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STATUTORY INSTRUMENTS

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**1990 No. 2372 (C.62)**

**FOOD**

**The Food Safety Act 1990 (Commencement No. 2) Order 1990**

*Made - - - - 30th November 1990*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health, and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1) and 60(3) of the Food Safety Act 1990(1), hereby make the following Order:—

**1.**—(1) This Order may be cited as the Food Safety Act 1990 (Commencement No. 2) Order 1990.

(2) In this Order, references to sections and Schedules are references to sections and Schedules of the Food Safety Act 1990.

**2.** Except in so far as they are already in force by virtue of section 60(2) or the Food Safety Act 1990 (Commencement No. 1) Order 1990(2) —

- (a) sections 1 to 6, 16 to 19, 25, 26, 27(2) and (5), 28(2), 30, 31, 40, 45, 48, 49(2), 53, 57(1), 59(2) and (3), and Schedules 1 and 4 shall come into force on 1st December 1990;
- (b) in so far as they relate to the Public Analysts (Scotland) Regulations 1956(3) or the Public Analysts Regulations 1957(4) —
  - (i) the provisions of Schedule 5 which repeal sections 27, 29 and 56 of the Food and Drugs (Scotland) Act 1956(5) and sections 76(2) and 79(5) of the Food Act 1984(6), and
  - (ii) section 59(4) in so far as it relates to those provisions of Schedule 5, shall come into force on 1st December 1990;
- (c) subject to subparagraph (d) below, all other sections and Schedules, except—
  - (i) section 54, and
  - (ii) the provisions of Schedule 5 which repeal sections 16 to 20, Part IV, section 92 (in so far as it relates to section 16(2)) and section 93 (in so far as it relates to section 18(4)) of the Food Act 1984, and

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(1) 1990 c. 16.  
(2) S.I.1990/1383.  
(3) S.I. 1956/1162.  
(4) S.I. 1957/237.  
(5) 1956 c. 30.  
(6) 1984 c. 30.

- (iii) section 59(4) in so far as it relates to those provisions,  
shall come into force on 1st January 1991;
- (d) in so far as they relate to the Food Hygiene (Amendment) Regulations 1990(7) –
- (i) the provisions of Schedule 5 which repeal sections 13 and 132(1) of the Food Act 1984, and
- (ii) section 59(4) in so far as it relates to those provisions of Schedule 5,  
shall come into force immediately after the coming into force of the provisions of those Regulations, that is–
- (iii) on 1st April 1991 as regards all those Regulations, except regulation 3(b) and Schedule 1, to the extent that they have effect for the purposes of a new paragraph (6) of regulation 12 of the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966(8), and
- (iv) on 1st April 1992 as regards the said regulation 3(b) and Schedule 1 to the extent that they have effect for the purposes of the said new paragraph (6) of regulation 12 of the 1966 Regulations, and
- (e) section 54 shall come into force on 1st April 1992.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 29th November 1990.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

29th November 1990

*Stephen Dorrell*  
Parliamentary Under-Secretary of State for  
Health

30th November 1990

*Ian Lang*  
Secretary of State for Scotland

30th November 1990

*David Hunt*  
Secretary of State for Wales

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(7) S.I. [1990/1431](#).

(8) S.I. [1966/791](#) (to which there are amendments not relevant to this Order).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st December 1990 the following provisions of the Food Safety Act 1990: sections 1 to 6, 16 to 19, 25, 26, 27(2) and (5), 28(2), 30(9), 31, 40, 45, 48, 49(2), 53, 57(1) and 59(2) and (3) and Schedules 1 and 4.

With certain exceptions it brings into force all other sections and Schedules on 1st January 1991. The exceptions are—

- (a) section 54,
- (b) section 59(4) (in so far as it relates to the repeal of sections 16 to 20, Part IV, and sections 92 and 93 (in so far as those sections relate to sections 16 and 18) of the Food Act 1984) and the parts of Schedule 5 relating to those provisions, and
- (c) sections already in force.

There are special provisions relating to regulations dealing with public analysts and also the Food Hygiene (Amendment) Regulations 1990. The Order brings Section 54 into force on 1st April 1992.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

Upon the passing of the Food Safety Act 1990 sections 13 and 51, and paragraphs 12 to 15 of Schedule 2 (and, so far as relating to those paragraphs, section 52) of that Act came into force.

The Food Safety Act 1990 (Commencement No. 1) Order 1990 brought into force on 3rd July 1990, for the purposes of section 13, sections 1 to 3, 4(2), 5, 6, 7(3), 20, 21(1), (5) and (6), 22, 29, 32 to 36, 41, 42, 44, 46, 48(1) to (3), 49(1) and (3) to (5), 50, 53(1) to (4), 57 and 58(1) of that Act.

It also brought into force on that date, for the purposes of section 51, sections 1(1) and (2) and 53(1), paragraphs 29 and 30 of Schedule 3 and, so far as relating to those paragraphs, section 59(1).