danger to health have been carried out.

- (2) A closure order shall not be made unless the local authority have, not less than 14 days before the trial of the information, given—
  - (a) the person against whom the information was laid, and
  - (b) if he is not that person, the owner of the premises or stall (unless the local authority are unable after reasonable inquiry to ascertain his identity),written notice of their intention to apply for the order.
- (3) The local authority shall in any notice under subsection (2) specify the measures which, in their opinion, should be taken to remove any danger to health.
- (4) Any person who wishes to carry on a food business at any premises or on, at or from any stall with respect to which a closure order is in force may apply to the local authority who, if satisfied that the measures specified by the closure order have been carried out, shall as soon as practicable and in not more than 14 days give to the applicant a certificate to that effect, and such certificate shall be conclusive evidence of the matters stated in it.

## 22 **Emergency order.**

- (1) Where an information is, or has been, laid by a local authority in relation to an offence described in section 21(1) and application is made by the local authority for an order under this section, the court may, subject to subsection (2), if satisfied—
  - (a) by evidence tendered by the local authority, and
  - (b) after affording, if he appears, the person against whom the information is or was laid and, if he is not that person, the owner of the premises or stall, an opportunity to be heard and tender evidence,that the use of the premises or stall for the preparation, storage, sale or offer or exposure for sale of food involves imminent risk of danger to health, make an order (called "an emergency order") prohibiting, either absolutely or subject to conditions, the use of those premises or that stall for those purposes until—
  - (i) the determination of the proceedings to which the information gave rise, or
  - (ii) the issue of a certificate by the local authority under subsection (6),whichever is the earlier.
- (2) The court shall not consider an application under this section unless it is satisfied that at least three clear days' notice in writing of intention to make that application and of the time at which it would be made has been given to the person against whom the information is or was laid and, if he is not that person, to the owner of the premises or stall.
- (3) The local authority shall in any notice under subsection (2) specify the measures which, in their opinion, should be taken to remove any danger to health.

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- (4) Notice for the purpose of subsection (2) may be served in any way, except by post, authorised by rules made under section 144 of the <sup>M9</sup>Magistrate's Courts Act 1980 for the service of a summons issued by a justice of the peace or by leaving it for him with some person who appears to be employed at the premises or stall to which the information relates.
- (5) The local authority shall serve a copy of an emergency order made under this section as soon as may be after the order has been made on the person against whom the information was laid and, if he is not that person, on the owner of the premises or stall, and shall affix a copy of it in a conspicuous position on the premises or, if practicable, on the stall.
- (6) Any person who wishes to carry on a food business at any premises or on, at or from any stall, with respect to which an emergency order is in force, may apply to the local authority who, if satisfied there is no longer any risk of danger to health, shall as soon as practicable and in not more than 14 days issue a certificate to that effect.

#### Marginal Citations

M9 1980 c. 43.

### 23 Compensation.

- (1) If on the trial of an information relating to an offence described in section 21(1) the court, on the application of an interested person—
  - (a) determines that at the date of any emergency order the use of the premises or stall did not involve imminent risk of danger to health, and
  - (b) is satisfied that loss has been occasioned by the emergency order,
 the court may order the local authority to pay to that person compensation of such amount as the court thinks proper.
- (2) The following are interested persons for the purposes of subsection (1) and section 24(2)—
  - (a) the person against whom the information was laid;
  - (b) the owner of the premises or stall;
  - (c) any person not within paragraph (a) or (b) who at the time when the emergency order was made was carrying on a food business at those premises or on, at or from that stall.

### 24 Appeals.

- (1) Where an application for a closure order is refused or granted—
  - (a) if the application is refused, the local authority who made the application may appeal to the Crown Court;
  - (b) if the application is granted, any person to whom notice of the application was given under section 21(2) may appeal as mentioned in paragraph (a).
- (2) Where an application for an order under section 23 for the payment of compensation is granted or refused, the following persons may appeal to the Crown Court—
  - (a) the local authority who made the application for the emergency order in question; or

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(b) any interested person who applied for the payment of compensation under that section in respect of that order.

(3) Where a person applies for a certificate under section 21(4)

or 22(6), and the local authority refuses or fails to give it, the applicant may appeal to a magistrates' court who may, if satisfied that it is proper to do so, direct the authority to give such certificate.

## **25 Offences against food premises control.**

(1) A person who contravenes a closure order or an emergency order is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) In the application of the provisions of sections 21, 22, 23 and 24, and of subsection (1) of this section, in connection with an offence under any such regulations as are mentioned in section 21(1)—

(a) any expression to which a meaning is given by the regulations in question shall, unless the context otherwise requires, have the same meaning in those provisions as in those regulations; and

(b) those provisions shall have effect as if the references to premises included places which are not premises within the meaning of those regulations.

## **26 Ships.**

In relation to any offence under regulations made under section 13 which includes the carrying on of a food business—

(a) in any insanitary ship, or

(b) in any ship the condition, situation or construction of which is such that food is exposed to the risk of contamination,

the Secretary of State may make regulations containing provisions corresponding to those of sections 21, 22, 23, 24 and 25, with such additions, omissions or other modifications as he thinks fit.

As to regulations under this section—

(i) the penalty provided by any provision of such regulations which corresponds to section 25(1) shall be the same as in that subsection;

(ii) the only provision of Parts VI and VII which applies to the exercise of the power to make such regulations is section 120.

*Ice-cream, horseflesh and shellfish*

## **27 Sale of ice-cream from stalls etc.**

(1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sales, ice-cream—

(a) from a stall or vehicle, or

(b) from a container used without a stall or vehicle,

shall have his name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be, and, if he fails to comply with the

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requirements of this section, shall be liable to a fine not exceeding level 1 on the standard scale.

- (2) A local authority may at any time resolve that, as from such date, not being less than 4 weeks from the date of the passing of the resolution, as may be there specified and until the resolution is revoked, this section shall apply within their district in relation—
- (a) to all kinds of food, or
  - (b) to any kinds of food specified in the resolution,
- as it applies in relation to ice-cream, and while any such resolution is in force this section shall apply accordingly.

Nothing in this subsection has effect in relation to milk.

- (3) A local authority shall forthwith give notice to the Secretary of State of the passing or revocation of a resolution under this section and shall take such steps as he may direct for publishing notice of the coming into operation, or revocation, of any such resolution.

## **28 Prevention of spread of disease by ice-cream.**

- (1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any disease to which this subsection applies among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice of the occurrence to the local authority for the district and, if he fails to do so, shall be liable to a fine not exceeding level 1 on the standard scale.
- (2) Subsection (1) applies to the diseases specified in Schedule 1 and any other disease which the Secretary of State may by order declare to be a disease to which that subsection applies.
- (3) If the proper officer of a local authority has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any disease communicable to human beings, he may give notice to the person in charge of it that, until further notice, the ice-cream or substance in question, or any specified portion of it, is not to be used for human consumption and either—
- (a) is not to be removed; or
  - (b) is not to be removed except to some place specified in the notice.

A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding level 5 on the standard scale.

- (4) If on further investigation the proper officer of the local authority is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice; but, if he is not so satisfied—
- (a) he shall cause it to be destroyed, and
  - (b) he shall also cause to be destroyed any other ice-cream or such substance as mentioned above then on the premises as to which he is not so satisfied.
- (5) Where a notice given under subsection (3) is withdrawn by the proper officer of the local authority, or the proper officer acting under subsection (4) causes any ice-cream or other substance to be destroyed, the local authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting

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from the action taken by the proper officer or, as the case may be, for the loss of its value.

- (6) As to compensation under this section—
- (a) no compensation shall be payable in respect of the destruction of any ice-cream or substance if the local authority prove that it was likely to cause any disease communicable to human beings;
  - (b) no compensation shall in any case be payable—
    - (i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under subsection (3) with respect to anything on those premises was operative, or
    - (ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which he was required by subsection (1) to give.

For the purposes of this subsection, the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

## **29 Sale of horseflesh.**

- (1) A person is guilty of an offence who—
- (a) sells, or
  - (b) offers or exposes for sale, or
  - (c) has in his possession for the purpose of sale, any horseflesh for human consumption elsewhere than—
    - (i) in premises, or
    - (ii) in a stall, vehicle or place, over or on which a notice in legible letters stating that horseflesh is sold there is displayed in a conspicuous position so as to be visible whenever horseflesh is being sold, or offered or exposed for sale.
- (2) A person is guilty of an offence who supplies horseflesh for human consumption to a purchaser—
- (a) who has not asked to be supplied with horseflesh; or
  - (b) who has asked to be supplied with some compound article of food not ordinarily made of horseflesh.
- (3) If any horseflesh is exposed for sale elsewhere than in premises, or in a stall, vehicle or place, distinguished as mentioned above without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.
- (4) In this section “horseflesh” means the flesh of horses, asses and mules, and includes any such flesh—
- (a) whether cooked or uncooked, and
  - (b) whether alone, or accompanied by, or mixed with any other substance, and “flesh” includes any part of any such animal.

*Status: Point in time view as at 04/11/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Part I. (See end of Document for details)*

### **30      Cleansing of shellfish.**

- (1) A county council or a local authority—
  - (a) may provide, whether within or without their county or district, tanks or other apparatus for cleansing shell-fish; and
  - (b) may make charges in respect of the use of any tank or other apparatus so provided.
- (2) A county council or a local authority may contribute towards the expenses incurred under this section by any other council or any joint committee, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shellfish.
- (3) Any expenses incurred by a county council under this section shall, if the Secretary of State by order so directs, be defrayed as expenses for special county purposes chargeable upon such part of the county as may be provided by the order.
- (4) In this section “cleansing shellfish” includes the subjection of shellfish to any germicidal treatment.
- (5) Nothing in this section authorises the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions as may before the work is commenced be approved by the Secretary of State.

### *Food poisoning*

### **31      Inspection and control of infected food.**

- (1) If the proper officer of a local authority has reasonable ground for suspecting that any food of which he, or any other officer of the local authority of the district, has procured a sample under the provisions of this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed—
  - (a) the food, or any specified portion of it, is not to be used for human consumption, and
  - (b) either is not to be removed, or is not to be removed except to some place specified in the notice.

A person who uses or removes any food in contravention of the requirements of a notice given under this subsection is liable to a fine not exceeding level 5 on the standard scale.

- (2) If, as a result of his investigations, the proper officer is satisfied that the food in question, or any portion of it, is likely to cause food poisoning, he may deal with it as food falling within section 9(1) and subsections (2) and (3) of that section shall apply accordingly; but, if he is satisfied that it may be safely used for human consumption, he shall forthwith withdraw his notice.
- (3) If a notice given under subsection (1) is withdrawn by the proper officer, or if the justice of the peace before whom any food is brought under this section refuses to condemn it, the local authority shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the proper officer.]

**Status:**

Point in time view as at 04/11/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Food Act 1984, Part I.