

*Status: Point in time view as at 23/03/2005.*

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## SCHEDULES

### SCHEDULE 1

Section 16(3).

#### PROVISIONS OF REGULATIONS UNDER SECTION 16(1)

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

- C1** Sch. 1 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)

##### *Composition of food*

- 1 Provision for prohibiting or regulating—
- (a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or
  - (b) the possession of any such substance for use in the preparation of food.

##### *Fitness etc. of food*

- 2 (1) Provision for prohibiting—
- (a) the sale for human consumption; or
  - (b) the use in the manufacture of products for sale for such consumption, of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.
- (2) Provision for prohibiting or regulating, or for enabling enforcement authorities to prohibit or regulate—
- (a) the sale for human consumption; or
  - (b) the offer, exposure or distribution for sale for such consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.
- 3 (1) Provision for regulating generally the treatment and disposal of any food—
- (a) which is unfit for human consumption; or
  - (b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.
- (2) Provision for the following, namely—
- (a) for the registration by enforcement authorities of premises used or proposed to be used for the purpose of sterilising meat to which sub-paragraph (1) above applies, and for prohibiting the use for that purpose of any premises which are not registered in accordance with the regulations; or

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- (b) for the issue by such authorities of licences in respect of the use of premises for the purpose of sterilising such meat, and for prohibiting the use for that purpose of any premises except in accordance with a licence issued under the regulations.

*Processing and treatment of food*

- 4 Provision for the following, namely—
  - (a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or
  - (b) for the issue by enforcement authorities of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

*Food hygiene*

- 5 (1) Provision for imposing requirements as to—
  - (a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;
  - (b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and
  - (c) the disposal of refuse from such premises.
- (2) Provision for imposing requirements as to—
  - (a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and
  - (b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.
- (3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.
- 6 (1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) above in respect of any premises—
  - (a) on the occupier of the premises; and
  - (b) in the case of requirements of a structural character, on any owner of the premises who either—
    - (i) lets them for use for a purpose to which the regulations apply; or
    - (ii) permits them to be so used after notice from the authority charged with the enforcement of the regulations.
- (2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which—
  - (a) are contained in the regulations; and
  - (b) are made by virtue of paragraph 5(1) above,

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while there is in force a certificate of the enforcement authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

*[<sup>F1</sup> Production of food sources]*

**Textual Amendments**

**F1** Sch. 1 para. 6A and cross-heading immediately preceding it inserted (1.4.2000) by 1999 c. 28, s. 40(1), Sch. 5 para. 23 (with ss. 38, 40(2)); S.I. 2000/1066, art. 2

- <sup>F2</sup>6A Provision for prohibiting or regulating—
- (a) the possession, sale or offer, exposure or advertisement for sale of any specified substance, or any substance of any specified class, with a view to its use in connection with the production of any food source;
  - (b) the use of any specified substance, or any substance of any specified class, in connection with the production of any food source;
  - (c) the carrying out of any other activity in connection with, or in a manner likely to affect, the production of any food source.]

**Textual Amendments**

**F2** Sch. 1 para. 6A and cross-heading immediately preceding it inserted (1.4.2000) by 1999 c. 28, s. 40(1), Sch. 5 para. 23 (with ss. 38, 40(2)); S.I. 2000/1066, art. 2

*Inspection etc. of food sources*

- 7
- (1) Provision for securing the inspection of food sources by authorised officers of enforcement authorities for the purpose of ascertaining whether they—
    - (a) fail to comply with the requirements of the regulations; or
    - (b) are such that any food derived from them is likely to fail to comply with those requirements.
  - (2) Provision for enabling such an officer, if it appears to him on such an inspection that any food source falls [<sup>F3</sup>(or is likely to fall)] within sub-paragraph (1)(a) or (b) above, to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn—
    - (a) no commercial operations are to be carried out with respect to the food source; and
    - (b) the food source either is not to be removed or is not to be removed except to some place so specified.
  - (3) Provision for enabling such an officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

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### Textual Amendments

**F3** Words in [Sch. 1 para. 7\(2\)](#) inserted (1.4.2000) by [1999 c. 28, s. 40\(1\)](#), [Sch. 5 para. 24](#) (with [ss. 38, 40\(2\)](#)); [S.I. 2000/1066, art. 2](#)

## SCHEDULE 2

Section 52.

### AMENDMENTS OF PARTS III AND V OF 1984 ACT

#### *Amendments of Part III*

- 1 Part III of the 1984 Act (markets) shall be amended in accordance with paragraphs 2 to 11 below.
- 2 (1) In subsection (1) of section 50 (establishment or acquisition of markets), for the words “The council of a district” there shall be substituted the words “ A local authority ” and for the words “their district”, in each place where they occur, there shall be substituted the words “ their area ”.
- (2) In subsection (2) of that section, for the words “the district” there shall be substituted the words “ the authority’s area ”.
- (3) For subsection (3) of that section there shall be substituted the following subsection—
 

“(3) For the purposes of subsection (2), a local authority shall not be regarded as enjoying any rights, powers or privileges within another local authority’s area by reason only of the fact that they maintain within their own area a market which has been established under paragraph (a) of subsection (1) or under the corresponding provision of any earlier enactment”.
- 3 In section 51(2) (power to sell to local authority), the word “market” shall cease to have effect.
- 4 (1) In subsection (1) of section 53 (charges by market authority), the words “and in respect of the weighing and measuring of articles and vehicles” shall cease to have effect.
- (2) For subsection (2) of that section there shall be substituted the following subsection—
 

“(2) A market authority who provide—

  - (a) a weighing machine for weighing cattle, sheep or swine; or
  - (b) a cold air store or refrigerator for the storage and preservation of meat and other articles of food,

may demand in respect of the weighing of such animals or, as the case may be, the use of the store or refrigerator such charges as they may from time to time determine.”
- (3) In subsection (3)(b) of that section, the words “in respect of the weighing of vehicles, or, as the case may be,” shall cease to have effect.

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5 For subsection (2) of section 54 (time for payment of charges) there shall be substituted the following subsection—

“(2) Charges payable in respect of the weighing of cattle, sheep or swine shall be paid in advance to an authorised market officer by the person bringing the animals to be weighed.”

6 In section 56(1) (prohibited sales in market hours), for the word “district” there shall be substituted the word “area”.

7 In section 57 (weighing machines and scales), subsection (1) shall cease to have effect.

8 After that section there shall be inserted the following section—

**“57A Provision of cold stores.**

(1) A market authority may provide a cold air store or refrigerator for the storage and preservation of meat and other articles of food.

(2) Any proposal by a market authority to provide under this section a cold air store or refrigerator within the area of another local authority requires the consent of that other authority, which shall not be unreasonably withheld.

(3) Any question whether or not such a consent is unreasonably withheld shall be referred to and determined by the Ministers.

(4) Subsections (1) to (5) of section 250 of the Local Government Act 1972 (which relate to local inquiries) shall apply for the purposes of this section as if any reference in those subsections to that Act included a reference to this section.”

9 Section 58 (weighing of articles) shall cease to have effect.

10 In section 60 (market byelaws), after paragraph (c) there shall be inserted the following paragraph—

“(d) after consulting the fire authority for the area in which the market is situated, for preventing the spread of fires in the market.”

11 In section 61 (interpretation of Part III), the words from “and this Part” to the end shall cease to have effect and for the definition of “market authority” there shall be substituted the following definitions—

““fire authority” means an authority exercising the functions of a fire authority under the Fire Services Act 1947;

“food” has the same meaning as in the Food Safety Act 1990;

“local authority” means a district council, a London borough council or a parish or community council;

“market authority” means a local authority who maintain a market which has been established or acquired under section 50(1) or under the corresponding provisions of any earlier enactment.”

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### *Amendments of Part V*

- 12 Part V of the 1984 Act (sugar beet and cold storage) shall be amended in accordance with paragraphs 13 to 16 below.
- 13 <sup>F4</sup>(1) In subsections (1) and (2) of section 68 (research and education), for the word “Company”, wherever it occurs, there shall be substituted the words “processors of home-grown beet”.
- (2) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In subsection (6) of that section, for the definition of “the Company” and subsequent definitions there shall be substituted—
- ““year” means a period of 12 months beginning with 1st April;
- and in this section and sections 69 and 69A “home-grown beet” means sugar beet grown in Great Britain”.]

#### **Textual Amendments**

- F4** [Sch. 2 para. 13](#) repealed (E.W.) (9.5.2003) by [Regulatory Reform \(Sugar Beet Research and Education\) Order 2003 \(S.I. 2003/1281\)](#), arts. 1(1), 5

- 14 In subsection (3) of section 69 (crop price), for the words “ “home-grown beet” means sugar beet grown in Great Britain; and” there shall be substituted the words “ and section 69A ”.
- 15 After that section there shall be inserted the following section—

#### **“69A Information.**

- (1) For the purpose of facilitating—
- (a) the making of a determination under section 69(1); or
  - (b) the preparation or conduct of discussions concerning Community arrangements for or relating to the regulation of the market for sugar,
- the appropriate Minister may serve on any processor of home-grown beet a notice requiring him to furnish in writing, within such period as is specified in the notice, such information as is so specified.
- (2) Subject to subsection (3), information obtained under subsection (1) shall not be disclosed without the previous consent in writing of the person by whom the information was furnished; and a person who discloses any information so obtained in contravention of this subsection shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
  - (b) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both.

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- (3) Nothing in subsection (2) shall restrict the disclosure of information to any of the Ministers or the disclosure—
- (a) of information obtained under subsection (1)(a)—
    - (i) to a person designated to make a determination under section 69(1); or
    - (ii) to a body which substantially represents the growers of home-grown beet; or
  - (b) of information obtained under subsection (1)(b), to the Community institution concerned.
- (4) In this section “the appropriate Minister” means—
- (a) in relation to England, the Minister of Agriculture, Fisheries and Food; and
  - (b) in relation to Scotland or Wales, the Secretary of State.”
- 16 Section 70 (provision of cold storage) shall cease to have effect.

### SCHEDULE 3

Section 59(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Public Health Act 1936 (c. 49)*

- 1 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 food authority in England and Wales.

##### *The London Government Act 1963 (c. 33)*

- 2 Section 54(1) of the London Government Act 1963 (food, drugs, markets and animals) shall cease to have effect.

##### *The Agriculture Act 1967 (c. 22)*

- 3 In section 7(3) of the Agriculture Act 1967 (labelling of meat in relation to systems of classifying meat), the words from “and, without prejudice” to the end shall cease to have effect.
- 4 (1) In subsection (2) of section 25 of that Act (interpretation of Part I), for the definition of “slaughterhouse” there shall be substituted the following definition—
- ““slaughterhouse” has, in England and Wales, the meaning given by section 34 of the Slaughterhouses Act 1974 and, in Scotland, the meaning given by section 22 of the Slaughter of Animals (Scotland) Act 1980;”.
- (2) In subsection (3) of that section, for the words from “Part II” to “1955” there shall be substituted the words “ section 15 of the Slaughterhouses Act 1974 or section 1 of the Slaughter of Animals (Scotland) Act 1980 ”.

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*The Farm and Garden Chemicals Act 1967 (c. 50)*

- 5 In section 4 of the Farm and Garden Chemicals Act 1967 (evidence of analysis of products)—
- (a) in subsection (3), for the words “section 76 of the <sup>M1</sup>Food Act 1984” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”; and
  - (b) in subsection (7)(c), the words from “for the reference” to “1956” shall cease to have effect.

**Marginal Citations**

**M1** 1984 c. 30.

*The Trade Descriptions Act 1968 (c. 29)*

- 6 In section 2(5)(a) of the Trade Descriptions Act 1968 (certain descriptions to be deemed not to be trade descriptions), for the words “the Food Act 1984, the <sup>M2</sup>Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ the Food Safety Act 1990 ”.

**Marginal Citations**

**M2** 1956 c. 30.

- 7 In section 22 of that Act (admissibility of evidence in proceedings for offences under Act), in subsection (2), the paragraph beginning with the words “In this subsection” shall cease to have effect, and after that subsection there shall be inserted the following subsection—

“(2A) In subsection (2) of this section—

“the food and drugs laws” means the Food Safety Act 1990, the Medicines Act 1968 and the Food (Northern Ireland) Order 1989 and any instrument made thereunder;

“the relevant provisions” means—

- (i) in relation to the said Act of 1990, section 31 and regulations made thereunder;
- (ii) in relation to the said Act of 1968, so much of Schedule 3 to that Act as is applicable to the circumstances in which the sample was procured; and
- (iii) in relation to the said Order, Articles 40 and 44,

or any provisions replacing any of those provisions by virtue of section 17 of the said Act of 1990, paragraph 27 of Schedule 3 to the said Act of 1968 or Article 72 or 73 of the said Order.”

*The Medicines Act 1968 (c. 67)*

- 8 In section 108 of the Medicines Act 1968 (enforcement in England and Wales)—
- (a) for the words “food and drugs authority”, in each place where they occur, there shall be substituted the words “ drugs authority ”; and



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(b) after subsection (11) there shall be inserted the following subsection—

“(12) In this section “drugs authority” means—

- (a) as respects each London borough, metropolitan district or non-metropolitan county, the council of that borough, district or county; and
- (b) as respects the City of London (including the Temples), the Common Council of that City.”

9 In section 109 of that Act (enforcement in Scotland)—

- (a) paragraph (c) of subsection (2) shall cease to have effect; and
- (b) after that subsection there shall be inserted the following subsection—

“(2A) Subsection (12) of section 108 of this Act shall have effect in relation to Scotland as if for paragraphs (a) and (b) there were substituted the words “an islands or district council ”.”

10 After section 115 of that Act there shall be inserted the following section—

**“115A Facilities for microbiological examinations.**

A drugs authority or the council of a non-metropolitan district may provide facilities for microbiological examinations of drugs.”

11 In section 132(1) of that Act (interpretation), the definition of “food and drugs authority” shall cease to have effect and after the definition of “doctor” there shall be inserted the following definition—

““drugs authority” has the meaning assigned to it by section 108(12) of this Act;”.

12 In paragraph 1(2) of Schedule 3 to that Act (sampling) for the words from “in relation to England and Wales” to “Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ except in relation to Northern Ireland, has the meaning assigned to it by section 27 of the Food Safety Act 1990 ”.

*The Transport Act 1968 (c. 73)*

13 In Schedule 16 to the Transport Act 1968 (supplementary and consequential provisions), in paragraph 7(2), paragraphs (d) and (e) shall cease to have effect.

*The Tribunals and Inquiries Act 1971 (c. 62)*

F<sup>5</sup>14 .....

**Textual Amendments**

F5 Sch. 3 para. 14 repealed (1. 10. 1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch.4 Pt. I

*The Agriculture (Miscellaneous Provisions) Act 1972 (c. 62)*

F<sup>6</sup>15 .....

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#### Textual Amendments

**F6** Sch. 3 para. 15 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 1

#### *The Poisons Act 1972 (c. 66)*

- 16 In section 8(4)(a) of the Poisons Act 1972 (evidence of analysis in proceedings under Act) for the words “section 76 of the Food Act 1984, or section 27 of the <sup>M3</sup>Food and Drugs (Scotland) Act 1956” there shall be substituted the words “section 27 of the Food Safety Act 1990”.

#### Marginal Citations

**M3** 1956 c. 30.

#### *The Local Government Act 1972 (c. 70)*

- 17 In section 259(3) of the Local Government Act 1972 (compensation for loss of office)—
- (a) in paragraph (b), for the words “food and drugs authority, within the meaning of the Food Act 1984” there shall be substituted the words “ food authority within the meaning of the Food Safety Act 1990 ”;
  - (b) in paragraph (c), for sub-paragraphs (i) and (ii) there shall be substituted the words “ which are incorporated or reproduced in the Slaughterhouses Act 1974 or the Food Safety Act 1990 ”; and
  - (c) the words “section 129(1) of the <sup>M4</sup>Food and Drugs Act 1955” shall cease to have effect.

#### Marginal Citations

**M4** 1955 c. 16.

#### *The Slaughterhouses Act 1974 (c. 3)*

- 18 In the following provisions of the Slaughterhouses Act 1974, namely—
- <sup>F7</sup>(a) . . . . .
  - (b) section 4(2)(a) (requirements to be complied with in relation to knacker’s yard licences);
  - (c) section 12(2) (regulations with respect to slaughterhouses and knackers’ yards to prevail over byelaws); and
  - <sup>F7</sup>(d) . . . . .
- for the words “section 13 of the <sup>M5</sup>Food Act 1984” there shall be substituted the words “ section 16 of the Food Safety Act 1990 ”.

#### Textual Amendments

**F7** Sch. 3 para. 18(a)(d) repealed (11.9.1996) by 1996/2235, art. 11, Sch.

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**Marginal Citations**

**M5** 1984 c. 30.

*The Licensing (Scotland) Act 1976 (c. 66)*

- 19 In section 23(4) of the Licensing (Scotland) Act 1976 (application for new licence), for the words “section 13 of the <sup>M5</sup>Food and Drugs (Scotland) Act 1956” there shall be substituted “ section 16 of the Food Safety Act 1990 ”.

**Marginal Citations**

**M6** 1956 c. 30.

*The Weights and Measures &c. Act 1976 (c. 77)*

- 20 (1) In subsection (1) of section 12 of the Weights and Measures &c. Act 1976 (shortages of food and other goods), for paragraphs (a) and (b) there shall be substituted the following paragraph—

“(a) section 16 of the Food Safety Act 1990 (“the 1990 Act”);”.

- (2) In subsection (9) of that section—

(a) for paragraph (a) there shall be substituted the following paragraph—

“(a) where it was imposed under the 1990 Act—

- (i) the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly in so far as it was imposed in relation to England and Wales; and
- (ii) the Secretary of State in so far as it was imposed in relation to Scotland;”;

(b) in paragraph (c), the words “the 1956 Act or” shall cease to have effect.

- 21 In Schedule 6 to that Act (temporary requirements imposed by emergency orders), for paragraphs 2 and 3 there shall be substituted the following paragraph—

*“ Food Safety Act 1990 (c. 16)*

- 2 (1) This paragraph applies where the relevant requirement took effect under or by virtue of the Food Safety Act 1990.

(2) The following provisions of that Act—

- (a) Part I (preliminary);
- (b) Part III (administration and enforcement); and
- (c) sections 40 to 50 (default powers and other supplemental provisions),

shall apply as if the substituted requirement were imposed by regulations under section 16 of that Act.”

*The Hydrocarbon Oil Duties Act 1979 (c. 5)*

- 22 In Schedule 5 to the Hydrocarbon Oil Duties Act 1979 (sampling) in paragraph 5(d) for the words “section 76 of the Food Act 1984, section 27 of the Food and

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Drugs (Scotland) Act 1956” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”.

*The Slaughter of Animals (Scotland) Act 1980 (c. 13)*

23 In section 19(2) of the Slaughter of Animals (Scotland) Act 1980 (enforcement) for the words “section 13 of the Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 16 of the Food Safety Act 1990 ” and for the words “section 36 of the said Act of 1956” there shall be substituted the words “ section 32 of the said Act of 1990 ”.

24 In section 22 of that Act (interpretation)—

(a) for the definition of “knacker’s yard” there shall be substituted the following definition—

““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; and “knacker” means a person whose business it is to carry out such slaughtering, flaying or cutting up”;

(b) for the definition of “slaughterhouse” there shall be substituted the following definition—

““slaughterhouse” means a place for slaughtering animals, the flesh of which is intended for human consumption, and includes any place available in connection with such a place for the confinement of animals while awaiting slaughter there or keeping, or subjecting to any treatment or process, products of the slaughtering of animals there; and “slaughterman” means a person whose business it is to carry out such slaughtering”.

*The Civic Government (Scotland) Act 1982 (c. 45)*

25 In section 39 of the Civic Government (Scotland) Act 1982 (street traders’ licences)

(a) in subsection (3)(b), for the words “section 7 of the <sup>M7</sup>Milk and Dairies (Scotland) Act 1914” there shall be substituted the words “ regulations made under section 19 of the Food Safety Act 1990 ”; and

(b) in subsection (4)—

(i) for the words “regulations made under sections 13 and 56 of the <sup>M8</sup>Food and Drugs (Scotland) Act 1956”, there shall be substituted the words “ section 1(3) of the Food Safety Act 1990 ”;

(ii) for the words “islands or district council” there shall be substituted the words “ food authority (for the purposes of section 5 of the Food Safety Act 1990) ”; and

(iii) for the words “sections 13 and 56 of the Food and Drugs (Scotland) Act 1956”, there shall be substituted the words “ section 16 of the Food Safety Act 1990 ”.

**Marginal Citations**

M7 1914 c. 46.

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**M8** 1956 c. 30.

*The Public Health (Control of Disease) Act 1984 (c. 22)*

- 26 In section 3(2) of the Public Health (Control of Disease) Act 1984 (jurisdiction and powers of port health authority), for paragraph (a) there shall be substituted the following paragraph—
- “(a) of a food authority under the Food Safety Act 1990;”
- 27 In section 7(3) of that Act (London port health authority), for paragraph (d) there shall be substituted the following paragraph—
- “(d) of a food authority under any provision of the Food Safety Act 1990.”
- 28 (1) In subsection (1) of section 20 of that Act (stopping of work to prevent spread of disease), in paragraph (b) for the words “subsection (1) of section 28 of the <sup>M9</sup>Food Act 1984” there shall be substituted “ subsection (1A) below ”.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) The diseases to which this subsection applies are—
- (a) enteric fever (including typhoid and paratyphoid fevers);
  - (b) dysentery;
  - (c) diphtheria;
  - (d) scarlet fever;
  - (e) acute inflammation of the throat;
  - (f) gastro-enteritis; and
  - (g) undulant fever.”

**Marginal Citations**

**M9** 1984 c. 30.

*The Food and Environment Protection Act 1985 (c. 48)*

- 29 In section 24(1) of the Food and Environment Protection Act 1985 (interpretation)
- 
- (a) in the definition of “designated incident”, for the words “designated incident” there shall be substituted the words “ designated circumstances ”;
  - (b) the definition of “escape” shall cease to have effect; and
  - (c) for the definition of “food” there shall be substituted—
- ““food” has the same meaning as in the Food Safety Act 1990.”
- 30 In section 25 of that Act (Northern Ireland) after subsection (4) there shall be inserted the following subsection—
- “(4A) Section 24(1) above shall have effect in relation to Northern Ireland as if for the definition of “food” there were substituted the following definition—

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““food” has the meaning assigned to it by Article 2(2) of the Food (Northern Ireland) Order 1989, except that it includes water which is bottled or is an ingredient of food;””

*The Local Government Act 1985 (c. 51)*

- 31 In paragraph 15 of Schedule 8 to the Local Government Act 1985 (trading standards and related functions)—
- (a) sub-paragraph (2) shall cease to have effect; and
  - (b) at the end of sub-paragraph (6) there shall be added the words “ or section 5(1) of the Food Safety Act 1990 ”.

*The Weights and Measures Act 1985 (c. 72)*

- 32 In section 38 of the Weights and Measures Act 1985 (special powers of inspectors), subsection (4) (exclusion for milk) shall cease to have effect.
- 33 In section 93 of that Act (powers under other Acts with respect to marking of food) for the words “ <sup>M10</sup>Food Act 1984” there shall be substituted the words “ Food Safety Act 1990 ”.

**Marginal Citations**

**M10** 1984 c. 30.

- 34 In section 94(1) of that Act (interpretation), in the definition of “drugs” and “food” for the words “Food Act 1984, or, in Scotland, the <sup>M11</sup>Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ Food Safety Act 1990 ”.

**Marginal Citations**

**M11** 1956 c. 30.

*The Agriculture Act 1986 (c. 49)*

- 35 In section 1(6) of the Agriculture Act 1986 (provision of agricultural goods and services), in the definition of “food”, for the words “Food Act 1984” there shall be substituted “ Food Safety Act 1990 ”.

*The National Health Service (Amendment) Act 1986 (c. 66)*

- 36 (1) In subsection (2) of section 1 of the National Health Service (Amendment) Act 1986 (application of food legislation to health authorities and health service premises)—
- (a) for the words “appropriate authority” there shall be substituted the word “ Ministers ”; and
  - (b) for the word “authority” there shall be substituted the word “ Ministers ”.
- (2) For subsection (7) of that section there shall be substituted—
- “(7) In this section—

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“the Ministers” has the same meaning as in the Food Safety Act 1990;

“the food legislation” means the Food Safety Act 1990 and any regulations or orders made (or having effect as if made) under it;

“health authority”—

- (a) as respects England and Wales, has the meaning assigned to it by section 128 of the 1977 Act; and
- (b) as respects Scotland, means a Health Board constituted under section 2 of the 1978 Act, the Common Services Agency constituted under section 10 of that Act or a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984.”

*The Consumer Protection Act 1987 (c. 43)*

- 37 In section 19(1) of the Consumer Protection Act 1987 (interpretation of Part II), in the definition of “food” for the words “Food Act 1984” there shall be substituted “ Food Safety Act 1990 ”.

*The Road Traffic Offenders Act 1988 (c. 53)*

- 38 In section 16(7) of the Road Traffic Offenders Act 1988 (meaning of “authorised analyst” in relation to proceedings under Act), for the words “section 76 of the Food Act 1984, or section 27 of the <sup>M12</sup>Food and Drugs (Scotland) Act 1956” there shall be substituted the words “ section 27 of the Food Safety Act 1990 ”.

**Marginal Citations**

**M12** 1956 c. 30.

SCHEDULE 4

Section 59(3).

TRANSITIONAL PROVISIONS AND SAVINGS

*Ships and aircraft*

- 1 In relation to any time before the commencement of the first order under section 1(3) of this Act—
- (a) any ship which is a home-going ship within the meaning of section 132 of the 1984 Act or section 58 of the 1956 Act (interpretation) shall be regarded as premises for the purposes of this Act; and
  - (b) the powers of entry conferred by section 32 of this Act shall include the right to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part II of this Act;

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and in this Act as it applies by virtue of this paragraph “occupier”, in relation to any ship or aircraft, means the master, commander or other person in charge of the ship or aircraft.

*Regulations under the 1984 Act*

- 2 (1) In so far as any existing regulations made, or having effect as if made, under any provision of the 1984 Act specified in the first column of Table A below have effect in relation to England and Wales, they shall have effect, after the commencement of the relevant repeal, as if made under the provisions of this Act specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.
- (2) In this paragraph and paragraphs 3 and 4 below “existing regulations” means—
- (a) any regulations made, or having effect as if made, under a provision repealed by this Act; and
  - (b) any orders having effect as if made under such regulations,
- which are in force immediately before the coming into force of that repeal; and references to the commencement of the relevant repeal shall be construed accordingly.

TABLE A

<i>Provision of the 1984 Act</i>	<i>Provision of this Act</i>
section 4 (composition etc. of food)	sections 16(1)(a), (c) and (f) and (3) and 17(1)
section 7 (describing food)	section 16(1)(e)
section 13 (food hygiene)	section 16(1)(b), (c), (d) and (f), (2) and (3)
section 33 (milk and dairies)	section 16(1)(b), (c), (d) and (f), (2) and (3)
section 34 (registration), so far as relating to dairies or dairy farms	section 19
section 38 (milk: special designations)	section 18(2)
section 73(2) (qualification of officers)	section 5(6)
section 76(2) (public analysts)	section 27(2)
section 79(5) (form of certificate)	section 49(2)
section 119 (Community provisions)	section 17(2)

*Regulations under the 1956 Act*

- 3 Any existing regulations made, or having effect as if made, under any provision of the 1956 Act specified in the first column of Table B below shall have effect, after the commencement of the relevant repeal, as if made under the provisions of this Act specified in relation to that provision in the second column of that Table, or such of those provisions as are applicable.



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TABLE B

<i>Provision of the 1956 Act</i>	<i>Provision of this Act</i>
section 4 (composition etc. of food)	sections 16(1)(a), (c) and (f) and (3) and 17(1)
section 7 (describing food)	section 16(1)(e)
section 13 (food hygiene)	sections 5(6) and 16(1)(b), (c), (d) and (f), (2) and (3)
section 16(2) (regulations as to milk)	section 18(2)
section 27(2) (public analysts)	section 27(2)
section 29(3) (form of certificate)	section 49(2)
section 56A (Community provisions)	section 17(2)

*Other regulations*

- 4 In so far as any existing regulations made under section 1 of the <sup>M13</sup>Importation of Milk Act 1983 have effect in relation to Great Britain, they shall have effect, after the commencement of the relevant repeal, as if made under section 18(1)(c) of this Act.

**Marginal Citations**

**M13** 1983 c. 37.

*Orders with respect to milk in Scotland*

- 5 the Milk and Dairies (Scotland) Act 1914 (orders with respect to milk) shall have effect, after the commencement of the relevant repeal, as if it were regulations made under section 16(1)(b), (d) and (f) and (2) of this Act.
- (2) Any existing order made under section 3 of the <sup>M14</sup>Milk and Dairies (Amendment) Act 1922 (sale of milk under special designations) shall have effect, after the commencement of the relevant repeal, as if it were regulations made under section 18(2) of this Act.
- (3) In this paragraph “existing order” means any order made under a provision repealed by this Act which is in force immediately before the coming into force of that repeal; and references to the commencement of the relevant repeal shall be construed accordingly.

**Marginal Citations**

**M14** 1922 c. 54.

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### *Disqualification orders*

- 6 The repeal by this Act of section 14 of the 1984 Act (court’s power to disqualify caterers) shall not have effect as respects any order made, or having effect as if made, under that section which is in force immediately before the commencement of that repeal.

### *Food hygiene byelaws*

F87 .....

#### **Textual Amendments**

- F8** Sch. 4 para. 7 repealed (1.4.2000) by 1999 c. 28, s. 40(1)(4), **Sch. 5 para. 25 Sch. 6** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

### *Closure orders*

- 8 The repeal by this Act of section 21 of the 1984 Act or section 1 of the <sup>M15</sup>Control of Food Premises (Scotland) Act 1977 (closure orders) shall not have effect as respects any order made, or having effect as if made, under that section which is in force immediately before the commencement of that repeal.

#### **Marginal Citations**

- M15** 1977 c. 28.

## SCHEDULE 5

Section 59(4).

### REPEALS

#### **Commencement Information**

- II** Sch. 5 wholly in force; Sch. 5 not in force at Royal Assent see ss.60(2)-(4); Sch. 5 partly in force at 1. 2. 1991; Sch. 5 in force at 1.4.1991 and 1.4.1992 in so far as it relates to specified repeals in 1984 c. 30 by S.I. 1990/2732, **art. 2(d)(iii)**; Sch. 5 in force at 3.4.1992 in so far as it relates to further specified repeals in 1984 c. 30 by S.I. 1992/57, **art. 2**.

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1914 c. 46.	The Milk and Dairies (Scotland) Act 1914.	The whole Act.
1922 c. 54.	The Milk and Dairies (Amendment) Act 1922.	The whole Act.
1934 c. 51.	The Milk Act 1934.	The whole Act.
1949 c. 34.	The Milk (Special Designations) Act 1949.	The whole Act.

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1956 c. 30.	The Food and Drugs (Scotland) Act 1956.	The whole Act.
1963 c. 33.	The London Government Act 1963.	Section 54(1).
1967 c. 22.	The Agriculture Act 1967.	In section 7(3), the words from “and, without prejudice” to the end.
1967 c. 50.	The Farm and Garden Chemicals Act 1967.	In section 4(7)(c), the words from “for the reference” to “1956”.
1968 c. 29.	The Trade Descriptions Act 1968.	In section 22(2), the paragraph beginning with the words “In this subsection”.
1968 c. 67.	The Medicines Act 1968.	In section 132(1), the definition of “food and drugs authority”. In Schedule 5, paragraph 17.
1968 c. 73.	The Transport Act 1968.	In Schedule 16, in paragraph 7(2), paragraphs (d) and (e).
1971 c. 62.	The Tribunals and Inquiries Act 1971.	In Schedule 1, paragraphs 15 and 40.
1972 c. 62.	The Agriculture (Miscellaneous Provisions) Act 1972.	Section 4(3).
1972 c. 68.	The European Communities Act 1972.	In Schedule 4, paragraph 3(2) (c).
1976 c. 77.	The Weights and Measures & c. Act 1976.	In section 12(9)(c), the words “the 1956 Act or”.
1977 c. 28.	The Control of Food Premises (Scotland) Act 1977.	The whole Act.
1983 c. 37.	The Importation of Milk Act 1983.	The whole Act.
1984 c. 30.	The Food Act 1984.	Parts I and II. In section 51(2), the word “market”. In section 53, in subsection (1) the words “and in respect of the weighing and measuring of articles and vehicles”, and in subsection (3)(b) the words “in respect of the weighing of

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		vehicles, or as the case may be.”
		Section 57(1).
		Section 58.
		In section 61, the words from “and this Part” to the end.
		Part IV.
		Sections 70 to 92.
		In section 93, in subsection (2), paragraphs (b) to (d) and, in subsection (3), paragraphs (a) to (e) and (h) to (l).
		In section 94, subsection (1) except as regards offences under Part III of the Act, and subsection (2).
		In section 95, subsections (2) to (8).
		Sections 96 to 109.
		Sections 111 to 120.
		In section 121, subsections (2) and (3).
		Sections 122 to 131.
		In section 132, subsection (1) except the words “In this Act, unless the context otherwise requires” and the definitions of “animal” and “the Minister”.
		Sections 133 and 134.
		In section 136, in subsection (2), paragraphs (b) and (c).
		Schedules 1 to 11.
1985 c. 48.	The Food and Environment Protection Act 1985.	In section 1(2), the definition of “escape”.
		In section 24(1), the definition of “escape”.
1985 c. 51.	The Local Government Act 1985.	In Schedule 8, paragraph 15(2).
1985 c. 72.	The Weights and Measures Act 1985.	Section 38(4).

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