



# Food Standards Act 1999

## CHAPTER 28

### FOOD STANDARDS ACT 1999

#### *The Food Standards Agency*

- 1 The Food Standards Agency
- 2 Appointment of members etc
- 3 Appointment of chief executive and directors
- 4 Annual and other reports
- 5 Advisory committees

#### *General functions in relation to food*

- 6 Development of food policy and provision of advice, etc. to public authorities
- 7 Provision of advice, information and assistance to other persons
- 8 Acquisition and review of information

#### *General functions in relation to animal feedingstuffs*

- 9 General functions in relation to animal feedingstuffs

#### *Observations with a view to acquiring information*

- 10 Power to carry out observations
- 11 Power of entry for persons carrying out observations

#### *Monitoring of enforcement action*

- 12 Monitoring of enforcement action
- 13 Power to request information relating to enforcement action
- 14 Power of entry for persons monitoring enforcement action
- 15 Meaning of “enforcement authority” and related expressions

*Status: This is the original version (as it was originally enacted).*

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16 Offences relating to sections 13 and 14

*Other functions of the Agency*

- 17 Delegation of powers to make emergency orders
- 18 Functions under other enactments
- 19 Publication etc. by the Agency of advice and information
- 20 Power to issue guidance on control of food-borne diseases
- 21 Supplementary powers

*General provisions relating to the functions of the Agency*

- 22 Statement of general objectives and practices
- 23 Consideration of objectives, risks, costs and benefits, etc
- 24 Directions relating to breach of duty or to international obligations
- 25 Power to modify enactments about disclosure of information

*Miscellaneous provisions*

- 26 Statutory functions ceasing to be exercisable by Minister of Agriculture, Fisheries and Food and Department of Agriculture for Northern Ireland
- 27 Notification of tests for food-borne disease
- 28 Arrangements for sharing information about food-borne zoonoses
- 29 Consultation on veterinary products
- 30 Animal feedingstuffs: Great Britain
- 31 Animal feedingstuffs: Northern Ireland
- 32 Modification of certain provisions of this Act
- 33 Consequences of Agency losing certain functions
- 34 Duty to take account of functions of the Food Safety Promotion Board
- 35 Devolution in Scotland and Northern Ireland

*Final provisions*

- 36 Interpretation
- 37 Subordinate legislation
- 38 Crown application
- 39 Financial provisions
- 40 Minor and consequential amendments and repeals
- 41 Transfer of property, rights and liabilities to the Agency
- 42 Power to make transitional provision etc
- 43 Short title, commencement and extent

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SCHEDULES

SCHEDULE 1 — Constitution etc. of the Agency

*Status*

- 1 The Agency is a body corporate.

*Tenure of office of members of the Agency*

- 2 (1) A person appointed as chairman or deputy chairman or...
- 3 (1) The person holding office as chairman or deputy chairman—...
- 4 A person may be removed from office as chairman, deputy...

*Remuneration, pensions, etc. of members of the Agency*

- 5 (1) The Agency shall pay its members such remuneration, and...  
6 If, when a person ceases to hold office as a...

*Disqualification*

- 7 (1) In Part II of Schedule 1 to the House...

*Staff*

- 8 (1) The Agency may, with the approval of the Minister...

*Proceedings etc.*

- 9 (1) The Agency may regulate its own procedure (including quorum)...  
10 The validity of any proceedings of the Agency is not...  
11 A document purporting to be— (a) duly executed under the...

*Delegation of powers*

- 12 (1) Anything authorised or required to be done by the...

SCHEDULE 2 — Advisory committees

*Advisory committees for Wales, Scotland and Northern Ireland*

- 1 (1) This paragraph applies to any advisory committee established under...

*Advisory committee or committees for England*

- 2 (1) This paragraph applies to a committee established under section...

*Other advisory committees*

- 3 (1) The members of a committee established under section 5(3)...  
4 The Agency may, after consulting the appropriate authorities, abolish a...

*Remuneration of members of advisory committees*

- 5 The Agency may pay to the members of an advisory...

*Expenditure of advisory committees*

- 6 Any expenditure incurred by an advisory committee established under section...

*Transfer of existing non-statutory advisory committees*

- 7 (1) The Secretary of State or the Minister of Agriculture,...

*Joint committees*

- 8 (1) Without prejudice to the generality of section 21, the...

SCHEDULE 3 — The Agency's functions under other enactments  
Part I — FUNCTIONS UNDER THE 1990 ACT

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1 This Part has effect for conferring functions under the 1990...

*Section 6 (enforcement)*

2 The Agency— (a) may be directed to discharge duties of...

*Section 13(3) (emergency control orders)*

3 The Agency may grant consent under subsection (3), and give...

*Section 40 (codes of practice)*

4 (1) The Agency may, after consulting the Secretary of State—...

*Section 41 (information from food authorities)*

5 The Agency may exercise the power to require returns or...

*Section 42 (default powers)*

6 The Agency may be empowered by an order under section...

*Section 48 (regulations and orders)*

7 The Agency may undertake consultation with representative organisations required by...

Part II — FUNCTIONS UNDER THE 1991 ORDER

8 This Part has effect for conferring functions under the 1991...

*Article 12 (emergency control orders)*

9 The Agency may grant consent under paragraph (3), and give...

*Article 26 (enforcement)*

10 The Agency— (a) may be directed to discharge duties of...

*Article 39 (codes of practice)*

11 (1) The Agency may, after consulting the Department of Health...

*Article 40 (information from district councils)*

12 The Agency may exercise the power to require returns or...

*Article 41 (default powers)*

13 The Agency may be empowered by an order under Article...

*Article 47 (regulations and orders)*

14 The Agency may undertake consultation with representative organisations required by...

Part III — OTHER FUNCTIONS

*Medicines Act 1968 (c. 67)*

15 (1) The Medicines Act 1968 shall be amended as follows....

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

- 16 (1) The Agency shall have the following functions under the...

*Environmental Protection Act 1990 (c. 43)*

- 17 In section 108(7) and section 111(7) of the Environmental Protection...  
18 For section 126 of that Act (exercise of certain functions...

*Genetically Modified Organisms (Northern Ireland) Order 1991 (S.I. 1991/1714 (N.I. 19))*

- 19 In Article 5(7) and Article 8(7) of the Genetically Modified...  
20 (1) For Article 22 of that Order (exercise of certain...

*Radioactive Substances Act 1993 (c. 12)*

- 21 The Agency shall have the right to be consulted in...

SCHEDULE 4 — Accounts and audit

- 1 For the purposes of this Schedule— “relevant authorities” means the...

*Appropriation accounts*

- 2 (1) Where any appropriation accounts of the Agency or report...

*Accounts of Agency relating to sums paid or appropriated under s.39(3)*

- 3 (1) The Agency shall prepare separate accounts for each year...

*Consolidated accounts*

- 4 (1) The Agency shall prepare consolidated accounts for each financial...

*Accounts under s. 5 of the Exchequer and Audit Departments Act 1921*

- 5 (1) Any functions of the Treasury under section 5 of...

*Functions of Comptroller under s. 9 of the National Audit Act 1983*

- 6 (1) The power of the Comptroller and Auditor General to...

SCHEDULE 5 — Minor and consequential amendments

*Agricultural Returns Act (Northern Ireland) 1939 (c. 35)(N.I.)*

- 1 In section 1(4) of the Agricultural Returns Act (Northern Ireland)...

*Agriculture Act 1947 (c. 48)*

- 2 In the proviso to section 80 of the Agriculture Act...

*Parliamentary Commissioner Act 1967*

- 3 In Schedule 2 to the Parliamentary Commissioner Act 1967  
(departments...

*Trade Descriptions Act 1968 (c. 29)*

- 4 (1) Section 38 of the Trade Descriptions Act 1968 (orders)...

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*Agricultural Statistics Act 1979 (c. 13)*

5 In section 3(2) of the Agricultural Statistics Act 1979 (exceptions...

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

6 (1) The Food and Environment Protection Act 1985 shall be...

*Food Safety Act 1990 (c. 16)*

7 The Food Safety Act 1990 shall be amended as follows....

8 In the following provisions— section 1(2) and (3) section 2(1)...

9 In section 5(1), after paragraph (c) there shall be inserted—...

10 (1) Section 6 (enforcement) shall be amended as follows.

11 (1) Section 13 (emergency control orders) shall be amended as...

12 In section 17 (enforcement of Community provisions)—

13 In section 18(2) (special provisions for particular foods) for the...

14 In section 19(2) (registration and licensing of food premises), for...

15 Section 25 (orders for facilitating the exercise of functions) shall...

16 After section 36 (offences by bodies corporate) there shall be...

17 (1) Section 40 (codes of practice for food authorities) shall...

18 In section 41 (power to require returns and other information...

19 In section 42 (default powers), in subsection (1), after the...

20 In section 45(1) (power to impose charges for things done...

21 In section 48 (regulations and orders), after subsection (4) there...

22 (1) Section 57(1) (application of Act to Isles of Scilly...

23 After paragraph 6 of Schedule 1 (provisions which may be...

24 In paragraph 7(2) of Schedule 1 (provisions which may be...

25 (1) Paragraph 7 of Schedule 4 (saving from repeal of...

*Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7))*

26 The Food Safety (Northern Ireland) Order 1991 shall be amended...

27 In the following provisions— Article 8(8) Article 11(10) Article 12(1)...

28 In the following provisions— Article 8(7) and (9)(b) Article 10(5)...

29 In Article 2(2) (interpretation)— (a) in the definition of “authorised...

30 (1) Article 12 (emergency control orders) shall be amended as...

31 Article 24 (orders for facilitating the exercise of functions) shall...

32 In Article 25 (regulations and orders: supplementary provisions), in paragraph...

33 (1) Article 26 (enforcement) shall be amended as follows.

34 In Article 27 (appointment of public and other analysts), paragraph...

35 (1) Article 31 (analysis, etc. of samples by authorised officer...

36 (1) Article 39 (codes of practice) shall be amended as...

37 In Article 40 (power to require returns), after the word...

38 In Article 41 (default powers), in paragraph (1), after the...

39 In Article 44 (power to impose charges for things done...

40 In Article 47 (regulations and orders), after paragraph (3) there...

41 (1) Schedule 1 (provisions which may be included in regulations...

42 (1) Paragraph 5 of Schedule 3 (saving from repeal of...

*Radioactive Substances Act 1993 (c. 12)*

43 (1) The Radioactive Substances Act 1993 shall be amended as...

*Environment Act 1995 (c. 25)*

44 (1) Section 42 of the Environment Act 1995 (approval of...

*Government of Wales Act 1998 (c. 38)*

45 In Schedule 5 to the Government of Wales Act 1998...

SCHEDULE 6 — Repeals