



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART III

#### ADMINISTRATION AND ENFORCEMENT

##### *Administration*

#### **27 Appointment of public analysts.**

- (1) Every authority to whom this section applies, that is to say, every food authority in England and Wales and every [<sup>F1</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act in 1994] in Scotland, shall appoint in accordance with this section one or more persons (in this Act referred to as “public analysts”) to act as analysts for the purposes of this Act within the authority’s area.
- (2) No person shall be appointed as a public analyst unless he possesses—
  - (a) such qualifications as may be prescribed by regulations made by the Ministers; or
  - (b) such other qualifications as [<sup>F2</sup>the Secretary of State] may approve,and no person shall act as a public analyst for any area who is engaged directly or indirectly in any food business which is carried on in that area.
- (3) An authority to whom this section applies shall pay to a public analyst such remuneration as may be agreed, which may be expressed to be payable either—
  - (a) in addition to any fees received by him under this Part; or
  - (b) on condition that any fees so received by him are paid over by him to the authority.
- (4) An authority to whom this section applies who appoint only one public analyst may appoint also a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and—

*Status: Point in time view as at 13/12/2014.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Administration is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the provisions of this section with respect to the qualifications, appointment, removal and remuneration of a public analyst shall apply also in relation to a deputy public analyst; and
  - (b) any reference in the following provisions of this Act to a public analyst shall be construed as including a reference to a deputy public analyst appointed under this subsection.
- (5) In subsection (1) above “food authority” does not include the council of a non-metropolitan district [<sup>F3</sup>in England][<sup>F4</sup>(except where the county functions have been transferred to that council <sup>F5</sup>...)], the Sub-Treasurer of the Inner Temple or the Under Treasurer of the Middle Temple; and in subsection (2) above the reference to being engaged directly or indirectly in a food business includes a reference to having made such arrangements with a food business as may be prescribed by regulations made by [<sup>F2</sup> the Secretary of State].

#### Textual Amendments

- F1** Words in s. 27(1) substituted (S.)(1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 163(3)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 27(2)(5) substituted (1.4.2000) by 1999 c. 28, s. 40(1)(2), **Sch. 5 para. 7, 8** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F3** Words in s. 27(5) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 16(2)**(with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F4** Words in s. 27(5) inserted (E.W.)(12.4.1994) by S.I. 1994/867, **reg. 24**
- F5** Words in s. 27(5) omitted (1.11.2007 for E.) by virtue of **Local Government and Public Involvement in Health Act 2007 (c. 28)**, s. 245(5), **Sch. 1 para. 17**, Sch. 18 Pt. 1; S.I. 2007/3136, art. 2(b)

#### Modifications etc. (not altering text)

- C1** S. 27 transfer of functions (23.3.2005) by **Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849)**, art. 1, **Sch.** (with art. 6)

## 28 Provision of facilities for examinations.

- (1) A food authority, or a [<sup>F6</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland, may provide facilities for examinations for the purposes of this Act.
- (2) In this Act “examination” means a microbiological examination and “examine” shall be construed accordingly.

#### Textual Amendments

- F6** Words in s. 28(1) substituted (S.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 163(4)**; S.I. 1996/323, **art. 4(1)(c)**

**Status:**

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**Changes to legislation:**

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