



# Food Act 1984

## 1984 CHAPTER 30

### PART I

#### FOOD GENERALLY

##### *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.
- (4) If a person licensed under section 1 of the 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## **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 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 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 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

## **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 carcass 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 Slaughterhouses Act 1974 to keep either a slaughterhouse or a knacker's yard, the court may, in addition to any other punishment, cancel his licence.