



Food Act 1984

1984 CHAPTER 30

PART VII

GENERAL AND SUPPLEMENTAL

Interpretation and operation

131 Interpretation: "food"

- (1) In this Act, unless the context otherwise requires, " food " includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—
- (a) water, live animals or birds;
 - (b) fodder or feeding stuffs for animals, birds or fish; or
 - (c) articles or substances used only as drugs.
- (2) For the purposes of this Act, except section 16 and without prejudice to the provisions of section 47—
- (a) the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly ; and
 - (b) where in connection with any business in the course of which food is supplied the place where food is served to the customer is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

132 Interpretation: further provision

- (1) In this Act, unless the context otherwise requires, and without prejudice to section 47—

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"advertisement" includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, and "advertise" shall be construed accordingly;

"analysis" includes micro-biological assay but no other form of biological assay, and "analyse" shall be construed accordingly;

"animal" does not include bird or fish;

"area", in relation to a county council and to officers of such a council, means, as the case may require, either the county or that part of the county for which the council are the food and drugs authority, and, in relation to a local authority and to officers of such an authority, means their district;

"article" does not include a live animal or bird;

"authorised officer" has the meaning given by section 73(1);

"business" includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

"catering premises" means premises where, in the course of a business, food is prepared and supplied for immediate consumption on the premises;

"cheese" means the substance usually known as cheese, containing no fat other than fat derived from milk;

"closure order" is an order within the meaning of section 21;

"container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"council" includes a port health authority;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise;

"dairy", "dairy farm", "dairy farmer" and "dairyman" have the meanings given by section 32;

"district", in relation to a local authority, the City of London or the Inner or Middle Temple, and in relation to the officers of such an authority, means the area for which the authority acts;

"drug" includes medicine for internal or external use;

"emergency order" is an order within the meaning of section 22;

"food and drugs authority" has the meaning given by section 71;

"functions" includes powers and duties;

"home-going ship" means a ship plying exclusively in inland waters, or engaged exclusively in coastal excursions; and for the purpose of this definition "inland waters" means any canal, river, lake, navigation or estuary, and "coastal excursion" means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain;

"human consumption" includes use in the preparation of food for human consumption;

"ice-cream" includes any similar commodity;

"importation" has the same meaning as it has for the purposes of the Customs and Excise Management Act 1979, and "import" shall be construed accordingly;

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" importer ", in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the article or in any way entitled to the custody or control of it;

" knacker's yard " means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;

" local authority ", in sections 44 and 45 has the meaning given by those sections, and elsewhere in this Act has the meaning given by section 72;

" milk " includes cream and separated milk, but does not include dried milk or condensed milk;

" Milk and Dairies Regulations " has the meaning given by section 33;

" Milk (Special Designation) Regulations " has the meaning given by section 38;

" the Minister " means the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, except in paragraph (a) of section 5(1), section 37 so far as it relates to the Minister's power to appoint veterinary inspectors, sections 68(5), 83, 101(4), 114 and paragraph (b) of section 115(1), where it means the Minister of Agriculture, Fisheries and Food;

" the Ministers " means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services, and the Secretary of State for Wales, acting jointly;

" officer " includes servant;

" premises " means a building or part of a building, and any forecourt, yard or place of storage used in connection with a building or part of a building, and includes, in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings;

" preparation ", in relation to food, includes manufacture and any form of treatment, and " preparation for sale " includes packaging; and " prepare for sale " shall be construed accordingly;

" proper officer ", in relation to any purpose and to any council or to any area, means the officer appointed for that purpose by that council or for that area, as the case may be;

" public analyst " has the meaning given by section 76;

" purveyor ", in relation to milk, includes any person who sells milk, whether wholesale or by retail;

" raw milk " means milk which has not been treated by heat;

" sampling officer " has the meaning given by section 78;

" sanitary convenience " means a closet, privy or urinal;

" separated ", in relation to milk, includes skimmed;

" ship " includes any boat or craft, and a hovercraft within the meaning of the Hovercraft Act 1968, and " master " shall be construed accordingly;

" shop " has the same meaning as in the Shops Act 1950;

" slaughterhouse " means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there;

" standard scale " has the meaning given by section 75 of the Criminal Justice Act 1982;

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"statutory maximum" has the meaning given by section 74 of the Criminal Justice Act 1982;

" substance " includes a liquid;

" transit" includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer;

" vessel" includes a receptacle of any kind, whether open or closed.

- (2) All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by Act of Parliament, law or custom, and, subject to any repeal effected by, or other express provision of, this Act, all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

133 Application to Crown

- (1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act and of any regulations or order made under this Act as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.
- (2) Without prejudice to the generality of subsection (1), an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any such provision imposes a liability on a person by reason that he is—
- (a) the occupier or owner of premises, or
 - (b) the owner of a business, or
 - (c) the principal on whose behalf any transaction is carried out,
- the Order may provide for the determination, in a case where the premises are occupied or owned, or the business is owned, by the Crown, or the transaction is carried out on behalf of the Crown, of the person who is to be treated as so liable.
- (3) This section applies to Northern Ireland (except so far as it relates to functions of the Crown in respect of the Crown in right of Her Majesty's Government in Northern Ireland, or to property held on the Crown's behalf for the purposes of such Government); and in that application the reference in subsection (1) to this Act includes a reference to any corresponding Northern Ireland enactment, and the reference to regulations shall be construed accordingly.

134 Transitional and saving provisions, amendments and repeals

Schedule 9 has effect as to its transitional and saving provisions, and, subject to that Schedule—

- (a) the enactments specified in Schedule 10 have effect subject to the amendments consequent on this Act specified in that Schedule, and
- (b) the enactments and orders specified in Schedule 11 (which include enactments which were spent before the passing of this Act) are repealed and revoked to the extent specified in the third column of that Schedule,

but nothing in this Act shall be taken as prejudicing the operation of sections 16 and 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

135 Northern Ireland

- (1) This Act applies to Northern Ireland as provided by—
- (a) section 4(5);
 - (b) section 5(5);
 - (c) section 7(3);
 - (d) section 13(10);
 - (e) section 74(4);
 - (f) section 93(4);
 - (g) section 95(7);
 - (h) section 97(5);
 - (j) section 118(7);
 - (k) section 120(5);
 - (l) section 133(3); and
 - (m) Schedules 9, 10 and 11, so far as they relate to provisions which apply to Northern Ireland.
- (2) In the application of this Act to Northern Ireland as provided by the provisions mentioned in subsection (1)—
- (a) any reference to—
 - (i) " the Minister " shall be construed as a reference to the Minister of Agriculture, Fisheries and Food, and
 - (ii) " the Ministers " shall be construed as a reference to the Secretary of State for the Home Department, the Secretary of State for Social Services and the Minister of Agriculture, Fisheries and Food, acting jointly; and
 - (b) any reference to a council shall be construed as, and any reference to a food and drugs authority shall be construed as including, a reference to a district council.
- (3) In the following provisions "Northern Ireland enactment" means any enactment for the time being in force in Northern Ireland—
- (a) section 4(4);
 - (b) section 74(4);
 - (c) section 95(7);
 - (d) section 118(7); and
 - (e) section 133(3).

136 Citation, extent and commencement

- (1) This Act may be cited as the Food Act 1984.
- (2) The following provisions of this Act apply to Scotland—
- (a) sections 68 and 69, and paragraph 6 of Schedule 9,
 - (b) Schedule 10, so far as it amends any enactment which applies to Scotland.
 - (c) Schedule 11, so far as it repeals the Sugar Act 1956, and section 7(3) and (4) of the European Communities Act 1972,
- but apart from those provisions this Act does not apply to Scotland.
- (3) This Act applies to Northern Ireland only so far as is provided by section 135.

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- (4) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.