

**20.—(1)** The Secretary of State may give the Agency such directions as he considers appropriate for the implementation of—

Directions relating to the implementation of international obligations.

- (a) any obligations of the United Kingdom under the Community Treaties, or
- 5 (b) any international agreement to which the United Kingdom is a party.

(2) The Secretary of State shall consult the Agency and the other appropriate authorities before giving it a direction under this section.

(3) The power of the Secretary of State under subsection (1) may also be exercised (subject to subsection (2))—

- 10 (a) so far as its exercise relates to implementation for which the National Assembly for Wales is responsible, by the Assembly;
- (b) so far as its exercise relates to implementation which is within devolved competence (within the meaning of the Scotland Act 1998) or for which Scottish Ministers otherwise have responsibility by virtue of an Order in Council under section 63 of that Act, by Scottish Ministers; and
- 15 (c) so far as its exercise relates to implementation for which a Northern Ireland Department is responsible, by the Department of Health and Social Services for Northern Ireland.

1998 c. 46.

- 20 (4) A direction under this section shall be published in such manner as the authority giving it considers appropriate for the purpose of bringing the matters to which it relates to the attention of persons likely to be affected by them.

**21.—(1)** If it appears to the Secretary of State that there has been a serious failure by the Agency—

Directions relating to breach of duty by the Agency.

- 25 (a) to comply with section 19(1) or (2), or
- (b) to perform any other duty which he considers should have been performed by it,

he may, after consulting the Agency and the other appropriate authorities, give the Agency such directions as he may consider appropriate.

(2) If the Agency fails to comply with any such directions, the Secretary of State may—

- (a) give effect to them (and for that purpose may exercise any power of the Agency); or
- 35 (b) remove all the members of the Agency from office (and, until new appointments are made, carry out the Agency's functions himself or appoint any other person or persons to do so).

(3) The functions of the Secretary of State under subsections (1) and (2)(a) are also exercisable—

- 40 (a) so far as they are exercisable in relation to Wales by the National Assembly for Wales;
- (b) so far as they are exercisable within devolved competence (within the meaning of the Scotland Act 1998) by Scottish Ministers; and
- 45 (c) so far as they are exercisable in relation to Northern Ireland, by the Department of Health and Social Services for Northern Ireland.

(4) The power of the Secretary of State under subsection (2)(b) may be exercised only with the agreement of the other appropriate authorities.

(5) 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. 5

Supplementary powers.

**22.**—(1) The Agency has power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of its functions.

(2) That power includes the acquisition or disposal of any property or rights and the institution in England and Wales and in Northern Ireland of criminal proceedings. 10

(3) The Agency may make charges for facilities or services provided by it at the request of any person.

#### *Miscellaneous provisions*

Levy on food premises.

**23.**—(1) The Secretary of State may by regulations provide for the imposition of a levy in respect of such food premises as may be prescribed in the regulations. 15

(2) A levy may be imposed under this section for the purpose of meeting some or all of the following expenditure—

- (a) expenditure of the Secretary of State or the Minister of Agriculture, Fisheries and Food incurred in connection with the establishment of the Agency; 20
- (b) expenditure of the Agency; and
- (c) expenditure of enforcement authorities (other than the Agency) under the 1990 Act and the Food Safety (Northern Ireland) Order 1991. 25

(3) Regulations imposing a levy under this section shall—

- (a) specify the rate of the levy or the method by which the sums payable are to be determined;
- (b) make provision as to the times when, the manner in which and the persons by whom the sums payable are to be paid; 30
- (c) make provision for the collection or recovery of those sums by such persons as may be prescribed; and
- (d) make provision as to the application of the sums received in respect of the levy. 35

(4) Regulations under this section may (without prejudice to the generality of subsection (1))—

- (a) make provision for exceptions (in whole or part) from the obligation to pay the levy;
- (b) impose requirements on persons carrying on businesses and make provision for the imposition of civil penalties and the application of any such penalties; 40
- (c) create summary offences, subject to the limitation that no such offence shall be punishable on summary conviction with a fine exceeding level 5 on the standard scale; 45

- (d) make provision for appeals to a tribunal constituted in accordance with the regulations against any decision taken by an authority exercising functions under the regulations (including provision as to the procedure to be followed and any appeal from the tribunal's decision); and
- (e) make different provision in relation to different cases or different areas.

(5) Before making regulations under this section, the Secretary of State shall consult the Agency and such organisations as appear to him to be representative of interests likely to be substantially affected by the regulations.

(6) Regulations under this section shall be made by statutory instrument, but no regulations shall be made unless a draft of the instrument containing it has been laid before and approved by a resolution of each House of Parliament.

**24.—**(1) The functions of the Minister of Agriculture, Fisheries and Food under—

- (a) Part I of the Food and Environment Protection Act 1985;
  - (b) the 1990 Act; and
  - (c) the Radioactive Substances Act 1993,
- shall cease to be exercisable by that Minister.

Statutory functions ceasing to be exercisable by the Minister of Agriculture, Fisheries and Food.  
1985 c. 48.

(2) Subsection (1) does not affect enforcement functions under directions or subordinate legislation under those Acts (or any power under those Acts to confer such functions in directions or subordinate legislation).

1993 c. 12.

**25.** After paragraph 6 of Schedule 1 to the 1990 Act (provisions which may be included in regulations under section 16 of that Act) there shall be inserted the following paragraph—

Regulations under s. 16 of 1990 Act relating to production of food sources.

*“Production of food sources*

6A. Provision for prohibiting or regulating—

- (a) the possession, sale or offer, exposure or advertisement for sale of any specified substance, or any substance of any specified class, with a view to its use in connection with the production of any food source;
- (b) the use of any specified substance, or any substance of any specified class, in connection with the production of any food source;
- (c) the carrying out of any other activity in connection with, or in a manner likely to affect, the production of any food source.”

**26.—**(1) The Agency and each authority to which this section applies with responsibility for any matter connected with food-borne zoonoses shall make arrangements with a view to securing (so far as reasonably practicable) that any information relating to food-borne zoonoses in the possession of either of them is furnished or made available to the other.

Arrangements for sharing information about food-borne zoonoses.

(2) The authorities to which this section applies are Ministers of the Crown, the National Assembly for Wales, Scottish Ministers and Northern Ireland Departments.

(3) Arrangements under this section may also include arrangements for co-ordinating the activities of the Agency and the authority concerned in relation to matters connected with food-borne zoonoses. 5

(4) Arrangements under this section shall be kept under review by the Agency and the authority concerned.

(5) In this section “food-borne zoonosis” means any disease of, or organism carried in, animals which constitutes a risk to the health of humans through the consumption of food. 10

Consultation on  
veterinary  
products.

**27.—**(1) The Minister of Agriculture, Fisheries and Food, and each Secretary of State having responsibility for any matters connected with the regulation of veterinary products, shall consult the Agency from time to time about the general policy he proposes to pursue in carrying out his functions in relation to those matters. 15

(2) In this section “veterinary products” means—

1968 c. 67.

- (a) veterinary drugs, as defined in section 132(1) of the Medicines Act 1968;
- (b) veterinary medicinal products, as defined in Article 2(1) of Council Directive 81/851/EEC (including products manufactured from homeopathic stock);
- (c) medicated feeding stuffs, as defined in Article 2(1) of Council Directive 81/851/EEC;
- (d) zootechnical products, as defined in regulation 2(1) of the Feedingstuffs (Zootechnical Products) Regulations 1998. 25

S.I. 1998/1047.

(3) Section 118 of the Medicines Act 1968 (restrictions on disclosure of information) shall not apply in relation to the disclosure of information to the Agency for the purpose of consultation under this section.

(4) Where information of a description mentioned in section 118 of that Act is disclosed to the Agency for the purpose of such consultation, the Agency— 30

- (a) shall take account of any considerations of confidentiality attaching to the information; but
- (b) may disclose the information (or any of it) for the purpose of any of its functions if it appears to the Agency to be in the public interest to do so. 35

Animal feeding  
stuffs.

**28.—**(1) The Ministers may make an order under this section for regulating any animal feeding stuff or anything done to or in relation to, or with a view to the production of, any animal feeding stuff. 40

(2) An order under this section is one which applies, or makes provision corresponding to, any provision of the 1990 Act or sections 9 to 15 of this Act (including powers to make subordinate legislation or to give directions) with or without modifications.

(3) The power to make an order under this section may be exercised in relation to provisions of the 1990 Act or of sections 9 to 15 of this Act as amended from time to time by or under any enactment.

(4) An order under this section may—

- 5 (a) make provision with a view to protecting animal health, protecting human health or for any other purpose which appears to the Ministers to be appropriate;
- (b) make different provision for different descriptions of animal feeding stuff or animal feeding stuffs used for different purposes; and
- 10 (c) include incidental, transitional, consequential or supplementary provision (including provision amending, repealing or revoking any enactment or subordinate legislation).

(5) Before making an order under this section, the Ministers shall—

- 15 (a) consult such organisations as appear to them to be representative of interests likely to be substantially affected by the order; and
- (b) have regard to any advice given by the Agency.

(6) The Ministers may treat any consultation undertaken by the Agency as being as effective for the purposes of subsection (5) as if it had been undertaken by them.

20 (7) An order under this section shall be made by statutory instrument, but no order shall be made unless a draft of the instrument containing it has been laid before and approved by a resolution of each House of Parliament.

(8) In this section “the Ministers” means the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly.

25 (9) This section extends to England and Wales only.

### *Supplementary*

29.—(1) In this Act—

“animal feeding stuff” means feeding stuff for any description of animals, including any nutritional supplement or other similar substance which is not administered through oral feeding;

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“appropriate authorities” means the Secretary of State, the National Assembly for Wales, the Scottish Ministers and the Department of Health and Social Services for Northern Ireland;

“the 1990 Act” means the Food Safety Act 1990; and

35 “the Agency” means the Food Standards Agency.

(2) Any reference in this Act to “the appropriate authority”, in relation to Wales, Scotland or Northern Ireland, is a reference to the National Assembly for Wales, the Scottish Ministers or the Department of Health and Social Services for Northern Ireland (as the case may be).

40 (3) Expressions used in this Act and in the 1990 Act have the same meaning in this Act as in that Act.

30.—(1) Any expenditure incurred by the Agency shall (to the extent that it is not met from some other source) be paid out of money provided by Parliament.

Interpretation.

1990 c. 16.

Financial provisions.

- (2) The National Assembly for Wales may make payments to the Agency.
- (3) There shall be paid out of money provided by Parliament—
  - (a) any expenditure incurred by a Minister of the Crown by virtue of this Act,
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

Minor and consequential amendments and repeals.

- 31.**—(1) Schedule 3 (minor and consequential amendments) has effect.
- (2) The enactments mentioned in Schedule 4 are repealed to the extent specified.

Short title, commencement and extent.

- 32.**—(1) This Act may be cited as the Food Standards Act 1999. 10
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) This Act extends to Scotland and Northern Ireland.