



# Food Act 1984

## 1984 CHAPTER 30

### PART VI

#### ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

##### *Administration*

#### **71 Food and drugs authorities**

The food and drugs authority shall continue to be—

- (a) in England, for each county and London borough, the council of that county or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London ;
- (b) in Wales, the county council.

#### **72 Local authorities for purposes of this Act**

In this Act, except in sections 44 and 45, "local authority" means—

- (a) as respects the City of London, the Common Council;
- (b) as respects the Inner Temple and the Middle Temple, the Sub-Treasurer and the Under Treasurer respectively ; and
- (c) as respects any district or London borough, the council of the district or borough.

#### **73 Meaning of "authorised officer"**

(1) "Authorised officer", where used in this Act in relation to a council—

- (a) means an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter ; and

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*Status: This is the original version (as it was originally enacted).*

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(b) for the purposes of any provision of this Act relating to the taking of samples, includes a police constable so authorised with the approval of the police authority concerned.

(2) No officer of a council shall be authorised under this Act to act in relation to the examination and seizure of meat unless he is a person having such qualifications as may be prescribed by regulations made by the Ministers.

#### **74 Duty to enforce**

(1) The Minister shall enforce and execute the provisions of the sections, orders and regulations specified in paragraph 1 of Schedule 6, and the food and drugs authorities shall enforce and execute the provisions of the sections and regulations specified in paragraph 2 of that Schedule.

(2) It is the duty of every local authority to enforce and execute in their district the provisions of any section of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

(3) Regulations made under Part I, Milk and Dairies Regulations and Milk (Special Designation) Regulations shall specify the authorities by whom they are to be enforced and executed, being—

- (a) in the case of regulations made under Part I, county councils, local authorities, food and drugs authorities, port health authorities, or the Commissioners of Customs and Excise,
- (b) in the case of Milk and Dairies Regulations and Milk (Special Designation) Regulations, county councils, local authorities, food and drugs authorities, or port health authorities,

and any regulations to which this subsection applies may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations, or of this Act, to any other authority so concerned, for the purposes of their respective duties under them.

This subsection does not apply to the enforcement and execution of so much of any regulations made under Part II as is, by virtue of subsection (1), enforceable by the Minister.

(4) Subsection (3) applies to Northern Ireland so far as it relates—

- (a) to those regulations and orders made under Part I which apply to Northern Ireland ; and
- (b) to the enforcement and execution of those regulations and orders,

and accordingly that subsection is modified—

- (i) by the substitution in paragraph (a) of the words " district councils " for " county councils, local authorities, food and drugs authorities, port health authorities "; and
- (ii) by the construction of the reference to any authority concerned in the administration of this Act as a reference to any authority concerned in the administration of any corresponding Northern Ireland enactment.

## **75 Joint boards**

An order made by the Secretary of State under section 6 of the Public Health Act 1936 may constitute a united district for the purposes of any functions under this Act which are functions of a local authority, whether as a food and drugs authority or otherwise.