



Food Safety Act 1990

1990 CHAPTER 16

PART I

PRELIMINARY

5 Food authorities and authorised officers.

- (1) Subject to subsections (3) and (4) below, the food authorities in England^{F1} . . . are—
- (a) as respects each London borough, district or non-metropolitan county, the council of that borough, district or county;
 - (b) as respects the City of London (including the Temples), the Common Council;
 - (c) as respects the Inner Temple or the Middle Temple, the appropriate Treasurer.
 - [^{F2}(d) as respects the Isles of Scilly, the council of the Isles of Scilly.]

[^{F3}(1A) Subject to subsection (3)(a) and (b) below, the food authorities in Wales are, as respects each county or county borough, the council of that county or county borough.]

- (2) Subject to subsection (3)(a) below, the food authorities in Scotland are the [^{F4}councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

- (3) Where any functions under this Act are assigned—
- (a) by an order under section 2 or 7 of the ^{M1}Public Health (Control of Disease) Act 1984, to a port health authority [^{F5}or, by an order under section 172 of the ^{M2}Public Health (Scotland) Act 1897, to a port local authority];
 - (b) by an order under section 6 of the ^{M3}Public Health Act 1936, to a joint board for a united district; or
 - (c) by an order under paragraph 15(6) of Schedule 8 to the ^{M4}Local Government Act 1985, to a single authority for a metropolitan county,

any reference in this Act to a food authority shall be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

- (4) [^{F6}The Secretary of State] may by order provide, either generally or in relation to cases of a particular description, that any functions under this Act which are exercisable concurrently—

Changes to legislation: Food Safety Act 1990, Section 5 is up to date with all changes known to be in force on or before 14 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

- (a) as respects a non-metropolitan district, by the council of that district and the council of the non-metropolitan county;
- (b) as respects the Inner Temple or the Middle Temple, by the appropriate Treasurer and the Common Council,

shall be exercisable solely by such one of those authorities as may be specified in the order.

(5) In this section—

- “the appropriate Treasurer” means the Sub-Treasurer in relation to the Inner Temple and the Under Treasurer in relation to the Middle Temple;
- “the Common Council” means the Common Council of the City of London;
- “port local authority” includes a joint port local authority.

(6) In this Act “authorised officer”, in relation to a food authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under this Act; but if regulations made by [^{F6}the Secretary of State] so provide, no person shall be so authorised unless he has such qualifications as may be prescribed by the regulations.

Textual Amendments

- F1** Words in s. 5(1) repealed (1.4.1996) by 1994 c. 19, ss. 22(3), 66(8), Sch. 9 para. 16(1), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17, para. 22(2), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F2** S. 5(1)(d) inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 9** (with ss. 38, 40(2); S.I. 2000/1066, **art. 2**)
- F3** S. 5(1A) inserted (1.4.1996) by 1994 c. 19, s. 22(3), **Sch. 9 para. 16(1)** (with ss. 54(5)(7), 55(5), Sch. 17, para. 22(2), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F4** Words in s. 5(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 163(2)**; S.I. 1996/323, **art. 4(1)(c)**
- F5** Words in s. 5(3)(a) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (asp 5), s. 128(2), **Sch. 3 Pt. 1** (with s. 127); S.S.I. 2009/319, art. 2(a), Sch. 1
- F6** Words in s. 5(4)(6) 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**

Modifications etc. (not altering text)

- C1** S. 5(6) applied (9.5.1995) by S.I. 1995/1086, **reg. 20(2)**
- C2** S. 5(6) applied (15.6.1995) by S.I. 1995/1372, **reg. 20(2)**
- C3** S. 5(6) 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)

Marginal Citations

- M1** 1984 c. 22.
- M2** 1897 c. 38.
- M3** 1936 c. 49.
- M4** 1985 c. 51.

Changes to legislation:

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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](#)