



**Isle of Man**

*Ellan Vannin*

**AT 8 of 1996**

**FOOD ACT 1996**





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## FOOD ACT 1996

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**Isle of Man***Ellan Vannin*

## FOOD ACT 1996

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**AN ACT** to make new provision in place of the *Milk and Dairies Act 1950*, the *Food and Drugs Act 1963* and other enactments relating to food; to re-enact with amendments the enactments relating to slaughterhouses and knackers' yards; and for connected purposes.

### *Preliminary*

#### **1 Meaning of “food” etc**

[P1990/16/1]

- (1) In this Act “**food**” has the same meaning as it has in Regulation (EC) No. 178/2002<sup>1</sup>, that is to say —

“**Food**” means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans, and includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC, p. 32. and without prejudice to the requirements of Directives 80/778/EEC<sup>2</sup> and 98/83/EC<sup>3</sup>.<sup>4</sup>

- (2) “**Food**” shall not include —
- (a) fodder or feeding stuffs for animals, birds or fish;
  - (b) live animals unless they are prepared for placing on the market for human consumption;
  - (c) plants prior to harvesting;
  - (d) medicinal products within the meaning of Council Directives 65/65/EEC<sup>5</sup> and 92/73/EEC<sup>6</sup>;
  - (e) cosmetics within the meaning of Council Directive 76/768/EEC<sup>7</sup>;

- (f) tobacco and tobacco products within the meaning of Council Directive 89/622/EEC<sup>8</sup>;
- (g) narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971;
- (h) residues and contaminants.<sup>9</sup>

(3) In this Act —

“**business**” includes the undertaking of a canteen, club, school, hospital, or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public or local authority;

“**commercial operation**”, in relation to any food or contact material, means any of the following, namely —

- (a) selling, possessing for sale and offering, exposing or advertising for sale;
- (b) consigning, delivering or serving by way of sale;
- (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
- (d) storing or transporting for the purpose of sale;
- (e) importing and exporting;

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;

“**contact material**” means any article or substance which is intended to come into contact with food;

“**food business**” means any business in the course of which commercial operations with respect to food or food sources are carried out;

“**food premises**” means any premises used for the purposes of a food business;

“**food source**” means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);

“**premises**” includes any place, any vehicle, stall or movable structure and, for such purposes as may be specified in an order made by the Department, any ship or aircraft of a description so specified.<sup>10</sup>

“**Regulation (EC) No. 178/2002**” means Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.<sup>11</sup>

(4) The reference in subsection (3) to preparing for sale shall be construed, in relation to any contact material, as a reference to manufacturing or producing for the purpose of sale.



## 2 Extended meaning of “sale” etc

[P1990/16/2]

- (1) For the purposes of this Act —
  - (a) the supply of food, otherwise than on sale, in the course of a business; and
  - (b) any other thing which is done with respect to food and is specified in an order made by the Department,

is deemed to be a sale of the food, and references to purchasers and purchasing shall be construed accordingly.

- (2) This Act applies —
  - (a) in relation to any food which is offered as a prize or reward or given away in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
  - (b) in relation to any food which, for the purpose of advertisement or in furtherance of any trade or business, is offered as a prize or reward or given away, as if the food were, or had been, exposed for sale by the person offering or giving away the food; and
  - (c) in relation to any food which is exposed or deposited in any premises for the purpose of being so offered or given away as mentioned in paragraph (a) or (b), as if the food were, or had been, exposed for sale by the occupier of the premises;

and in this subsection ‘entertainment’ includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.<sup>12</sup>

## 3 Presumptions that food intended for human consumption

[P1990/16/3]

- (1) The following provisions apply for the purposes of this Act.
- (2) Any food commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale for human consumption.
- (3) The following, namely —
  - (a) any food commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that food; and
  - (b) any article or substance commonly used for the manufacture of food for human consumption which is found on premises used for the preparation, storage or sale of that food,

shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing food for sale, for human consumption.

- (4) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared shall, until the contrary is proved, be presumed to be intended for such use.<sup>13</sup>

#### 4 Responsible authorities

[P1990/16/4-6]

- (1) In this Act “**the enforcement authority**”, in relation to any provisions of this Act or any regulations or orders made under it, means the authority by whom they are to be enforced and executed.
- (2) The Department of Environment, Food and Agriculture (‘the Department’) shall enforce and execute the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.<sup>14</sup>
- (3) Regulations and orders under this Act shall specify which of the following authorities are to enforce or execute them, either generally or in relation to cases of a particular description or a particular area —
  - (a) the Department;
  - (b) [Repealed]<sup>15</sup>
  - (c) local authorities within their respective districts;
  - (d) a local authority specified in the regulations or order, within its district;
  - (e) in the case of regulations, the Treasury.
- (4) Any such regulations or orders may provide for the giving of assistance and information, by any authority concerned in the administration of the regulations or orders, or of any provisions of this Act, to any other authority so concerned, for the purposes of their respective duties under them.
- (5) An enforcement authority may institute proceedings under any provisions of this Act or any regulations or orders made under it and, in the case of the Department, may take over the conduct of any such proceedings which have been instituted by some other person.<sup>16</sup>

#### *Food safety*

#### 5 Rendering food injurious to health

[P1990/16/7]

- (1) Any person who renders any food injurious to health by means of any of the following operations, namely —

- (a) adding any article or substance to the food;
  - (b) using any article or substance as an ingredient in the preparation of the food;
  - (c) abstracting any constituent from the food; and
  - (d) subjecting the food to any other process or treatment,
- with intent that it shall be sold for human consumption, is guilty of an offence.
- (2) In determining for the purposes of this section whether any food is injurious to health, regard shall be had to the matters specified in subparagraphs (a) to (c) of Article 14(4) of Regulation (EC) No. 178/2002.<sup>17</sup>
  - (3) [Repealed]<sup>18</sup>

## 6 Selling food not complying with food safety requirements

[P1990/16/8]

- (1) [Repealed]<sup>19</sup>
- (2) For the purposes of this Part food fails to comply with food safety requirements if it is unsafe within the meaning of Article 14 of Regulation (EC) No. 178/2002 and references to food safety requirements or to food complying with such requirements shall be construed accordingly.<sup>20</sup>
- (3) Where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed for the purposes of this section and section 7, until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.<sup>21</sup>
- (4) For the purposes of this Act, any part of, or product derived wholly or partly from, an animal which has been slaughtered otherwise than in a slaughterhouse, shall be deemed to be unfit for human consumption.  

In this subsection 'animal' means any description of cattle, sheep, goat, swine, horse, ass or mule, or any other animal of a species or description specified in an order made by the Department.
- (5) Subsection (4) does not apply where —
  - (a) the animal has been slaughtered otherwise than in a slaughterhouse by reason of accident, illness or emergency affecting it, and
  - (b) its carcase has been inspected by an authorised officer of the Department and certified by him as fit for human consumption.

## 7 Inspection and seizure of suspected food

[P1990/16/9]

- (1) An authorised officer of the Department may at all reasonable times inspect any food intended for human consumption which —
  - (a) has been sold or is offered or exposed for sale;
  - (b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale; or
  - (c) is otherwise placed on the market within the meaning of Regulation (EC) No. 178/2002.<sup>22</sup>
- (2) Subsections (3) to (8) apply where —
  - (a) on an inspection under subsection (1), it appears to the authorised officer that any food fails to comply with food safety requirements; or
  - (b) otherwise than on such an inspection, it appears to an authorised officer of the Department that any food is likely to cause food poisoning or any disease communicable to human beings.
- (3) The authorised officer may either —
  - (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it —
    - (i) is not to be used for human consumption; and
    - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
  - (b) seize the food and remove it in order to have it dealt with by a justice of the peace;

and any person who knowingly contravenes the requirements of a notice under paragraph (a) is guilty of an offence.
- (4) Where the authorised officer exercises the powers conferred by subsection (3)(a), he shall, as soon as is reasonably practicable and in any event within 21 days, determine whether or not he is satisfied that the food complies with food safety requirements and —
  - (a) if he is so satisfied, shall forthwith withdraw the notice;
  - (b) if he is not so satisfied, shall seize the food and remove it in order to have it dealt with by a justice of the peace.
- (5) Where an authorised officer exercises the powers conferred by subsection (3)(b) or (4)(b), he shall inform the person in charge of the food of his intention to have it dealt with by a justice of the peace, and —
  - (a) any person who under section 5 or Regulation 4(a) of the General Food Regulations 2006 [SD163/06] might be liable to a prosecution in respect of the food, if he attends before the justice of the peace by

whom the food falls to be dealt with, shall be entitled to be heard and to call witnesses; and<sup>23</sup>

- (b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence under that section in relation to that food.
- (6) If it appears to a justice of the peace, on the basis of such evidence as he considers appropriate in the circumstances, that any food falling to be dealt with by him under this section fails to comply with food safety requirements, he shall condemn the food and order —
  - (a) the food to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and
  - (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.
- (7) If a notice under subsection (3)(a) is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this section refuses to condemn it, the Department shall compensate the owner of the food for any loss suffered as a result of the action taken by the authorised officer.
- (8) Any disputed question as to the right to or the amount of any compensation payable under subsection (7) shall be determined by arbitration.

## 8 Improvement notices

[P1990/16/10]

- (1) If an authorised officer of the Department has reasonable grounds for believing that the proprietor of a food business is failing to comply with any regulations to which this section applies, he may, by a notice served on that proprietor (an ‘improvement notice’) —
  - (a) state the officer’s grounds for believing that the proprietor is failing to comply with regulations;
  - (b) specify the matters which constitute the proprietor’s failure so to comply;
  - (c) specify the measures which, in the officer’s opinion, the proprietor must take in order to secure compliance; and
  - (d) require the proprietor to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.
- (2) Any person who fails to comply with an improvement notice is guilty of an offence.
- (3) This section applies to any regulations under this Act which make provision —

- (a) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food; or
- (b) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources.

## 9 Order in respect of proprietor or manager of food business

- (1) If —
- (a) the proprietor of a food business is convicted of an offence under any regulations under this Act which make provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources; and
  - (b) the court by or before which he is so convicted thinks it proper to do so in all the circumstances of the case,
- the court may by an order impose a prohibition on the proprietor participating in the management of any food business, or any food business of a class or description specified in the order.
- (2) As soon as practicable after the making of an order under this section, the Department shall serve a copy of the order on the proprietor of the business, and if he knowingly contravenes the order, he is guilty of an offence.
- (3) An order under this section shall cease to have effect on the giving by the court of a direction to that effect.
- (4) The court shall give a direction under subsection (3) if, on an application by the proprietor, the court thinks it proper to do so having regard to all the circumstances of the case, including in particular the conduct of the proprietor since the making of the order; but no such application shall be entertained if it is made —
- (a) within 6 months after the making of the order; or
  - (b) within 3 months after the making by the proprietor of a previous application for such a direction.
- (5) Subsection (1) applies in relation to a manager of a food business as it applies in relation to the proprietor of such a business; and any reference in subsection (2) or (4) to the proprietor of the business, or to the proprietor, shall be construed accordingly.
- (6) In subsection (5) ‘manager’, in relation to a food business, means any person who is entrusted by the proprietor with the day-to-day running of the business, or any part of the business.

- (7) If a person against whom an order under this section is in force participates in the management of a food business, or a food business of a class or description specified in the order, he is guilty of an offence.
- (8) If a person against whom an order under —
- (a) section 11(4) of the Food Safety Act 1990 (an Act of Parliament), or
  - (b) article 10(4) of the Food Safety (Northern Ireland) Order 1991,
- has been made participates in the management of a food business, or a food business of a class or description specified in the order, he is guilty of an offence.
- (9) In proceedings for an offence under subsection (8) it is a defence for the person accused to show that the order in question has ceased to have effect in the place where it was made.

## 10 Health risks and the appropriate prohibition

[P1990/16/11]

- (1) For the purpose of sections 11 and 12 —
- (a) a food business poses a health risk if any of the matters specified in column 1 of the following table involves a risk of injury to health;
  - (b) a food business poses a serious health risk if any of those matters involves an imminent risk of injury to health;
  - (c) the appropriate prohibition is that specified in relation to such a matter in column 2 of that table.

<i>Matter involving health risk</i>	<i>Prohibition</i>
The use of any process or treatment for the purposes of the food business in question.	A prohibition on the use of the process or treatment for the purposes of the business.
The construction of any premises used for the purposes of the food business in question.	A prohibition on the use of the premises for the purposes of the business or any other food business of the same class or description.
The use of any equipment for the purposes of the food business in question.	A prohibition on the use of the equipment for the purposes of the business or any other food business of the same class or description.
The state or condition of any premises or equipment used for the purposes of the food business in question.	A prohibition on the use of the premises or equipment for the purposes of any food business. <sup>24</sup>

- (2) In subsection (1) and in section 13(1), ‘injury’ includes any impairment, whether permanent or temporary.<sup>25</sup>

## 11 Prohibition orders

- (1) If —
  - (a) the proprietor of a food business is convicted of an offence under any regulations under this Act which make provision —
    - (i) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food; or
    - (ii) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources to which this section applies, and
  - (b) the court by or before which he is so convicted is satisfied that that business poses a health risk,

the court shall by an order impose the appropriate prohibition.
- (2) If a court of summary jurisdiction is satisfied, on the application of an authorised officer of the Department, that any food business poses a serious health risk, the court shall by an order impose the appropriate prohibition.
- (3) Such an officer shall not apply for an order under subsection (2) unless, at least one day before the date of the hearing of the application, he has served notice on the proprietor of the business of his intention to apply for the order.
- (4) As soon as practicable after the making of an order under subsection (1) or (2) (a ‘prohibition order’), the Department shall —
  - (a) serve a copy of the order on the proprietor of the business; and
  - (b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the business as it considers appropriate;

and any person who knowingly contravenes such an order is guilty of an offence.
- (5) A prohibition order shall cease to have effect on the issue by the Department of a certificate to the effect that it is satisfied that the proprietor has taken sufficient measures to secure that the business no longer poses a health risk.
- (6) The Department shall issue a certificate under subsection (5) within 3 days of its being satisfied as mentioned in that subsection; and on an application by the proprietor for such a certificate, the Department shall —
  - (a) determine, as soon as is reasonably practicable and in any event within 14 days, whether or not it is so satisfied; and
  - (b) if it determines that it is not so satisfied, give notice to the proprietor of the reasons for that determination.<sup>26</sup>



## 12 Emergency prohibition notices

[P1990/16/12]

- (1) If an authorised officer of the Department is satisfied that any food business poses a serious health risk, he may, by a notice served in accordance with subsection (2) (an 'emergency prohibition notice'), impose the appropriate prohibition; and any person who knowingly contravenes such a notice is guilty of an offence.
- (2) An emergency prohibition notice may be served either —
  - (a) on the proprietor of the business; or
  - (b) by being affixed in a conspicuous position on such premises used for the purpose of the business as the Department considers appropriate.
- (3) Where an emergency prohibition notice is served in accordance with either paragraph (a) or paragraph (b) of subsection (2), a copy of the notice shall, as soon as practicable, be served in accordance with the other of those paragraphs.
- (4) An emergency prohibition notice shall cease to have effect —
  - (a) if no application for a prohibition order under section 11(2) is made within the period of 3 days beginning with the service of the notice, at the end of that period;
  - (b) if such an application is so made, on the determination or abandonment of the application.
- (5) Section 11(5) and (6) (discharge of order) applies to an emergency prohibition notice as it applies to a prohibition order.
- (6) Where an emergency prohibition notice has been served in accordance with subsection (2), the Department shall compensate the proprietor of the business in question in respect of any loss suffered by reason of his complying with the notice unless —
  - (a) an application for a prohibition order is made within the period of 3 days beginning with the service of the notice; and
  - (b) the court declares itself satisfied, on the hearing of the application, that the business posed a serious health risk at the time when the notice was served;

and any disputed question as to the right to or the amount of any compensation payable under this subsection shall be determined by arbitration.<sup>27</sup>

## 13 Emergency control orders

[P1990/16/13]

- (1) If it appears to the Department that the carrying out of commercial operations with respect to food, food sources or contact materials of any

class or description involves or may involve imminent risk of injury to health, it may by an order (an 'emergency control order'), prohibit the carrying out of such operations with respect to food, food sources or contact materials of that class or description.

- (2) Any person who knowingly contravenes an emergency control order is guilty of an offence.
- (3) The Department may consent, either unconditionally or subject to any condition that it considers appropriate, to the doing in a particular case of anything prohibited by an emergency control order.
- (4) It is a defence for a person charged with an offence under subsection (2) to show —
  - (a) that consent had been given under subsection (3) to the contravention of the emergency control order; and
  - (b) that any condition subject to which that consent was given was complied with.
- (5) The Department —
  - (a) may give such directions as appear to it to be necessary or expedient for the purpose of preventing the carrying out of commercial operations with respect to any food, food sources or contact materials which it believes, on reasonable grounds, to be food, food sources or contact materials to which an emergency control order applies; and
  - (b) may do anything which appears to it to be necessary or expedient for that purpose.
- (6) Any person who fails to comply with a direction under this section is guilty of an offence.
- (7) If the Department does anything by virtue of this section in consequence of any person failing to comply with an emergency control order or a direction under this section, the Department may recover from that person any expenses reasonably incurred by it under this section.

#### **14 Transport to the Island of perishable food**

- (1) The Department may by regulations —
  - (a) prescribe kinds of food as perishable food for the purposes of this section;
  - (b) prescribe classes of vehicles or containers to be used for the transport of perishable food to the Island;
  - (c) prescribe the maximum or minimum temperature (or both) at which perishable food may be kept during its transport to the Island in any vehicle or container;

- (d) prescribe instruments to be maintained in any vehicle or container in which perishable food is transported to the Island to record the temperature at which it is kept during its journey to or within the Island;
  - (e) prescribe the manner in which and the period during which any such instrument is to be so maintained;
  - (f) make different provision for different kinds of food or different classes of vehicles or containers; and
  - (g) exempt prescribed kinds of food or prescribed classes of vehicles or containers from any of the provisions of the regulations.
- (2) In this section ‘perishable food’ means any food prescribed as such by regulations under subsection (1)(a).

*Consumer protection*

**15 Selling food not of the nature, substance or quality demanded**

[P1990/16/14]

- (1) Any person who sells, to the purchaser’s prejudice, any food which is not of the nature or substance or quality demanded by the purchaser is guilty of an offence.
- (2) In subsection (1) the reference to sale shall be construed as a reference to sale for human consumption; and in proceedings under that subsection it is not a defence that the purchaser was not prejudiced because he bought for analysis or examination.

**16 Falsely describing or presenting food**

[P1990/16/15]

- (1) Any person who gives with any food sold by him, or displays with any food offered or exposed by him for sale or in his possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which —
  - (a) falsely describes the food; or
  - (b) is likely to mislead as to the nature or substance or quality of the food,is guilty of an offence.
- (2) Any person who publishes, or is a party to the publication of, an advertisement (not being such a label given or displayed by him as mentioned in subsection (1)) which —
  - (a) falsely describes any food; or

- (b) is likely to mislead as to the nature or substance or quality of any food,
- is guilty of an offence.
- (3) Any person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any food the presentation of which is likely to mislead as to the nature or substance or quality of the food is guilty of an offence.
- (4) In proceedings for an offence under subsection (1) or (2), the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food does not preclude the court from finding that the offence was committed.
- (5) In this section references to sale shall be construed as references to sale for human consumption.

### *Regulations and orders*

## **17 Food safety and consumer protection**

[P1990/16/16]

- (1) The Department may by regulations make —
- (a) provision for requiring, prohibiting or regulating the presence in food or food sources of any specified substance, or any substance of any specified class, and generally for regulating the composition of food;
- (b) provision for securing that food is fit for human consumption and meets such microbiological standards (whether going to the fitness of the food or otherwise) as may be specified by or under the regulations;
- (c) provision for requiring, prohibiting or regulating the use of any process or treatment in the preparation of food;
- (d) provision for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to food or food sources;
- (e) provision for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking, presenting or advertising of food, and the descriptions which may be applied to food; and
- (f) such other provision with respect to food or food sources, including in particular provision for prohibiting or regulating the carrying out of commercial operations with respect to food or food sources, as appears to it to be necessary or expedient —

- (i) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
  - (ii) for the purpose of protecting or promoting the interests of consumers.
- (2) The Department may also by regulations make provision —
  - (a) for securing the observance of hygienic conditions and practices in connection with the carrying out of commercial operations with respect to contact materials which are intended to come into contact with food intended for human consumption;
  - (b) for imposing requirements or prohibitions as to, or otherwise regulating, the labelling, marking or advertising of such materials, and the descriptions which may be applied to them; and
  - (c) otherwise for prohibiting or regulating the carrying out of commercial operations with respect to such materials.
- (3) Without prejudice to the generality of subsection (1), regulations under that subsection may make any such provision as is mentioned in Schedule 1.
- (4) In making regulations under subsection (1), the Department shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.
- (5) In subsection (1) and Schedule 1, unless the context otherwise requires —
  - (a) references to food shall be construed as references to food intended for sale for human consumption; and
  - (b) references to food sources shall be construed as references to food sources from which such food is intended to be derived.

## 18 Special provisions for particular foods

[P1990/16/18]

- (1) The Department may by regulations make provision —
  - (a) for prohibiting the carrying out of commercial operations with respect to novel foods, or food sources from which such foods are intended to be derived, of any class specified in the regulations;
  - (b) for prohibiting the carrying out of such operations with respect to genetically modified food sources, or foods derived from such food sources, of any class so specified; or
  - (c) for prohibiting the importation of any food of a class so specified, and (in each case) for excluding from the prohibition any food or food source which is of a description specified by or under the regulations and, in the case of a prohibition on importation, is imported at an authorised place of entry.

- (2) The Department may also by regulations —
- (a) prescribe, in relation to milk of any description, such a designation (in this subsection referred to as a ‘special designation’) as the Department considers appropriate;<sup>28</sup>
  - (b) provide for the issue by the Department of licences to producers and sellers of milk authorising the use of a special designation; and
  - (c) prohibit, without the use of a special designation, all sales of milk for human consumption, other than sales made with the Department’s consent.

- (3) In this section —

‘authorised place of entry’ means any port, aerodrome or other place of entry authorised by or under the regulations and, in relation to food in a particular consignment, includes any place of entry so authorised for the importation of that consignment;

‘description’, in relation to food, includes any description of its origin or of the manner in which it is packed;

‘novel food’ means any food which has not previously been used for human consumption in the Island, or has been so used only to a very limited extent.

- (4) For the purposes of this section a food source is genetically modified if any of the genes or other genetic material in the food source —
- (a) has been modified by means of an artificial technique; or
  - (b) is inherited or otherwise derived, through any number of replications, from genetic material which was so modified;

and in this subsection ‘artificial technique’ does not include any technique which involves no more than, or no more than the assistance of, naturally occurring processes of reproduction (including selective breeding techniques or in vitro fertilisation).

## 19 Registration of certain food premises

- (1) This section applies to any premises (other than a temporary stall at a market or fair or at a fete, bazaar, sale of work or similar event) at which any of the following commercial operations is carried on with respect to food —
- (a) selling, possessing for sale or offering or exposing for sale;
  - (b) consigning, delivering or serving by way of sale;
  - (c) preparing for sale or presenting or wrapping for the purpose of sale;
  - (d) storing or transporting for the purpose of sale.

- (2) The Department may by regulations make provision —
- (a) requiring the Department to maintain a register of premises to which this section applies;
  - (b) requiring the Department to enter such premises in the register on an application for the purpose by the owner or occupier of the premises;
  - (c) enabling the Department to cancel an entry in the register if it is satisfied that the premises to which the entry relates have ceased to be premises to which this section applies.
- (3) Any person who at any premises carries on any commercial operation referred to in subsection (1) with respect to food comprising or containing a prescribed substance (other than preserved food) is guilty of an offence unless the premises are entered in the register maintained under subsection (2)(a).
- (4) Regulations under this section may —
- (a) exclude from the premises to which this section applies any premises of a description specified in the regulations;
  - (b) exclude from the application of subsection (3), either generally or in relation to any description of premises or any description of food, any commercial operation so specified; and
  - (c) provide that food, or food of a description so specified, shall not be treated for the purpose of subsection (3) as containing a prescribed substance unless it contains more than a specified proportion of that substance.
- (5) In this section —
- ‘prescribed substance’ means —
- (a) meat, fish, cream or egg;
  - (b) any other substance which is prescribed for the purpose of this definition by regulations under this section;

‘preserved food’ means food which, at the time of the commercial operation in question, is preserved from decomposition by packing in an airtight container.

## 20 Orders for facilitating exercise of functions

[P1990/16/25]

- (1) For the purpose of facilitating the exercise of its functions under this Act, the Department may by order require every person who at the date of the order, or at any subsequent time, carries on a business of a specified class or description (in this section referred to as a ‘relevant business’) —

- (a) to afford to persons specified in the order such facilities for the taking of samples of any food, substance or contact material to which subsection (2) applies; or
  - (b) to furnish to persons so specified such information concerning any such food, substance or contact material,
- as (in each case) is specified in the order and is reasonably required by such persons.
- (2) This subsection applies to —
    - (a) any food of a class specified in the order which is sold or intended to be sold in the course of a relevant business for human consumption;
    - (b) any substance of a class so specified which is sold in the course of such a business for use in the preparation of food for human consumption, or is used for that purpose in the course of such a business; and
    - (c) any contact material of a class so specified which is sold in the course of such a business and is intended to come into contact with food intended for human consumption.
  - (3) No information relating to any individual business which is obtained by means of an order under subsection (1) shall, without the previous consent in writing of the person carrying on the business, be disclosed except —
    - (a) in accordance with directions of the Department, so far as may be necessary for the purposes of this Act, or for the purpose of complying with a retained EU obligation; or<sup>29</sup>
    - (b) for the purposes of any proceedings for an offence against the order or any report of those proceedings;and any person who discloses any such information in contravention of this subsection is guilty of an offence.
  - (4) In subsection (3) the reference to a disclosure being necessary for the purposes of this Act includes a reference to it being necessary —
    - (a) for the purpose of securing that food complies with food safety requirements or in the interests of the public health; or
    - (b) for the purpose of protecting or promoting the interests of consumers.

## 21 Regulations: supplementary provisions

[P1990/16/26]

Regulations under the foregoing provisions of this Act 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 the Island;
- (b) without prejudice to the generality of section 7, provide that any food which, in accordance with the regulations, is certified as being such food as is mentioned in paragraph (a) may be treated for the purposes of that section as failing to comply with food safety requirements;
  - (c) require persons carrying on any activity to which the regulations apply to keep and produce records and provide returns;
  - (d) prescribe the particulars to be entered on any register required to be kept in accordance with the regulations;
  - (e) 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;
  - (f) 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;
  - (g) provide for an appeal to a court of summary jurisdiction, 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
  - (h) 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.

### *Administration*

## **22 Appointment of public analysts etc**

[P1990/16/27 and 28]

- (1) There shall be appointed a person (in this Act referred to as a “**public analyst**”) to act as analyst for the purposes of this Act.
- (2) No person shall be appointed as a public analyst unless he possesses —
  - (a) such qualifications as may be prescribed by regulations made by the Department, or
  - (b) such other qualifications as the Department may approve,and no person shall act as a public analyst who is engaged directly or indirectly in any food business which is carried on in the Island.

- (3) There may be appointed a deputy to act during any vacancy in the office of public analyst, or during the absence or incapacity of the holder of the office, and —
- (a) the provisions of this section with respect to the qualifications of a public analyst shall apply also in relation to a deputy public analyst; and
  - (b) any reference in the following provisions of this Act to a public analyst shall be construed as including a reference to a deputy public analyst appointed under this subsection.
- (4) The Department may provide facilities for examinations for the purposes of this Act.

*Sampling and analysis etc*

### 23 Procurement of samples

[P1990/16/29]

An authorised officer of an enforcement authority may —

- (a) purchase a sample of any food, or any substance capable of being used in the preparation of food;
- (b) take a sample of any food, or any such substance, which —
  - (i) appears to him to be intended for sale, or to have been sold for human consumption; or
  - (ii) is found by him on or in any premises which he is authorised to enter by or under section 26;
- (c) take a sample from any food source, or a sample of any contact material, which is found by him on or in any such premises;
- (d) take a sample of any article or substance which is found by him on or in any such premises and which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Act or of regulations or orders made under it.<sup>30</sup>

### 24 Analysis etc of samples

[P1990/16/30]

- (1) An authorised officer of an enforcement authority who has procured a sample under section 23 shall —
- (a) if he considers that the sample should be analysed, submit it to be analysed by the public analyst;
  - (b) if he considers that the sample should be examined, submit it to be examined by a food examiner.

- (2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it —
- (a) to be analysed by the public analyst; or
  - (b) to be examined by a food examiner.
- (3) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this section, the public analyst or a food examiner in the Island determines that he is for any reason unable to perform the analysis or examination, the sample shall be submitted or, as the case may be, sent by him to such other food analyst or examiner (in the Island or elsewhere) as he may determine.
- (4) Subject to subsection (3), a food analyst or examiner in the Island shall analyse or examine as soon as practicable any sample submitted or sent to him under this section, but may, except where —
- (a) he is the public analyst; and
  - (b) the sample is submitted to him for analysis by an authorised officer of an enforcement authority,
- demand in advance the payment of such reasonable fee as he may require.
- (5) A food analyst or examiner in the Island who has analysed or examined a sample shall give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.
- (6) Any certificate given by a food analyst or examiner under subsection (5) shall be signed by him, but the analysis or examination may be made by any person acting under his direction.
- (7) In any proceedings under this Act, the production by one of the parties —
- (a) of a document purporting to be a certificate given by a food analyst or examiner specifying the result of an analysis or examination; or
  - (b) of a document supplied to him by the other party as being a copy of such a certificate,
- shall be sufficient evidence of the facts stated in it unless, in a case falling within paragraph (a), the other party requires that the food analyst or examiner shall be called as a witness.
- (8) In this section —
- ‘food analyst’ means a public analyst or any other person who possesses the requisite qualifications to carry out analyses for the purposes of this Act, and includes a person who is a food analyst for the purposes of the Food Safety Act 1990 (an Act of Parliament);
- ‘food examiner’ means any person who possesses the requisite qualifications to carry out examinations for the purposes of this Act, and includes a person who is a food examiner for the purposes of the said Act of 1990;

‘the requisite qualifications’ means such qualifications as may be prescribed by regulations made by the Department;

‘sample’, in relation to an authorised officer of an enforcement authority, includes any part of a sample retained by him in pursuance of regulations under section 25.

## 25 Regulation of sampling and analysis etc

[P1990/16/31]

- (1) The Department may by regulations make provision for supplementing or modifying the provisions of sections 23 and 24.
- (2) Without prejudice to the generality of subsection (1), regulations under that subsection may make provision with respect to —
  - (a) the matters to be taken into account in determining whether, and at what times, samples should be procured;
  - (b) the manner of procuring samples, including the steps to be taken in order to ensure that any samples procured are fair samples;
  - (c) the method of dealing with samples, including (where appropriate) their division into parts;
  - (d) the persons to whom parts of samples are to be given and the persons by whom such parts are to be retained;
  - (e) the notices which are to be given to, and the information which is to be furnished by, the persons in charge of any food, substance, contact material or food source of or from which samples are procured;
  - (f) the methods which are to be used in analysing or examining samples, or parts of samples, or in classifying the results of analyses or examinations;
  - (g) the circumstances in which a food analyst or examiner is to be precluded, by reason of a conflict of interest, from analysing or examining a particular sample or part of a sample; and
  - (h) the circumstances in which samples, or parts of samples, are to be or may be submitted for analysis or examination —
    - (i) to the Government Chemist in the United Kingdom, or to such other food analyst or examiner as he may direct; or
    - (ii) to a person determined by or under the regulations.
- (3) In this section ‘food analyst’ and ‘food examiner’ have the same meanings as in section 24.

*Powers of entry, obstruction etc***26 Powers of entry**

[P1990/16/32]

- (1) An authorised officer of an enforcement authority, on producing, if so required, some duly authenticated document showing his authority, has a right at all reasonable hours —
  - (a) to enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Act, or of regulations or orders made under it; and
  - (b) to enter any business premises for the purpose of ascertaining whether there is on the premises any evidence of any contravention of any of such provisions; and
  - (c) in the case of an authorised officer of the Department, to enter any premises for the purpose of the performance by the Department of its functions under this Act;

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.<sup>31</sup>

- (2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in subsection (1) and either —
  - (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
  - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise the authorised officer to enter the premises, if need be by reasonable force.

- (3) Every warrant granted under this section shall continue in force for a period of one month.
- (4) An authorised officer entering any premises by virtue of this section, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered shall leave them as effectively secured against unauthorised entry as he found them.
- (5) An authorised officer entering premises by virtue of this section, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are kept by means of a computer —

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
  - (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.
- (6) Any officer exercising any power conferred by subsection (5) may —
- (a) seize and detain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Act or of regulations or orders made under it; and
  - (b) where the records are kept by means of a computer, may require the records to be produced in a form in which they may be taken away.
- (7) If any person who enters any premises by virtue of this section, or of a warrant issued under it, discloses to any person any information obtained by him in the premises with regard to any trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.
- (8) Nothing in this section authorises any person, except with the permission of the Department, to enter any premises —
- (a) in which an animal or bird affected with any disease to which the *Isle of Man Diseases of Animals (Prevention) Act 1948* applies is kept; and
  - (b) which is situated in a place declared under that Act to be infected with such a disease.<sup>32</sup>

## 27 Obstruction etc of officers

[P1990/16/33]

- (1) Any person who —
- (a) intentionally obstructs any person acting in the execution of this Act; or
  - (b) without reasonable cause, fails to give to any person acting in the execution of this Act any assistance or information which that person may reasonably require of him for the performance of his functions under this Act,
- is guilty of an offence.
- (2) Any person who, in purported compliance with any such requirement as is mentioned in subsection (1)(b) —
- (a) furnishes information which he knows to be false or misleading in a material particular; or

- (b) recklessly furnishes information which is false or misleading in a material particular,  
is guilty of an offence.
- (3) Nothing in subsection (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

### *Offences*

## **28 Time limit for prosecutions**

[P1990/16/34]

No prosecution for an offence under this Act which is punishable under section 29(2) shall be begun after the expiry of —

- (a) 3 years from the commission of the offence; or
  - (b) one year from its discovery by the prosecutor,
- whichever is the earlier.

## **29 Punishment of offences**

[P1990/16/35]

- (1) A person guilty of an offence under —
  - (a) section 27(1), or
  - (b) paragraph 2, 4(3) or 8(2) or (3) of Schedule 2,is liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a term not exceeding 3 months or to both.
- (2) A person guilty of any other offence under this Act is liable —
  - (a) on conviction on information to a fine or imprisonment for a term not exceeding 2 years or to both;
  - (b) on summary conviction, to a fine not exceeding the relevant amount or imprisonment for a term not exceeding 6 months or to both.
- (3) In subsection (2) ‘the relevant amount’ means —
  - (a) in the case of an offence under section 6 or 15, 4 times level 5 on the standard scale;<sup>33</sup>
  - (b) in any other case, £5,000.
- (4) If a person who is licensed under Schedule 2 to keep a knacker’s yard is convicted of an offence under sections 5 to 21, or under regulations under paragraph 7 of Schedule 2, the court may, in addition to any other punishment, cancel his licence.

### 30 Offences by bodies corporate

[P1990/16/36]

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of —
  - (a) any director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) ‘director’, in relation to any body corporate whose affairs are managed by its members, means a member of that body corporate.

#### *Defences etc*

### 31 Offences due to fault of another person

[P1990/16/20]

Where the commission by any person of an offence under this Act is due to an act or default or some other person, that other person is guilty of the offence; and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

### 32 Defence of due diligence

[P1990/16/21]

- (1) In any proceedings for an offence under any provision of this Act (‘the relevant provision’), it is, subject to subsection (5), a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.
- (2) Without prejudice to the generality of subsection (1), a person charged with an offence under section 15 or 16 who neither —
  - (a) prepared the food in respect of which the offence is alleged to have been committed; nor
  - (b) imported it into the Island,shall be taken to have established the defence provided by that subsection if he satisfies the requirements of subsection (3) or (4).<sup>34</sup>
- (3) A person satisfies the requirements of this subsection if he proves —
  - (a) that the commission of the offence was due to an act or default of another person who was not under his control, or to reliance on information supplied by such a person;



- (b) that he carried out all such checks of the food in question as were reasonable in all the circumstances, or that it was reasonable in all the circumstances for him to rely on checks carried out by the person who supplied the food to him; and
  - (c) that he did not know and had no reason to suspect at the time of the commission of the alleged offence that his act or omission would amount to an offence under the relevant provision.
- (4) A person satisfies the requirements of this subsection if he proves —
- (a) that the commission of the offence was due to an act or default of another person who was not under his control, or to reliance on information supplied by such a person;
  - (b) that the sale or intended sale of which the alleged offence consisted was not a sale or intended sale under his name or mark; and
  - (c) that he did not know, and could not reasonably have been expected to know, at the time of the commission of the alleged offence that his act or omission would amount to an offence under the relevant provision.
- (5) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the person charged is not, without leave of the court, entitled to rely on that defence unless —
- (a) at least 7 clear days before the hearing; and
  - (b) where he has previously appeared or been brought before a court in connection with the alleged offence, within one month of his first such appearance,
- he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

### 33 Defence of publication in the course of business

[P1990/16/22]

In proceedings for an offence under any provision of this Act consisting of the advertisement for sale of any food, it is a defence for the person charged to prove —

- (a) that he is a person whose business it is to publish or arrange for the publication of advertisements;
- (b) that he received the advertisement in the ordinary course of business; and
- (c) that he did not know and had no reason to suspect that its publication would amount to an offence under that provision.

*Appeals***34 Appeals to court of summary jurisdiction**

[P1990/16/37]

- (1) Any person who is aggrieved by —
- (a) a decision of an authorised officer of the Department to serve an improvement notice;
  - (b) a decision of the Department to refuse to issue such a certificate as is mentioned in section 11(5) (including that provision as applied by section 12(5));
  - (c) subject to subsection (2), a decision of an enforcement authority to refuse, cancel, suspend or revoke a licence required by regulations under sections 5 to 21, or
  - (d) a decision of the Department to refuse —
    - (i) to grant or renew a licence under Part 2 of Schedule 2, or
    - (ii) on granting or renewing such a licence, to give an authorisation under paragraph 4(2) of that Schedule,

may appeal to a court of summary jurisdiction.

- (2) Subsection (1)(c) does not apply in relation to any decision as respects which regulations under sections 5 to 21 provide for an appeal to a tribunal constituted in accordance with the regulations.
- (3) The period within which an appeal to a court of summary jurisdiction under subsection (1), or an appeal to such a court for which provision is made by regulations under sections 5 to 21, may be brought is —
- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
  - (b) in the case of an appeal under subsection (1)(a), that period or the period specified in the improvement notice, whichever ends the earlier;

and the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.

- (4) In any case where such an appeal as is mentioned in subsection (3) lies, the document notifying the decision to the person concerned shall state —
- (a) the right of appeal to a court of summary jurisdiction; and
  - (b) the period within which such an appeal may be brought.

**35 Appeals to High Court**

[P1990/16/38]

A person who is aggrieved by —

- (a) any dismissal by a court of summary jurisdiction of such an appeal as is mentioned in section 34; or
- (b) any decision of such a court to make an order under section 9 or a prohibition order, or to exercise the power conferred by section 29(4),

may appeal to the High Court.

### **36 Appeals against improvement notices**

[P1990/16/39]

- (1) On an appeal against an improvement notice, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (2) Where, apart from this subsection, any period specified in an improvement notice would include any day on which an appeal against that notice is pending, that day shall be excluded from that period.
- (3) An appeal shall be regarded as pending for the purposes of subsection (2) until it is finally disposed of, is withdrawn or is struck out for want of prosecution.

#### *Miscellaneous and supplemental*

### **37 Provision of food hygiene training**

[P1990/16/23]

The Department may provide, or assist in the provision of, training courses in food hygiene for persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise.

### **38 Codes of practice**

[P1990/16/40]

- (1) The Department may issue codes of recommended practice as regards the execution and enforcement of this Act and of regulations and orders made under it.<sup>35</sup>
- (2) In the exercise of the functions conferred on it by or under this Act, every enforcement authority and authorised officer —
  - (a) shall have regard to any relevant provision of any such code; and
  - (b) in the case of a local authority, shall comply with any direction which is given by the Department and requires it to take any specified steps in order to comply with such a code.
- (3) Any direction under subsection (2)(b) shall, on the application of the Department, be enforceable by order of the High Court.

- (4) A code issued under this section shall not have effect unless it is approved by Tynwald.
- (5) Before issuing any code under this section, the Department shall, in accordance with Article 9 of Regulation (EC) No. 178/2002, consult with such organisations as appear to it to be representative of interests likely to be substantially affected by the Code, in open and transparent public consultation, during the preparation, evaluation and revision of any Code, except where the urgency of the matter does not allow it.<sup>36</sup>
- (6) Any consultation undertaken before the commencement of subsection (5) shall be as effective, for the purposes of that subsection, as if undertaken after that commencement.

### **39 Power to require returns**

[P1990/16/41]

Every local authority shall send to the Department such reports and returns, and give it such information, with respect to the exercise of the functions conferred on it by or under this Act as the Department may require.

### **40 Continuance of registration or licence on death**

[P1990/16/43]

- (1) This section has effect on the death of any person who —
  - (a) is registered in respect of any premises in accordance with regulations made under sections 5 to 21; or
  - (b) holds a licence issued under Part 2 of Schedule 2 or in accordance with regulations so made.
- (2) The registration or licence shall subsist for the benefit of the deceased's personal representative, or the deceased's surviving spouse or surviving civil partner or any other member of his family, until the end of —
  - (a) the period of 3 months beginning with his death; or
  - (b) such longer period as the enforcement authority may allow.<sup>37</sup>

### **41 Regulations and orders: general**

[P1990/16/48]

- (1) Any power of the Department to make regulations or an order under this Act includes power —
  - (a) to apply, with modifications and adaptations, any other enactment (including one contained in this Act) which deals with matters similar to those being dealt with by the regulations or order; and
  - (b) to apply as part of the law of the Island, with modifications and adaptations, any regulations or order made or having effect as if

made under any provision of the Food Safety Act 1990 (an Act of Parliament) corresponding to a provision of this Act.<sup>38</sup>

- (2) The Department may by regulations or an order apply to the Island as part of the law of the Island, with modifications and adaptations, any provision of an Act of Parliament or a statutory instrument relating to food, food sources or contact materials and which is retained EU law within the meaning of the European Union (Withdrawal) Act 2018 (of Parliament).<sup>39</sup>
- (3) As respects any retained EU law or any EU instrument which has been applied to the Island and which relates to food, food sources or contact materials and for which, in their opinion, it is appropriate to provide under this Act, the Department may by regulations —
  - (a) make such provision as it considers necessary or expedient for the purpose of securing that the retained EU law or EU instrument is administered, executed and enforced under this Act; and<sup>40</sup>
  - (b) apply such of the provisions of this Act as may be specified in the regulations in relation to the retained EU law or EU instrument with such modifications, if any, as may be so specified.<sup>41 42</sup>
- (4) Subsections (1), (2) and (3) are without prejudice to one another or to any other provision of this Act.
- (5) In subsections (2) and (3) references to food or food sources shall be construed in accordance with section 17(5).
- (6) Regulations under this Act or an order under section 20 may provide —
  - (a) that a contravention of any provision of the regulations or order shall be an offence;
  - (b) that such an offence shall be triable in such way as may be specified in the regulations or order; and
  - (c) that 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 or order.
- (7) Regulations and orders under this Act (except an order under section 48(2) or an order made by a court) shall not have effect unless they are approved by Tynwald.
- (8) Before making any regulations or order under this Act, the Department shall, in accordance with Article 9 of Regulation (EC) No. 178/2002, consult with such organisations as appear to it to be representative of interests likely to be substantially affected by the regulations or order, in open and transparent public consultation, during the preparation, evaluation and revision of any regulations or order, except where the urgency of the matter does not allow it.<sup>43</sup>

- (9) Regulations or an order made by virtue of subsection (1)(b) or (2) may do any of the following –
- (a) specify the exceptions, adaptations and modifications subject to which the legislation applied by the regulations or order applies to the Island;
  - (b) set out the legislation applied by the regulations or order, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island;
  - (c) in the case of regulations or an order applying legislation which amends previous legislation applied to the Island, set out the previous legislation so applied as amended, incorporating the exceptions, adaptations and modifications subject to which that legislation applies to the Island.
- (10) The Department shall as soon as may be after the coming into operation of regulations or an order made by virtue of subsection (1)(b) or (2) (except regulations or an order setting out the relevant legislation in accordance with subsection (9)(b) or (c)) prepare –
- (a) a text of the legislation applied by the regulations or order;
  - (b) in the case of regulations or an order applying legislation which amends previous legislation applied to the Island, a text of the previous legislation so applied, as amended; or
  - (c) in the case of regulations amending previous regulations, or an order amending a previous order, made by virtue of subsection (1)(b) or (2), a text of the legislation applied by the previous regulations or order, as it has effect by virtue of the previous regulations or order as amended;
- incorporating any exceptions, adaptations and modifications specified in the regulations or order and in any previous regulations or order having effect in relation thereto.<sup>44</sup>
- (11) The Department shall –
- (a) make a copy of the text prepared under subsection (10) available for inspection free of charge at its principal office at all times when that office is open to the public; and
  - (b) supply a copy of the said text to any person requesting the same, at such reasonable charge as that Department may determine.<sup>45</sup>

## 42 Form of documents

[P1990/16/49]

- (1) The following shall be in writing –
- (a) all documents authorised or required by or under this Act to be given, made or issued by the Department, and<sup>46</sup>

- (b) all notices and applications authorised or required by or under this Act to be given or made to, or to any officer of, the Department.<sup>47</sup>
- (2) The Department may by regulations prescribe the form of any document to be used for any purposes of this Act and, if forms are so prescribed, those forms may be used in all cases to which those forms are applicable.

#### 43 Territorial waters

[P1990/16/58]

For the purposes of the foregoing provisions of this Act the territorial waters of the Island shall be treated as situated in the Island.

#### 44 Water supply

Nothing in the foregoing provisions of this Act or in any regulations or order made under any of those provisions applies in relation to the supply of water to any premises, whether under Part III of the *Water Act 1991* or by means of a private supply (within the meaning of section 37 of that Act).

#### *Slaughterhouses and knackers' yards*

#### 45 Slaughterhouses and knackers' yards

Schedule 2 shall have effect with respect to the provision and regulation of slaughterhouses and knackers' yards.

#### *General*

#### 46 Interpretation

(1) In this Act —

“**advertisement**” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, and “**advertise**” shall be construed accordingly;

“**the Agriculture Department**” [Repealed]<sup>48</sup>

“**analysis**” includes microbiological assay and any technique for establishing the composition of food, and “**analyse**” shall be construed accordingly;

“**animal**” means any creature other than a bird or a fish;

“**article**” does not include a live animal or bird, or a live fish which is not used for human consumption while it is alive;

“**authorised officer**”, in relation to any authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing, either specially or generally, to act in matters arising under this

Act; but if regulations made by the Department so provide, no person shall be so authorised unless he has such qualifications as are prescribed by the regulations;

“**container**” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“**contravention**”, in relation to any provision, includes any failure to comply with the provision;

“**cream**” means that part of milk rich in fat which has been separated by skimming or otherwise;

“**the Department**” means the Department of Environment, Food and Agriculture;<sup>49</sup>

“**the Departments**” [Repealed]<sup>50</sup>

“**equipment**” includes any apparatus;

“**examination**” means a microbiological examination and “**examine**” shall be construed accordingly;

“**exportation**” and “**importation**” have the same meanings as they have for the purposes of the *Customs and Excise Management Act 1986*, and “**export**” and “**import**” shall be construed accordingly;

“**fish**” includes crustaceans and molluscs, and any part of a fish, and “**fishing**” shall be construed accordingly;

“**functions**” includes power and duties;

“**human consumption**” includes use in the preparation of food for human consumption;

“**knacker’s yard**” means any premises used in connection with the business of slaughtering, flaying or cutting up animals the flesh of which is not intended for human consumption;

“**milk**” includes cream and skimmed or separated milk;

“**occupier**”, in relation to any ship, aircraft, vehicle, stall or place, means the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place;

“**officer**” includes servant;

“**preparation**”, in relation to food, includes manufacture and any form of processing or treatment, and “**preparation for sale**” includes packaging, and “**prepare for sale**” shall be construed accordingly;

“**presentation**”, in relation to food, includes the shape, appearance and packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising, and “**present**” shall be construed accordingly;



“**the Properties Department**” [Repealed]<sup>51</sup>

“**proprietor**”, in relation to a food business, means the person by whom that business is carried on;

“**ship**” includes any vessel, boat or craft, and a hovercraft within the meaning of the Hovercraft Act 1968 (an Act of Parliament), and “**master**” shall be construed accordingly;

“**slaughterhouse**” means a place for slaughtering cattle, sheep, goats or swine, or any other animal of a species or description specified in an order made by the Department, the flesh of which is intended for sale for human consumption, and includes any place available in connection with it for the confinement of such animals while awaiting slaughter there or for keeping or treating products of the slaughter of such animals there;

“**substance**” includes any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

“**treatment**”, in relation to any food, includes subjecting it to heat or cold.

(2) The following Table shows provisions defining or otherwise explaining expressions used in this Act (other than provisions defining or explaining an expression used only in the same section) —

business	section 1(3)
commercial operation	section 1(3) and (4)
contact material	section 1(3)
emergency control order	section 13(1)
emergency prohibition notice	section 12(1)
enforcement authority	section 4(1)
food	section 1(1) and (2)
food business	section 1(3)
food premises	section 1(3)
food safety requirements	section 6
food source	section 1(3)
improvement notice	section 8(1)
premises	section 1(3)
prohibition order	section 11(4)
public analyst	section 22(1)
Regulation (EC) No. 178/2002	section 1(3)
sale and related expression	section 2
unfit for human consumption	section 6(4) <sup>52</sup>

(3) Any reference in this Act to regulations or orders made under it is to regulations or orders made under this Act by the Department.<sup>53</sup>

(4) For the purposes of this Act, any class or description may be framed by reference to any matters or circumstances whatever, including in particular, in the case of a description of food, the brand name under which it is commonly sold.

(5) Where, apart from this subsection, any period of less than 7 days which is specified in this Act would include any day which is —

- (a) a Saturday, a Sunday, Christmas Day or Good Friday; or
- (b) a day which is a bank holiday under the *Bank Holidays Act 1989*,  
that day shall be excluded from that period.

#### **47 Transitional provisions, amendments and repeals**

- (1) The transitional provisions in Schedule 3 shall have effect.
- (2) The enactments specified in Schedule 4 are amended in accordance with that Schedule.
- (3) The enactments specified in Schedule 5 are repealed to the extent specified in column 3 of that Schedule.

#### **48 Short title and commencement**

- (1) This Act may be cited as the Food Act 1996.
- (2) This Act shall come into operation on such day or days as the Department may by order appoint.<sup>54</sup>

**SCHEDULE 1****PROVISIONS OF REGULATIONS UNDER SECTION 17(1)**

Section 17(3) [P1990/16/Sch 1]

*Composition of food*

1. Provision for prohibiting or regulating —
  - (a) the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food; or
  - (b) the possession of any such substance for use in the preparation of food.

*Fitness etc of food*

2. (1) Provision for prohibiting —
  - (a) the sale for human consumption; or
  - (b) the use in the manufacture of products for sale for such consumption,

of food derived from a food source which is suffering or has suffered from, or which is liable to be suffering or to have suffered from, any disease specified in the regulations.

- (2) Provision for prohibiting or regulating, or for enabling enforcement authorities to prohibit or regulate —

- (a) the sale for human consumption; or
  - (b) the offer, exposure or distribution for sale for such consumption,
- of shellfish taken from beds or other layings for the time being designated by or under the regulations.

3. (1) Provision for regulating generally the treatment and disposal of any food —

- (a) which is unfit for human consumption; or
- (b) which, though not unfit for human consumption, is not intended for, or is prohibited from being sold for, such consumption.

- (2) Provision for the following, namely —

- (a) for the registration by enforcement authorities of premises used or proposed to be used for the purpose of sterilising meat to which sub-paragraph (1) applies, and for prohibiting the use for that purpose of any premises which are not registered in accordance with the regulations; or

- (b) for the issue by such authorities of licences in respect of the use of premises for the purpose of sterilising such meat, and for prohibiting the use for that purpose of any premises except in accordance with a licence issued under the regulations.

*Processing and treatment of food*

4. Provision for the following, namely —

- (a) for the giving by persons possessing such qualifications as may be prescribed by the regulations of written opinions with respect to the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with an opinion given under the regulations; or
- (b) for the issue by enforcement authorities of licences in respect of the use of any process or treatment in the preparation of food, and for prohibiting the use for any such purpose of any process or treatment except in accordance with a licence issued under the regulations.

*Food hygiene*

5. (1) Provision for imposing requirements as to —

- (a) the construction, maintenance, cleanliness and use of food premises, including any parts of such premises in which equipment and utensils are cleaned, or in which refuse is disposed of or stored;
- (b) the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises; and
- (c) the disposal of refuse from such premises.

(2) Provision for imposing requirements as to —

- (a) the maintenance and cleanliness of equipment or utensils used for the purposes of a food business; and
- (b) the use, for the cleaning of equipment used for milking, of cleaning agents approved by or under the regulations.

(3) Provision for requiring persons who are or intend to become involved in food businesses, whether as proprietors or employees or otherwise, to undergo such food hygiene training as may be specified in the regulations.

6. (1) Provision for imposing responsibility for compliance with any requirements imposed by virtue of paragraph 5(1) in respect of any premises —

- (a) on the occupier of the premises; and
- (b) in the case of the requirements of a structural character, on any owner of the premises who either —

- (i) lets them for use for a purpose to which the regulations apply; or
- (ii) permits them to be so used after notice from the authority charged with the enforcement of the regulations.

(2) Provision for conferring in relation to particular premises, subject to such limitations and safeguards as may be specified, exemptions from the operation of specified provisions which —

- (a) are contained in the regulations; and
- (b) are made by virtue of paragraph 5(1),

while there is in force a certificate of the enforcement authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on in them.

*Inspection etc of food sources*

7. (1) Provision for securing the inspection of food sources by authorised officers of enforcement authorities for the purpose of ascertaining whether they —

- (a) fail to comply with the requirements of the regulations; or
- (b) are such that any food derived from them is likely to fail to comply with those requirements.

(2) Provision for enabling such an officer, if it appears to him on such an inspection that any food source falls within sub-paragraph (1)(a) or (b), to give notice to the person in charge of the food source that, until a time specified in the notice or until the notice is withdrawn —

- (a) no commercial operations are to be carried out with respect to the food source; and
- (b) the food source either is not to be removed or is not to be removed except to some place so specified.

(3) Provision for enabling such an officer, if on further investigation it appears to him, in the case of any such food source which is a live animal or bird, that there is present in the animal or bird any substance whose presence is prohibited by the regulations, to cause the animal or bird to be slaughtered.

**SCHEDULE 2****SLAUGHTERHOUSES AND KNACKERS' YARDS**

## Section 45

**PART L - SLAUGHTERHOUSES***Provision of slaughterhouses etc*

1. (1) The Department of Infrastructure may —
  - (a) provide public slaughterhouses, and
  - (b) provide, in a public slaughterhouse provided by it or elsewhere, plant or apparatus for treating or disposing of waste matter and refuse resulting from the slaughter of animals in the slaughterhouse;
  - (c) provide cold-air stores or refrigerators for the storage and preservation of meat.<sup>55</sup>
- (2) The Department of Infrastructure may fix such reasonable charges as it thinks fit in respect of the use of any facilities provided under sub-paragraph (1).<sup>56</sup>
- (3) The Department of Infrastructure may secure that all the activities of a public slaughterhouse provided by it are carried on there by officers, servants or agents of the Department to the exclusion of other persons.<sup>57</sup>
- (4) The Department of Infrastructure may let or lease any facilities provided under sub-paragraph (1); but the occupier thereof shall not —
  - (a) make charges in respect of the use thereof exceeding those fixed under sub-paragraph (2), or
  - (b) show undue preference to any person or class of persons or exercise undue discrimination against any person or class of persons;and a slaughterhouse so let or leased shall continue to be a public slaughterhouse.<sup>58</sup>

*Prohibition of private slaughterhouses*

2. Any person who uses, or suffers or permits to be used, a slaughterhouse which is not a public slaughterhouse provided by the Department of Infrastructure is guilty of an offence.<sup>59</sup>

*Regulations for slaughterhouses etc*

3. (1) The Department shall make regulations —
  - (a) for securing that slaughterhouses are kept in a sanitary condition and properly managed and controlled; and

- (b) prescribing the conditions to be observed in connection with the confinement and treatment of animals while awaiting slaughter in a slaughterhouse, and in connection with the slaughter of animals there.
- (2) Regulations under this paragraph may amend or repeal any provision of the *Slaughter of Animals Act 1936*, so far as it applies to slaughterhouses.

## PART 2 – KNACKERS’ YARDS

### *Licensing of knackers’ yards*

4. (1) It is unlawful –
- (a) for the occupier of any premises to use them as a knacker’s yard or to permit them to be so used, unless he holds a licence under this Part authorising him to keep those premises as a knacker’s yard; or
  - (b) for a person other than the occupier to use any premises as a knacker’s yard, unless the occupier of the premises holds such a licence in respect of the premises.
- (2) A licence under this Part shall not authorise the use of any premises for or in connection with the slaughter of horses, asses or mules unless it expressly authorises the use of the premises for that purpose.
- (3) Any person who uses any premises as a knacker’s yard, or permits any premises to be so used, in contravention of this paragraph is guilty of an offence.

### *Application for and grant of licences*

5. (1) The Department –
- (a) on receiving from the occupier or intended occupier of any premises an application for the grant or renewal of a licence authorising him to keep those premises as a knacker’s yard, and
  - (b) after an officer of the Department has inspected the premises named in the application and reported thereon to the Department,
- may grant or renew to such occupier a licence in respect of those premises.
- (2) Where any premises used or intended to be used for the confinement of animals awaiting slaughter in a knacker’s yard are outside the curtilage of the premises used or intended to be used for the slaughter, separate licences may be granted under this Part authorising the use of those premises for the purposes of the confinement and the slaughter respectively.
- (3) The Department may require the applicant for the grant or renewal of a licence under this Part to give to it, before his application is considered, information as to any other licence in respect of a knacker’s yard which he holds or has held, either in the Island or elsewhere.

- (4) Any person who, having been so required to give any information —
- (a) makes a statement which he knows to be false in a material particular,
  - (b) recklessly makes a statement which is false in a material particular; or
  - (c) intentionally fails to disclose any material particular,

is guilty of an offence.

(5) Without prejudice to the foregoing provisions of this Part, the Department may refuse an application for the grant or renewal of a licence under this Part if it is not satisfied that the requirements of any regulations under paragraph 7 are complied with in respect of the premises, or will be complied with before the date on which the licence comes into force.

(6) If the Department refuses to grant or renew a licence under this Part, it shall forthwith notify the applicant of its decision and of the grounds for the refusal.

#### *Duration of licences*

6. A licence under this Part shall remain in force for such period not exceeding 13 months as may be fixed by the Department, and may from time to time be renewed for a period not exceeding 13 months at any time.

#### *Regulations for knackers' yards*

7. (1) The Department may make regulations —
- (a) for securing that knackers' yards are kept in a sanitary condition and are properly managed;
  - (b) prescribing requirements as to construction, layout and equipment of premises used as knacker's yards;
  - (c) prescribing the conditions to be observed in connection with the confinement and treatment of animals while awaiting slaughter in such premises and in connection with the slaughter of animals therein;
  - (d) requiring a person licensed under this Part to keep a knacker's yard to keep, and to produce when required, records of animals brought into the yard and of the manner in which those animals and the different parts thereof were disposed of.

(2) Regulations under this paragraph may amend or repeal any provision of the *Slaughter of Animals Act 1936*, so far as it applies to knackers' yards.

#### *Signs to be displayed*

8. (1) The occupier of a knacker's yard in respect of which a licence under this Part is in force shall display in a conspicuous position on the premises a legible notice with the words 'Licensed Knacker's Yard'.



(2) If the occupier of any premises fails to comply with sub-paragraph (1), he is guilty of an offence.

(3) If the occupier of any premises displays on the premises a notice falsely stating or implying that a licence under this Part is in force in respect of the premises, he is guilty of an offence.

*Provision of knacker's yards*

9. Subject to the foregoing provisions of this Part, the Department of Infrastructure may provide and operate premises as a knacker's yard.<sup>60</sup>

### SCHEDULE 3

#### TRANSITIONAL PROVISIONS

Section 47(1)

*Enforcement action*

1. Anything done before the commencement of this Act by or to a local authority or by an officer of a local authority under or for the purposes of any provision of the *Milk and Dairies Act 1950* or the *Food and Drugs Act 1963*, or any regulations made thereunder, shall be treated as having been done by or to the authority, or by an officer of the authority, who are the enforcement authority for the purposes of the corresponding provision of this Act or of regulations made or having effect as if made under this Act.

*Ships and aircraft*

2. (1) In relation to any time before the commencement of the first order under section 1(3) —

- (a) any ship which is a home-going ship within the meaning of section 75(1) of the *Food and Drugs Act 1963* (interpretation) shall be regarded as premises for the purposes of this Act; and
- (b) the powers of entry conferred by section 26 shall include the right to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under this Act.

(2) In this Act as it applies by virtue of this paragraph “**occupier**”, in relation to any ship or aircraft, means the master, commander or other person in charge of the ship or aircraft.<sup>61</sup>

*Existing regulations*

3. (1) In so far as any regulations made under any provision specified in column 1 of the following table, or any orders having effect as if made under such regulations,

are in force immediately before the coming into operation of the repeal of that provision, they shall have effect thereafter as if made under the corresponding provisions of this Act specified in column 2 of that table, or such of those provisions as are applicable.

(2) In so far as any byelaws made under any provision mentioned in column 1 of the following table are in force as mentioned in sub-paragraph (1), they shall have effect as regulations made under the corresponding provision specified in column 2 of the table.

(3) Where a contravention of regulations or byelaws or an order having effect by virtue of sub-paragraph (1) or (2) does not (apart from this sub-paragraph) constitute an offence under this Act, any person guilty of such a contravention shall be guilty of such an offence.

(4) Any person who sells ice-cream which does not comply with regulations under section 3(1) of the *Sale of Ice Cream Act 1939* and having effect by virtue of sub-paragraph (1) is guilty of an offence under this Act.

TABLE

<i>Existing provision</i>	<i>Provision of this Act</i>
<b>Sale of Ice Cream Act 1939</b>	
section 3 (composition of ice cream)	section 17
section 5 (standards)	section 17
section 6(2) (premises)	section 17
<b>Milk and Dairies Act 1950</b>	
section 1 (milk and dairies regulations)	sections 17 and 18
section 3 (special designation)	section 18(2)
<b>Slaughterhouses Act 1956</b>	
section 6 (byelaws)	Schedule 2 paragraph 3
<b>Food and Drugs Act 1963</b>	
section 4 (composition of food)	section 17
section 7 (description of food)	section 17
section 14 (food hygiene)	section 17
section 35 (knackers' yards)	Schedule 2 paragraph 7
section 38(3) (qualifications of officers)	section 46
section 40(2) (qualifications of analysts)	section 22(2)
section 42(2) (form of certificate)	section 42(2)
section 69A (EU provisions) <sup>62</sup>	section 41(2)
section 71A (application of UK provisions)	section 41(1)

#### *Other existing provisions*

4. Notwithstanding the repeal by this Act of the *Sale of Ice Cream Act 1939*, sections 6(1), (3) and (4), 7 and 8 of that Act shall continue to have effect as if contained in regulations under section 17, and may be amended or revoked accordingly.

#### *Disqualification orders*

5. The repeal by this Act of section 15 of the *Food and Drugs Act 1963* (court's power to disqualify caterers) shall not have effect as respects any order under that section which

is in force immediately before the coming into operation of that repeal, and such an order may be revoked as if this Act had not been passed.

*Closure orders*

6. The repeal by this Act of the *Food and Drugs (Miscellaneous Provisions) Act 1981* (closure of food premises) shall not have effect as respects any order made under section 1 or 2 of that Act which is in force immediately before the coming into operation of that repeal, and such an order may be revoked as if this Act had not been passed.

## SCHEDULE 4

### AMENDMENT OF ENACTMENTS

#### Section 47(2)

[Sch 4 amends the following Acts —

Consumer Protection (Trade Descriptions) Act 1970 q.v.

Fertilisers and Feeding Stuffs Act 1975 q.v.

Interpretation Act 1976 q.v.

Road Traffic Act 1985 q.v.

Weights and Measures Act 1989 q.v.

Public Health Act 1990 q.v.

Consumer Protection Act 1991 q.v.

Water Act 1991 q.v.]

## SCHEDULE 5

### ENACTMENTS REPEALED

#### Section 47(3)

[Sch 5 repeals the following Acts and Order wholly —

Adulteration Act 1925

Food Regulation Act 1933

Sale of Ice Cream Act 1939

(but repeal of ss 6(1), (3) and (4), 7 and 8 subject to saving in Sch 3 para 4 of this Act)

Milk and Dairies Act 1950

Slaughterhouses Act 1956

Adulteration (Tobacco) Act 1963

Food and Drugs (Miscellaneous Provisions) Act 1981

Transfer of Functions (Slaughterhouses) Order 1994 (SD36/94)

and the following Acts and Order in part —

Petty Sessions and Summary Jurisdiction Act 1927

Food and Drugs Act 1963

Fees, Charges, Etc., Enabling Act 1972

European Communities (Isle of Man) Act 1973

Medicines Act 1976

Statute Law Revision (Miscellaneous Provisions) Act 1979

Governor's General Functions (Transfer) Act 1980

Board of Consumer Affairs Act 1981

Interpretation (Amendment) Act 1982

Local Government Act 1985

Treasury Act 1985

Fines Act 1986

Customs and Excise Management Act 1986

Miscellaneous Provisions Act 1986

The Department of Local Government and the Environment Order 1986  
(GC192/86)

Weights and Measures Act 1989

Statute Law Revision Act 1989

Summary Jurisdiction Act 1989.]

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> OJL31, 1.2.2002, p1

<sup>2</sup> OJL229, 30.8.1980, p.11

<sup>3</sup> OJL330, 5.12.1998, p.32

<sup>4</sup> Subs (1) substituted by SD194/06.

<sup>5</sup> OJL English special edition: Series I Chapter 1965-1966 p.24

<sup>6</sup> OJL297, 13.10.1992 p.8

<sup>7</sup> OJL262,27.9.1976, p.201

<sup>8</sup> OJL359,8.12.1989, p.1

<sup>9</sup> Subs (2) substituted by SD194/06.

<sup>10</sup> Definition of 'premises' includes certain ships and aircraft by SD717/04.

<sup>11</sup> Definition of 'Regulation (EC) No. 178/2002' added by SD194/06.

<sup>12</sup> Reference to 'premises' in s 2 includes certain ships and aircraft by SD717/04.

<sup>13</sup> Reference to 'premises' in s 3 includes certain ships and aircraft by SD717/04.

<sup>14</sup> Subs (2) amended by SD155/10 Sch 3.

<sup>15</sup> Para (b) repealed by SD155/10 Sch 11.

<sup>16</sup> Subs (5) amended by SD155/10 Schs 3 and 11.

<sup>17</sup> Subs (2) substituted by SD163/06.

<sup>18</sup> Subs (3) repealed by SD163/06.

<sup>19</sup> Subs (1) repealed by SD163/06.

<sup>20</sup> Subs (2) substituted by SD163/06.

<sup>21</sup> The original s 6(3) was repealed by Article 8(2)(b) of SD163/06 but saved by Article 9 of SD163/06 (General Food Regulations 2006) and is reproduced above for the convenience of users.]

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- <sup>22</sup> Para (c) added by SD163/06.
- <sup>23</sup> Para (a) amended by SD163/06.
- <sup>24</sup> Subs (1), previously s 10, renumbered by SD163/06.
- <sup>25</sup> Subs (2) added by SD163/06.
- <sup>26</sup> S 11 applied to certain ships and aircraft by SD717/04.
- <sup>27</sup> S 12 applied to certain ships and aircraft by SD717/04.
- <sup>28</sup> Para (a) amended by SD155/10 Schs 3 and 11.
- <sup>29</sup> Para (a) amended by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.
- <sup>30</sup> Reference to ‘premises’ in s 23 includes certain ships and aircraft by SD717/04.
- <sup>31</sup> Reference to ‘premises’ in s 26 includes certain ships and aircraft by SD717/04.
- <sup>32</sup> Subs (8) amended by SD155/10 Schs 3 and 11.
- <sup>33</sup> Para (a) amended by SD163/06 and by Interpretation Act 2015 s 55.
- <sup>34</sup> Subs (2) amended by SD163/06.
- <sup>35</sup> Subs (1) amended by SD155/10 Schs 3 and 11.
- <sup>36</sup> Subs (5) substituted by SD194/06 and amended by SD155/10 Schs 3 and 11.
- <sup>37</sup> Subs (2) amended by Civil Partnership Act 2011 Sch 14.
- <sup>38</sup> Subs (1) amended by SD155/10 Schs 3 and 11.
- <sup>39</sup> Subs (2) amended by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.
- <sup>40</sup> Para (a) amended by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.
- <sup>41</sup> Para (b) amended by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.
- <sup>42</sup> Subs (3) amended by SD155/10 Schs 3 and 11, by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.
- <sup>43</sup> Subs (8) substituted by SD194/06 and amended by SD155/10 Schs 3 and 11.
- <sup>44</sup> Subs (10) amended by SD155/10 Schs 3 and 11.
- <sup>45</sup> Subs (11) amended by SD155/10 Schs 3 and 11.
- <sup>46</sup> Para (a) amended by SD155/10 Schs 3 and 11.
- <sup>47</sup> Para (b) amended by SD155/10 Schs 3 and 11.
- <sup>48</sup> Definition of ‘the Agriculture Department’ repealed by SD155/10 Schs 3 and 11.
- <sup>49</sup> Definition of ‘the Department’ amended by SD155/10 Sch 3.
- <sup>50</sup> Definition of ‘the Departments’ repealed by SD155/10 Schs 3 and 11.
- <sup>51</sup> Definition of ‘the Properties Department’ repealed by Public Health (Amendment) Act 2000 s 11.
- <sup>52</sup> Subs (2) amended by SD163/06 and by SD194/06.
- <sup>53</sup> Subs (3) amended by SD155/10 Schs 3 and 11.
- <sup>54</sup> ADO (ss 1-4, 13, 22-31, 32 (except subss (2) to (4)), 38, 41-43, 46, 47(2) and (3) (in so far as it relates to the provisions of Schs 4 and 5 specified further along in this annotation), 48, Sch 4 (in so far as it amends the Interpretation Act 1976), Sch 5 (in so far as it relates

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to the Interpretation (Amendment) Act 1982) 16/4/1996 (SD208/96); (remainder of provisions) 1/10/1996 (SD523/96).

<sup>55</sup> Subpara (1) amended by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>56</sup> Subpara (2) amended by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>57</sup> Subpara (3) amended by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>58</sup> Subpara (4) amended by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>59</sup> Para 2 amended by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>60</sup> Para 9 added by Public Health (Amendment) Act 2000 s 11 and by SD155/10 Sch 5.

<sup>61</sup> Para 2 spent on the coming into operation on 5/11/2004 of SD717/04.

<sup>62</sup> Entry amended by SD0606/12.