



Food Standards Act 1999

1999 CHAPTER 28

General provisions relating to the functions of the Agency

22 Statement of general objectives and practices.

- (1) The Agency shall prepare and publish a statement of general objectives it intends to pursue, and general practices it intends to adopt, in carrying out its functions.
- (2) The statement shall include the following among the Agency's general objectives, namely—
 - (a) securing that its activities are the subject of consultation with, or with representatives of, those affected and, where appropriate, with members of the public;
 - (b) promoting links with any of the following authorities with responsibilities affecting food safety or other interests of consumers in relation to food, namely—
 - (i) government departments, local authorities and other public authorities;
 - (ii) the National Assembly for Wales (and its staff) and Assembly Secretaries, the Scottish Administration and Northern Ireland Departments;with a view to securing that the Agency is consulted informally from time to time about the general manner in which any such responsibilities are discharged;
 - (c) securing that records of its decisions, and the information on which they are based, are kept and made available with a view to enabling members of the public to make informed judgments about the way in which it is carrying out its functions,and any other objectives (which may include more specific objectives relating to anything mentioned in paragraphs (a) to (c)) which are notified to the Agency by the appropriate authorities acting jointly.
- (3) Nothing in subsection (2) prevents the inclusion in the statement of more specific objectives relating to anything mentioned in that subsection.

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- (4) The statement shall be submitted in draft to the appropriate authorities for their approval before it is published.
- (5) The appropriate authorities acting jointly may approve the draft statement submitted to them with or without modifications (but they must consult the Agency before making any modifications).
- (6) As soon as practicable after a statement is approved under subsection (5), the Agency shall—
 - (a) lay a copy of the statement as so approved before Parliament, the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly; and
 - (b) publish that statement in such manner as the appropriate authorities acting jointly may approve.
- (7) The first statement under this section shall be submitted to the appropriate authorities within the period of three months beginning with the date of the first meeting of the Agency.
- (8) The Agency may revise its current statement under this section; and subsections (2) to (6) apply to a revised statement as they apply to the first statement.

23 Consideration of objectives, risks, costs and benefits, etc.

- (1) In carrying out its functions the Agency shall pay due regard to the statement of objectives and practices under section 22.
- (2) The Agency, in considering whether or not to exercise any power, or the manner in which to exercise any power, shall take into account (among other things)—
 - (a) the nature and magnitude of any risks to public health, or other risks, which are relevant to the decision (including any uncertainty as to the adequacy or reliability of the available information);
 - (b) the likely costs and benefits of the exercise or non-exercise of the power or its exercise in any manner which the Agency is considering; and
 - (c) any relevant advice or information given to it by an advisory committee (whether or not given at the Agency's request).
- (3) The duty under subsection (2)—
 - (a) does not apply to the extent that it is unreasonable or impracticable for it to do so in view of the nature or purpose of the power or in the circumstances of the particular case; and
 - (b) does not affect the obligation of the Agency to discharge any other duties imposed on it.

24 Directions relating to breach of duty or to international obligations.

- (1) If it appears to the Secretary of State that there has been a serious failure by the Agency—
 - (a) to comply with section 23(1) or (2), or
 - (b) to perform any other duty which he considers should have been performed by it,

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he may give the Agency such directions as he may consider appropriate for remedying that failure.

- (2) The power under subsection (1) may also be exercised—
 - (a) so far as it is exercisable in relation to Wales, by the National Assembly for Wales;
 - (b) by the Scottish Ministers (in so far as it is exercisable by them within devolved competence or by virtue of an Order in Council made under section 63 of the ^{M1}Scotland Act 1998); and
 - (c) so far as it is exercisable in relation to Northern Ireland, by the Department of Health and Social Services for Northern Ireland.
- (3) Directions under subsection (1) must include a statement summarising the reasons for giving them.
- (4) The Secretary of State may give the Agency such directions as he considers appropriate for the implementation of—
 - (a) any obligations of the United Kingdom under the Community Treaties, or
 - (b) any international agreement to which the United Kingdom is a party.
- (5) The power under subsection (4) may also be exercised—
 - (a) by the National Assembly for Wales (in relation to implementation for which it is responsible);
 - (b) by the Scottish Ministers (in relation to implementation within devolved competence or for which they have responsibility by virtue of an Order in Council under section 63 of the ^{M2}Scotland Act 1998); and
 - (c) by the Department of Health and Social Services for Northern Ireland (in relation to implementation for which a Northern Ireland Department is responsible).
- (6) An authority proposing to give directions under this section shall consult the Agency and the other appropriate authorities before doing so.
- (7) If the Agency fails to comply with any directions under this section, the authority giving the directions may give effect to them (and for that purpose may exercise any power of the Agency).
- (8) If the Agency fails to comply with directions under subsection (1), the Secretary of State may, with the agreement of the other appropriate authorities, remove all the members of the Agency from office (and, until new appointments are made, may carry out the Agency's functions himself or appoint any other person or persons to do so).
- (9) Any directions given under this section shall be published in such manner as the authority giving them considers appropriate for the purpose of bringing the matters to which they relate to the attention of persons likely to be affected by them.
- (10) In this section “devolved competence” has the same meaning as in the ^{M3}Scotland Act 1998.

Marginal Citations

M1 1998 c. 46.

M2 1998 c. 46.

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M3 1998 c. 46.

25 Power to modify enactments about disclosure of information.

- (1) If it appears to the Secretary of State that an enactment prohibits the disclosure of any information and is capable of having either of the effects mentioned in subsection (5) he may by order make provision for the purpose of removing or relaxing the prohibition so far as it is capable of having that effect.
- (2) If it appears to the Scottish Ministers that an enactment prohibits the disclosure of any information and is capable of having either of the effects mentioned in subsection (5) the Scottish Ministers may by order make provision for the purpose of removing or relaxing the prohibition so far as it is capable of having that effect.
- (3) The power under subsection (2) may not be exercised to make provision which would not be within the legislative competence of the Scottish Parliament.
- (4) If it appears to the First Minister and deputy First Minister acting jointly that any enactment dealing with transferred matters (within the meaning of section 4(1) of the ^{M4}Northern Ireland Act 1998) prohibits the disclosure of any information and is capable of having either of the effects mentioned in subsection (5) they may by order make provision for the purpose of removing or relaxing the prohibition so far as it is capable of having that effect.
- (5) The effects mentioned in subsections (1), (2) and (4) are that the enactment in question—
 - (a) prevents the disclosure to the Agency of information that would facilitate the carrying out of the Agency’s functions; or
 - (b) prevents the publication by the Agency of information in circumstances where the power under section 19 would otherwise be exercisable.
- (6) An order under this section may—
 - (a) make provision as to circumstances in which information which is subject to the prohibition in question may, or may not, be disclosed to the Agency or, as the case may be, published by the Agency; and
 - (b) if it makes provision enabling the disclosure of information to the Agency, make provision restricting the purposes for which such information may be used (including restrictions on the subsequent disclosure of the information by the Agency).
- (7) This section applies in relation to a rule of law as it applies in relation to an enactment, but with the omission of—
 - (a) subsection (5)(b) and any reference to the effect mentioned in subsection (5) (b); and
 - (b) in subsection (6)(a), the words from “or, as” to the end.
- (8) In this section “enactment” means an enactment contained in any Act (other than this Act) or Northern Ireland legislation passed or made before or in the same Session as this Act.

Marginal Citations

M4 1998 c. 47.

Status:

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