
STATUTORY INSTRUMENTS

1990 No. 2487**FOOD****The Food Safety Act 1990 (Consequential Modifications)
(No 2) (Great Britain) Order 1990**

Made 10th December 1990

Laid before Parliament 11th December 1990

Coming into force 1st January 1991

ARRANGEMENT OF ARTICLES**Article**

1. Title and commencement
2. Modifications to instruments relating to drugs
3. Modifications to Regulations made under the European Communities Act 1972 c.68
4. Miscellaneous Consequential Modifications

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 59(2) of the Food Safety Act 1990(a) and of all other powers enabling them in that behalf, hereby make the following Order:-

Title and commencement

1. This Order may be cited as the Food Safety Act 1990 (Consequential Modifications) (No 2) (Great Britain) Order 1990, and shall come into force on 1st January 1991.

Modifications to instruments relating to drugs

2.—(1) In the Medicines (Bal Jivan Chamcho Prohibition) (No 2) Order 1977(b), so far as it applies to Great Britain, for article 2(3)(a) and (b) there shall be substituted the following provisions—

“(a) a public analyst appointed under section 27 of the Food Safety Act 1990,

(b) an authorised officer of a drugs authority.”.

(2) In the Medicines (Prohibition of Non-Medicinal Antimicrobial Substances) Order

(a) 1990 c.16.

(b) S.I. 1977/670.

1977(a), so far as it applies to Great Britain, for article 2(4)(c)(i) there shall be substituted the following provision—

“(i) a public analyst appointed under section 27 of the Food Safety Act 1990.”

(3) In the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980(b), so far as they apply to Great Britain,—

- (a) in regulation 2(1) for the words “food and drugs authority”, in each place where they occur, there shall be substituted the words “drugs authority”; and
- (b) in regulation 2(2) for the words “a local authority as defined by section 26(4) of the Food and Drugs (Scotland) Act 1956” there shall be substituted the words “a drugs authority”.

(4) In the Medicines (Products Other than Veterinary Drugs) (Prescription Only) Order 1983(c), so far as it applies to Great Britain, in Schedule 3 Part I for paragraph 2(1) and (2) in column 1 there shall be substituted the following provisions—

- “(1) a public analyst appointed under section 27 of the Food Safety Act 1990,
- (2) an authorised officer of a drugs authority.”

(5) In the Misuse of Drugs Regulations 1985(d), so far as they apply to Great Britain—

- (a) in regulation 8(2) for sub-paragraph (g) there shall be substituted the following sub-paragraph—
 - “(g) a public analyst appointed under section 27 of the Food Safety Act 1990;”;
- (b) regulation 8(2)(h) shall cease to have effect;
- (c) in regulation 9(2) for sub-paragraph (e) there shall be substituted the following sub-paragraph—
 - “(e) a public analyst appointed under section 27 of the Food Safety Act 1990;”;
- (d) regulation 9(2)(f) shall cease to have effect;
- (e) in regulation 17 the words “for the purposes of the Food and Drugs (Scotland) Act 1956 to a sampling officer within the meaning of that Act or” shall cease to have effect.

(6) In the Medicines (Veterinary Drugs) (Prescription Only) Order 1989(e), so far as it applies to Great Britain, in Schedule 3 Part I for paragraph 2(1) and (2) in column 1 there shall be substituted the following provisions—

- “(1) a public analyst appointed under section 27 of the Food Safety Act 1990,
- (2) an authorised officer of a drugs authority.”

Modifications to Regulations made under the European Communities Act 1972 c.68

3.—(1) In the Natural Mineral Waters Regulations 1985(f)

- (a) for the words “food and drugs authority”, in each place where they occur in these Regulations, there shall be substituted the words “food authority”;
- (b) in regulation 2 the definition of “food and drugs authority” shall cease to have effect;
- (c) in regulation 2 there shall be inserted the following definition—
 - “‘food authority’ means—
 - (a) in England, for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London;
 - (b) in Wales, the county council;”;
- (d) in regulation 2 for the definition of “public analyst” there shall be substituted the following definition—
 - “‘public analyst’ has the same meaning as in the Food Safety Act 1990;”;

(a) S.I. 1977/2131.

(b) S.I. 1980/1923 (to which there are amendments not relevant to this Order).

(c) S.I. 1983/1212 (to which there are amendments not relevant to this Order).

(d) S.I. 1985/2066 (to which there are amendments not relevant to this Order).

(e) S.I. 1989/2319.

(f) S.I. 1985/71.

- (e) for regulation 26 there shall be substituted the following—

“Defences

26. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of that Act and unless the context otherwise requires any reference in them to that Act shall be construed as a reference to these Regulations—

section 21 (defence of due diligence); and

section 22 (defence of publication in the course of business).”;

- (f) regulation 27 and paragraph (a) of regulation 28 shall cease to have effect.

- (2) In the Eggs (Marketing Standards) Regulations 1985(a) for regulation 10 there shall be substituted the following regulation—

“Application of Food Safety Act

10. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of that Act and unless the context otherwise requires any reference in them to that Act shall be construed as a reference to these Regulations—

section 2 (extended meaning of sale);

section 20 (offences due to fault of another person); and

section 21 (defence of due diligence).”

- (3) In the Materials and Articles in Contact with Food Regulations 1987(b)—

- (a) in regulation 2(1), for paragraph (a)(i) of the definition of “enforcement authority” there shall be substituted the following provision—

“(i) for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council, and”;

- (b) in regulation 2(1) for the definition of “food” there shall be substituted the following definition—

“‘food’ has the same meaning as in the Food Safety Act 1990;”;

- (c) in regulation 2(1) for the definition of “public analyst” there shall be substituted the following definition—

“‘public analyst’ has the same meaning as in the Food Safety Act 1990;”;

- (d) for regulation 23 there shall be substituted the following—

“Application of Food Safety Act 1990

23. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of that Act and unless the context otherwise requires any reference in them to that Act shall be construed as a reference to these Regulations—

section 2 (extended meaning of sale); and

section 21 (defence of due diligence).”;

- (e) regulation 24 shall cease to have effect.

- (4) In the Olive Oil (Marketing Standards) Regulations 1987(c) in regulation 3 for paragraphs (a) and (b) there shall be substituted the following—

“(a) in relation to imports, in England and Wales by the relevant port health authority, and in Scotland by a district or islands council;

- (b) at the retail stage, in England and Wales by the relevant food authority within the meaning of section 5(1) of the Food Safety Act 1990, other than non-metropolitan district councils, and in Scotland by a district or islands council;”.

(a) S.I. 1985/1271 (to which there is an amendment not relevant to this Order).

(b) S.I. 1987/1523.

(c) S.I. 1987/1783.

(5) In the Common Agricultural Policy (Wine) Regulations 1990(a), so far as they apply to Great Britain, in regulation 2(1), in the definition of "local authority" for subparagraphs (i) and (ii) there shall be substituted the following provisions—

- “(i) as respects England and Wales, for each non-metropolitan county, metropolitan district and London borough, the council of that county, district or borough, and for the City of London and the Inner Temple and the Middle Temple, the Common Council of the City of London;
- (ii) as respects Scotland, the islands or district council;”.

Miscellaneous Consequential Modifications

4.—(1) In the Swine Fever Order 1963(b) in article 3(4) for the words “section 86 of the Food and Drugs Act 1955 or, as respects Scotland, by virtue of section 58 of the Food and Drug (Scotland) Act 1956,” there shall be substituted the words “inspector within the meaning of the Meat Inspection Regulations 1987 or, as respects Scotland, within the meaning of the Food (Meat Inspection) (Scotland) Regulations 1988,”.

(2) In the Notification of New Substances Regulations 1982(c) in regulation 3(1)(b) for the words “section 135(1) of the Food and Drugs Act 1955 or section 58(1) of the Food and Drugs (Scotland) Act 1956” there shall be substituted the words “the Food Safety Act 1990”.

(3) In the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984(d) for regulation 3(1)(c) there shall be substituted the following provision—

- “(c) a substance which is intended for use as food within the meaning of the Food Safety Act 1990, and which, if it is intended for use as an additive within the meaning of the Food Labelling Regulations 1984 or the Food Labelling (Scotland) Regulations 1984, is intended to be supplied to the public;”.

(4) In the Road Traffic (Carriage of Dangerous Substances in Packages, etc) Regulations 1986(e) for regulation 13A(2) there shall be substituted the following provision—

- “(2) In this regulation, “food” has the same meaning as in the Food Safety Act 1990”.

(5) In the Control of Pesticides Regulations 1986(f)—

- (a) in regulation 2(1) for the definition of “novel food” there shall be substituted the following definition—
 - “‘novel food’ has the same meaning as in section 18(3) of the Food Safety Act 1990;”.
- (b) in regulation 3 in paragraph (2)(b) for the words—
 - “Food Act 1984;
 - Food and Drugs (Scotland) Act 1956;”
 there shall be substituted the words
 - “Food Safety Act 1990;”.

(6) In the Dangerous Substances in Harbour Areas Regulations 1987(g) for regulation 3(3)(a) there shall be substituted the following provision—

- “(a) a substance which is intended for use as food within the meaning of the Food Safety Act 1990, and which, if it is intended for use as an additive within the meaning of the Food Labelling Regulations 1984 or the Food Labelling (Scotland) Regulations 1984, is intended to be supplied to the public;”.

(7) In the Patents (Licences of Right) (Exception of Pesticidal Use) Order 1989(h)—

- (a) in article 2(2)(g)(bb) for the words—

(a) S.I. 1990/1363.

(b) S.I. 1963/286 (to which there are amendments not relevant to this Order).

(c) S.I. 1982/1496 (to which there are amendments not relevant to this Order).

(d) S.I. 1984/1244 (to which there are amendments not relevant to this Order).

(e) S.I. 1986/1951 (amended by S.I. 1989/105).

(f) S.I. 1986/1510.

(g) S.I. 1987/37 (to which there are amendments not relevant to this Order).

(h) S.I. 1989/1202.

- “Food Act 1984;
Food and Drugs (Scotland) Act 1956;”
there shall be substituted the words
“Food Safety Act 1990;”,
- (b) in article 2(4) for the definition of “food” there shall be substituted the following definition—
“‘food’ has the same meaning as in the Food Safety Act 1990;”,
- (c) in article 2(4) for the definition of “novel food” there shall be substituted the following definition—
“‘novel food’ has the same meaning as in section 18(3) of the Food Safety Act 1990;”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th December 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

10th December 1990

Stephen Dorrell
Parliamentary Under-Secretary of State for Health

7th December 1990

David Hunt
Secretary of State for Wales

10th December 1990

Strathclyde
Parliamentary Under-Secretary of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends various Orders and Regulations applying to Great Britain which refer to the Food and Drugs Act 1955, the Food and Drugs (Scotland) Act 1956 and the Food Act 1984. The 1955 Act was consolidated by the 1984 Act, and the 1956 and 1984 Acts have been largely repealed by the Food Safety Act 1990.

The Order amends Orders and Regulations relating to medicines and drugs, Regulations made under the European Communities Act 1972 and other Orders and Regulations. References in these instruments to earlier legislation are replaced with references to the Food Safety Act 1990 in relation to enforcement, public analysts, defences and associated matters.