



Food Safety Act 1990

1990 CHAPTER 16

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Financial provisions

45 Regulations as to charges.

- (1) [^{F1}the Secretary of State] may make regulations requiring or authorising charges to be imposed by enforcement authorities in respect of things done [^{F2}or to be done] by them which they are required or authorised to do by or under this Act.
- (2) Regulations under this section may include such provision as [^{F1}the Secretary of State] see fit as regards charges for which the regulations provide and the recovery of such charges; and nothing in the following provisions shall prejudice this.
- (3) Regulations under this section may provide that the amount of a charge (if imposed) is to be at the enforcement authority's discretion or to be at its discretion subject to a maximum or a minimum.
- (4) Regulations under this section providing that a charge may not exceed a maximum amount, or be less than a minimum amount, may—
 - (a) provide for one amount, or a scale of amounts to cover different prescribed cases; and
 - (b) prescribe, as regards any amount, a sum or a method of calculating the amount.

Textual Amendments

- F1** Words in s. 45(1)(2) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**
- F2** Words in s. 45(1) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 20** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

Changes to legislation: Food Safety Act 1990, Cross Heading: Financial provisions is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes

Modifications etc. (not altering text)

- C1 S. 45 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)
- C2 S. 45 power to apply in part for certain purposes conferred (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), [ss. 49\(2\)\(c\)\(x\)](#), [63\(2\)](#) (with s. 62); [S.S.I. 2015/99](#), art. 2

46 Expenses of authorised officers and county councils.

- (1) Any expenses which are incurred under this Act by an authorised officer of a food authority in procuring samples, and causing samples to be analysed or examined, shall be defrayed by that authority.
- (2) Any expenses incurred by a county council in the enforcement and execution of any provision of this Act, or of any regulations or orders made under it, shall, if the Secretary of State so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be specified in the direction.

Modifications etc. (not altering text)

- C3 S. 46(1) applied (with modifications) (E.) (22.8.2007) by [Eggs and Chicks \(England\) Regulations 2007 \(S.I. 2007/2245\)](#), [regs. 1\(2\)](#), [21](#) (with [reg. 1\(4\)\(5\)](#))
- C4 S. 46(1) applied (with modifications) (27.4.2008) by [Eggs and Chicks \(Scotland\) Regulations 2008 \(S.S.I. 2008/129\)](#), [regs. 1\(2\)](#), [20](#) (with [reg. 3](#))
- C5 S. 46(1) applied (with modifications) (19.12.2008) by [Eggs and Chicks \(Scotland\) \(No.2\) Regulations 2008 \(S.S.I. 2008/395\)](#), [regs. 1\(2\)](#), [20](#) (with [reg. 3](#))
- C6 S. 46(1) applied (with modifications) (17.4.2009) by [Eggs and Chicks \(Wales\) Regulations 2009 \(S.I. 2009/793\)](#), [regs. 1\(2\)](#), [21](#) (with [reg. 1\(4\)\(5\)](#))
- C7 S. 46(1) applied (with modifications) (14.9.2009) by [Eggs and Chicks \(England\) Regulations 2009 \(S.I. 2009/2163\)](#), [regs. 1\(1\)](#), [39](#)
- C8 S. 46(1) applied (with modifications) (16.7.2010) by [The Eggs and Chicks \(Wales\) Regulations 2010 \(S.I. 2010/1671\)](#), [regs. 1\(1\)](#), [39](#)
- C9 S. 46(1) applied (with modifications) (E.) (21.3.2011) by [The Poultrymeat \(England\) Regulations 2011 \(S.I. 2011/452\)](#), [regs. 1\(1\)](#), [25](#)
- C10 S. 46(1) applied (with modifications) (15.8.2011) by [The Poultrymeat \(Wales\) Regulations 2011 \(S.I. 2011/1719\)](#), [regs. 1\(2\)](#), [25\(1\)\(e\)](#) (with [reg. 1\(4\)](#))
- C11 S. 46(1) applied (with modifications) (10.10.2011) by [The Poultrymeat \(Scotland\) Regulations 2011 \(S.S.I. 2011/318\)](#), [regs. 1\(2\)](#), [21\(1\)\(g\)](#), (2)

47 Remuneration of tribunal chairmen.

There shall be paid out of money provided by Parliament to the chairman of any tribunal constituted in accordance with regulations under this Act such remuneration (by way of salary or fees) and such allowances as [^{F3}the Secretary of State] may with the approval of the Treasury determine.

Textual Amendments

- F3 Words in s. 47 substituted (1.4.2000) by [1999 c. 28](#), s. 40(1), [Sch. 5 para. 8](#) (with [ss. 38](#), [40\(2\)](#)); [S.I. 2000/1066](#), [art. 2](#)

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Modifications etc. (not altering text)

- C12** S. 47 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)
- C13** S. 47 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(2)(a) repealed by [2007 c. 15 Sch. 23 Pt. 1](#)