



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Miscellaneous and supplemental*

#### **23 Provision of food hygiene training.**

- (1) A food authority may provide, whether within or outside their area, training courses in food hygiene for persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise.
- (2) A food authority may contribute towards the expenses incurred under this section by any other such authority, or towards expenses incurred by any other person in providing, such courses as are mentioned in subsection (1) above.

#### **24 Provision of facilities for cleansing shellfish.**

- (1) A food authority may provide, whether within or outside their area, tanks or other apparatus for cleansing shellfish.
- (2) A food authority may contribute towards the expenses incurred under this section by any other such authority, or towards expenses incurred by any other person in providing, and making available to the public, tanks or other apparatus for cleansing shellfish.
- (3) Nothing in this section authorises the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions as may before the work is commenced be approved by the Secretary of State.
- (4) In this section “cleansing”, in relation to shellfish, includes subjecting them to any germicidal treatment.

*Changes to legislation: Food Safety Act 1990, Cross Heading: Miscellaneous and supplemental is up to date with all changes known to be in force on or before 19 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*

<sup>F1</sup>25 .....

#### Textual Amendments

**F1** S. 25 repealed (1.4.2000) by 1999 c. 28, s. 40(1)(4), Sch. 5 para. 15, Sch. 6 (with ss. 38, 40(2)); S.I. 2000/1066, art. 2

## 26 Regulations and orders: supplementary provisions.

- (1) Regulations under this Part may—
- (a) make provision for prohibiting or regulating the carrying out of commercial operations with respect to any food, food source or contact material—
    - (i) which fails to comply with the regulations; or
    - (ii) in relation to which an offence against the regulations has been committed, or would have been committed if any relevant act or omission had taken place in Great Britain; and
  - (b) without prejudice to the generality of section 9 above, provide that any food which, in accordance with the regulations, is certified as being such food as is mentioned in paragraph (a) above may be treated for the purposes of that section as failing to comply with food safety requirements.
- (2) Regulations under this Part may also—
- (a) require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns;
  - (b) prescribe the particulars to be entered on any register required to be kept in accordance with the regulations;
  - (c) require any such register to be open to inspection by the public at all reasonable times and, subject to that, authorise it to be kept by means of a computer;
  - (d) prescribe the periods for which and the conditions subject to which licences may be issued, and provide for the subsequent alteration of conditions and for the cancellation, suspension or revocation of licences;
  - (e) provide for an appeal to a magistrates' court or, in Scotland, to the sheriff, or to a tribunal constituted in accordance with the regulations, against any decision of an enforcement authority, or of an authorised officer of such an authority; and
  - (f) provide, as respects any appeal to such a tribunal, for the procedure on the appeal (including costs) and for any appeal against the tribunal's decision.
- (3) Regulations under this Part <sup>F2</sup> . . . may—
- (a) provide that an offence under the regulations <sup>F3</sup> . . . shall be triable in such way as may be there specified; and
  - (b) include provisions under which a person guilty of such an offence shall be liable to such penalties (not exceeding those which may be imposed in respect of offences under this Act) as may be specified in the regulations <sup>F3</sup> . . .

#### Textual Amendments

**F2** Words in s. 26(3) repealed (1.4.2000) by 1999 c. 28, s. 40(4), Sch. 6 (with s. 38); S.I. 2000/1066, art. 2

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**F3** Words in s. 26(3) repealed (1.4.2000) by 1999 c. 28, s. 40(4), **Sch. 6** (with s. 38); S.I. 2000/1066, **art. 2**

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

**C1** S. 26 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)

**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](#)