



Food Act 1984

1984 CHAPTER 30

PART VII

GENERAL AND SUPPLEMENTAL

Subordinate legislation

118 Certain regulations and orders

- (1) Regulations made under Part I of this Act Milk and Dairies Regulations and Milk (Special Designation) Regulations, may, without prejudice to the generality of the provisions under which they are made—
- (a) modify for the purposes of the regulations any provision of this Act relating to the taking, analysis and examination of samples,
 - (b) apply, as respects matters to be dealt with by the regulations, any provision in any Act (including this Act) dealing with the like matters, with the necessary modifications and adaptations,
 - (c) (subject to paragraph 3 of Schedule 4) provide for an appeal to a magistrates' court against any refusal or other decision of an authority by whom the regulations are to be enforced and executed,
 - (d) authorise the making of charges for the purposes of the regulations, or for any services performed under them, and provide for the recovery of charges so made,
 - (e) provide that an offence under the regulations shall be triable either way,
 - (f) include provisions under which a person guilty of an offence under the regulations which is so triable is liable on summary conviction to a fine not exceeding the statutory maximum or such less amount as may be specified in the regulations and on conviction on indictment to either or both of the following—
 - (i) a fine not exceeding an amount specified in the regulations, or of an indefinite amount

Status: This is the original version (as it was originally enacted).

- (ii) imprisonment for a term not exceeding two years or such shorter term as may be specified in the regulations,
 - (g) include provisions under which a person guilty of an offence under the regulations which is triable only summarily is liable on conviction to a fine not exceeding level 5 on the standard scale or such other level as may be specified in the regulations,
 - (h) make such ancillary and incidental provisions as appear to the Ministers to be necessary or desirable,

and regulations made under Part I, subject to such generality, may require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns.
- (2) Subsection (1), other than paragraphs (e) and (f), applies to an order made under section 5 as it applies to regulations made under Part I.
- (3) The power conferred by paragraph (b) of subsection (1), in the case of Milk (Special Designation) Regulations, includes power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of Part II of Schedule 7 which may appear not to be appropriate for that purpose.
- (4) Regulations made under section 13 or section 20, and any order made under section 17, may be made so as to apply throughout England and Wales or to apply only in such area or areas as may be specified in the regulations or order.
- (5) Without prejudice to any other relevant power, any regulations made with respect to slaughterhouses or knackers' yards under section 13 may include provision for the regulations to come into force on different days fixed by, or by an order to be made under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.
- (6) Before making—
 - (a) any regulations to which subsection (1) applies, or
 - (b) an order under section 5 or section 17,

the Ministers shall consult with such organisations as appear to them to be representative of interests substantially affected by the regulations or by the order.
- (7) Subsections (1), (2) and (6) apply to Northern Ireland so far as they relate—
 - (a) to those regulations and orders made under Part I which apply to Northern Ireland, or
 - (b) to the enforcement and execution of those regulations and orders,

and in relation to Northern Ireland subsection (1) has effect subject to the following additional modifications—

 - (i) in paragraph (a), the reference to this Act includes a reference to any corresponding Northern Ireland enactment,
 - (ii) in paragraph (b), the reference to any Act includes a reference to any Northern Ireland enactment, and the reference to this Act includes a reference to any corresponding Northern Ireland enactment,
 - (iii) in paragraph (c), construe the reference to a magistrates' court as a reference to a court of summary jurisdiction,

and this section applies to Northern Ireland so far as it relates to an Order in Council made under section 133 and extending to Northern Ireland.