

NATIONAL COLLEGE OF
FOOD TECHNOLOGY
ACC. 12982
CLASS. VW-Tea



CHAPTER 16

An Act to consolidate the Food and Drugs Act, 1938, the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, and the Food and Drugs Amendment Act, 1954, together with certain other enactments amending and supplementing Part V of the said Act of 1938 in relation to slaughterhouses and knackers' yards.

[22nd November, 1955]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, - and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

GENERAL PROVISIONS AS TO FOOD AND DRUGS

Composition and labelling of food and drugs

1.—(1) No person shall add any substance to food, use any Offences in substance as an ingredient in the preparation of food, abstract connection any constituent from food, or subject food to any other process with preparation or treatment, so as (in any such case) to render the food injurious and sale of to health, with intent that the food shall be sold for human injurious foods and consumption in that state. adulterated

(2) No person shall add any substance to, or abstract any con- drugs. stituent from, a drug so as to affect injuriously the quality, consti- tution or potency of the drug, with intent that the drug shall be sold in that state.

(3) Subject to the provisions of this section, no person shall—
 (a) sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his possession for the purpose of such sale, any food rendered injurious to health by means of any operation described in subsection (1) of this section, or
 (b) sell, offer, expose or advertise for sale, or have in his possession for the purpose of sale, any drug injuriously affected in its quality, constitution or potency by means of any operation described in subsection (2) of this section.

(4) A person who contravenes any of the foregoing provisions of this section shall be guilty of an offence.

(5) In determining for the purposes of this Act whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.

(6) In proceedings under this section for an offence consisting of the advertisement for sale of any food or drug, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

General protection for purchasers of food and drugs.

2.—(1) If a person sells to the prejudice of the purchaser any food or drug which is not of the nature, or not of the substance, or not of the quality, of the food or drug demanded by the purchaser, he shall, subject to the provisions of the next following section, be guilty of an offence.

(2) In proceedings under this section it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.

(3) In this section, except so far as it relates to drugs, the reference to sale shall be construed as a reference to sale for human consumption.

Defences available in proceedings under s. 2.

3.—(1) In proceedings under section two of this Act for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient, or from which any constituent has been abstracted, or which has been subjected to any other process or treatment, other than food thereby rendered injurious to health, it shall be a defence for the person charged to prove that the operation in question was not carried out fraudulently, and that the article was sold having attached thereto a notice of

adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.

(2) The provisions of the foregoing subsection shall apply in relation to proceedings for an offence consisting of the sale of a drug to which any substance has been added, or from which any constituent has been abstracted, other than a drug thereby injuriously affected in its quality, constitution or potency, as they apply in relation to any such offence as is therein mentioned.

(3) In proceedings under section two of this Act in respect of any food or drug containing some extraneous matter, it shall be a defence for the defendant to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.

(4) In proceedings under the said section two in respect of diluted whisky, brandy, rum or gin, it shall be a defence for the defendant to prove that the spirit in question had been diluted with water only and that its strength was still not lower than thirty-five degrees under proof; but nothing in this subsection shall be taken as affecting the provisions of subsection (4) of section one hundred and sixty-one of the Customs and Excise Act, 1952 (which relates to the dilution of spirits after computation of duty).

4.—(1) The Ministers may, so far as appears to them to be Regulations necessary or expedient in the interests of the public health, or as to otherwise for the protection of the public, make regulations for composition of food, etc. any of the following purposes:—

(a) for requiring, prohibiting or regulating the addition of any specified substance, or any substance of any specified class, to food intended for sale for human consumption or any class of such food, or the use of any such substance as an ingredient in the preparation of such food, and generally for regulating the composition of such food;

(b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or any class of such food;

(c) for prohibiting or regulating the sale, possession for sale, offer or exposure for sale, consignment, or delivery, of food which does not comply with any of the regulations, or 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 England and Wales, or for prohibiting or regulating the importation of any such food as aforesaid;

(d) for prohibiting or regulating 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 for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption.

(2) In the exercise of their functions under this section the Ministers 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.

(3) Regulations made under this section may apply to cream, and to any food containing milk; but except as aforesaid such regulations shall not apply to milk.

(4) Regulations so made may provide, in relation to such cases as may be specified and subject to such exceptions as may be allowed by or under the regulations, that, where any food is certified by a public analyst as being food to which the regulations apply so far as they are made under paragraph (c) of subsection (1) of this section, that food may be treated for the purposes of section nine of this Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption:

Provided that nothing in any such regulations shall be taken as prejudicing the generality of the powers conferred by the said section nine.

5.—(1) For the purpose of enabling them to exercise their functions under section four of this Act, the Ministers may by order require every person who at the date of the order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the order to furnish to the Minister of Agriculture, Fisheries and Food, within such time as may be so specified, such particulars as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for human consumption, or used for that purpose in the course of that business.

(2) Without prejudice to the generality of the foregoing subsection, an order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say—

- (a) particulars of the composition and chemical formula of the substance,
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food,
- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to

what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects, health,

(d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

(3) No particulars furnished in accordance with an order under this section, and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except—

(a) in accordance with directions of the Minister of Agriculture, Fisheries and Food, so far as may be necessary for the purposes of section four of this Act or of any corresponding enactment for the time being in force in Scotland or Northern Ireland,

(b) for the purposes of any proceedings for an offence against the order or any report of those proceedings; and if any person discloses any such particulars or information in contravention of this subsection he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or both, or on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or both.

(4) Section fifty-one of the Patents Act, 1949 (which secures inventions against anticipation in certain cases), shall apply in relation to the disclosure of any invention made in pursuance of an order under this section, and to anything done in consequence of any such disclosure, as it applies in relation to such communications of inventions as are therein mentioned, and to anything done in consequence of such communications.

6.—(1) A person who gives with any food or drug sold by False labelling him, or displays with any food or drug exposed by him for sale, or advertises a label, whether attached to or printed on the wrapper or container or not, which—

- (a) falsely describes the food or drug, or
- (b) is calculated to mislead as to its nature, substance or quality,

shall be guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) Subject to the next following subsection, a person who publishes, or is a party to the publication of, an advertisement

(not being such a label so given or displayed by him as aforesaid) which—
 (a) falsely describes any food or drug, or
 (b) is calculated to mislead as to the nature, substance or quality of any food or drug.

shall be guilty of an offence; and in any proceedings under this subsection against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) In proceedings under the last foregoing subsection it shall be a defence for the defendant to prove either—

- (a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that subsection, or
 (b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(4) It is hereby declared that, for the purposes of this section, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.

(5) In proceedings for an offence under this section 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 or drug shall not preclude the court from finding that the offence was committed.

(6) In this section, except so far as it relates to drugs, references to sale shall be construed as references to sale for human consumption.

Regulations as to labelling and description of food.

7.—(1) Without prejudice to the provisions of the last foregoing section, but subject to the next following subsection, the Ministers may make regulations for imposing requirements as to, and otherwise regulating, the labelling, marking or advertising of food intended for sale for human consumption, and the descriptions which may be applied to such food.

(2) In relation to the labelling and marking of food with respect to weight, measure and number, the last foregoing subsection shall apply with the substitution for the reference to the Ministers of a reference to the Board of Trade.

(3) Regulations made under this section may make provision for any purpose authorised by paragraph (c) of subsection (1) of section four of this Act in the case of regulations under that section.

(4) Regulations made under this section may apply to cream, and to any food containing milk; but except as aforesaid such regulations shall not apply to milk.

Food unfit for human consumption

8.—(1) Subject to the provisions of this section, any person who—

- (a) sells, or offers or exposes for sale, or has in his possession for the purpose of sale or of preparation for sale, or
 (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,

any food intended for, but unfit for, human consumption shall be guilty of an offence.

(2) Subject as aforesaid, where food in respect of which an offence under paragraph (a) of the foregoing subsection has been committed was sold to the offender by some other person, that person also shall be guilty of an offence.

(3) Where a person is charged with an offence under paragraph (b) of subsection (1) of this section, or under the last foregoing subsection, it shall be a defence for him to prove either—

- (a) that he gave notice to the person with whom he deposited, or to whom he consigned or sold, the food in question that it was not intended for human consumption, or
 (b) that, at the time when he delivered or dispatched it to that person, either it was fit for human consumption or he did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

(4) If a person licensed under Part IV of this Act, or under the Public Health (London) Act, 1936, to keep a slaughterhouse is convicted of an offence under this section, the court may, in addition to any other punishment, cancel his licence.

(5) The justice of the peace before whom any food is brought under the next following section may, but need not, be a member of the court before which a person is charged with an offence under this section in relation to that food.

9.—(1) An authorised officer of a council may at all Examination reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or 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, and, if it appears to him to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a justice of the peace.

(2) An officer who seizes any food under the foregoing subsection shall inform the person in whose possession the food was

found of his intention to have it dealt with by a justice of the peace, and any person who under section eight of this Act might be liable to a prosecution in respect of the food shall, if he attends before the justice upon the application for its condemnation, be entitled to be heard and to call witnesses.

(3) If it appears to a justice of the peace that any food brought before him, whether seized under the provisions of this section or not, is unfit for human consumption, he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) If a justice of the peace refuses to condemn any food seized under this Part of this Act by an authorised officer of a council, the council shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

10.—(1) Sections eight and nine of this Act shall apply—

(a) in relation to any food which is intended for human consumption and is offered as a prize or reward 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 is intended for human consumption and is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, 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 intended for human consumption and is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the food were, or had been, exposed for sale by the occupier of the premises.

(2) In this section the expression "entertainment" includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

11.—(1) Subject to the provisions of this section, if an authorised officer of a council has reason to suspect that any vehicle or container contains any food which is intended for sale for human consumption, or is in the course of delivery after sale for human consumption, he may examine the contents of the vehicle or container, and for that purpose may, if necessary, detain the vehicle or container; and if the officer finds any food which appears to him to be intended for, but unfit for, human consumption, he may deal with it as food falling within subsection (1) of section nine of this Act and subsections (2) to (4) of that section shall apply accordingly.

(2) Nothing in this section shall authorise the detention of—

(a) any vehicle belonging to the British Transport Commission and used by them for the purposes of their railway undertaking,

(b) any vehicle belonging to a railway company and used by them for the purposes of their undertaking, or

(c) any authorised vehicle used for the purpose of his business as a carrier of goods by a person holding an A licence or a B licence under Part I of the Road and Rail Traffic Act, 1933.

(3) Where the duties of an officer of customs and excise with respect to any goods have not been wholly discharged, nothing in this section shall authorise the examination of those goods without his consent.

12.—(1) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale or of preparation for sale, for human consumption any part of, or product derived wholly or partly from, an animal which has been slaughtered in a knacker's yard or of which the carcase has been brought into a knacker's yard.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and, if he is licensed under Part IV of this Act, or under the Public Health (London) Act, 1936, to keep either a slaughterhouse or a knacker's yard, the court may, in addition to any other punishment, cancel his licence.

Hygiene in connection with sale, etc., of food to the public

13.—(1) The Ministers may make such regulations as appear to them to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with—

(a) the sale of food for human consumption, or

(b) the importation, preparation, transport, storage, packing, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption, or otherwise for the protection of the public health in connection with the matters aforesaid.

(2) Without prejudice to the generality of the foregoing subsection, regulations made under this section may make provision—

(a) for imposing requirements as to the construction, lay-out, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply and use, of premises in, at or from which food is sold for human consumption,

or offered, exposed, stored or prepared for sale, for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored);

(b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance;

(c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;

(d) for prohibiting spitting on premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed);

(e) for imposing requirements as to the clothing worn by persons in such premises;

(f) for securing the inspection of animals intended for slaughter, and of carcasses of animals, for the purpose of ascertaining whether meat intended for sale for human consumption is fit for such consumption;

(g) for requiring the staining or sterilization in accordance with the regulations of meat which is unfit for human consumption, or which is derived from animals slaughtered in knackers' yards or from carcasses brought into knackers' yards, or which, though not unfit for human consumption, is not intended therefor;

(h) for regulating generally the treatment and disposal of any food unfit for human consumption;

(i) for prohibiting or regulating, or enabling local authorities to prohibit or regulate, the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken from beds or other layings for the time being designated by or under the regulations.

(3) In the last foregoing subsection "animals" includes poultry.

(4) Regulations under this section may make different provisions in relation to different classes of business; and, without prejudice to the foregoing provisions of this section or section one hundred and twenty-three of this Act, any such regulations imposing requirements in respect of premises may—

(a) impose on the occupier of the premises and, in the case of requirements of a structural character, on any owner of the premises who either lets them for use for a purpose to which the regulations apply or permits them to be so used after notice from the authority charged with the enforcement of the regulations, responsibility for compliance with those requirements;

(b) provide, subject to such limitations and safeguards as may be specified, for conferring, in relation to particular premises, exemptions from the operation of specified provisions contained in regulations made for the purposes of paragraph (a) or paragraph (b) of subsection (2) of this section while there is in force a certificate of the local authority to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on therein.

(5) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of regulations made under this section, being requirements of a structural character, are complied with in respect of any premises owned or occupied by him claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he may apply to the county court, and the court may make such order concerning the expenditure or its apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable; and any order made under this subsection may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

(6) Regulations made under this section may impose in respect of accommodation in home-going ships, and in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed thereunder in respect of premises.

(7) Subject as hereinafter provided, references in this section to food shall be construed as references to food other than milk:

Provided that—

(a) regulations under this section relating to importation may apply to milk; and

(b) any regulations under this section may apply to any food containing milk.

(8) The Ministers shall from time to time take such steps as they think expedient for publishing codes of practice in connection with matters which may be made the subject of regulations under this section, for the purpose of giving advice and guidance to persons responsible for compliance with such regulations.

14.—(1) Where a person is proceeded against by a local authority for an offence against regulations made under section thirteen of this Act in respect of any premises used as catering premises or of any business carried on at such premises, the following provisions of this section shall have effect.

(2) If the person is convicted of the offence and the court thinks it expedient to do so having regard to the gravity of the offence or (in the case of an offence committed in respect of premises) to the unsatisfactory nature of the premises, or having regard to any offences against regulations made under the said section thirteen of which the person has previously been convicted, the court may, on the application of the local authority, make an order disqualifying that person from using those premises as catering premises for such period not exceeding two years as may be specified in the order:

Provided that an order under this section shall not be made against any person unless the local authority have, not less than fourteen days before the date of the hearing, given that person written notice of their intention to apply for an order to be made against him.

(3) A person subject to an order under this section shall be guilty of an offence if, while the order is in force,—

- (a) he uses the premises to which the order relates as catering premises, or
- (b) he participates in the management of any business in the course of which the premises are so used by another person.

(4) A person so subject may, at any time after the expiration of six months from the date on which the order came into force and from time to time thereafter, apply to the court before which he was convicted, or by which the order was made, to revoke the order, and on any such application the court may, if it thinks proper having regard to all the circumstances of the case, including in particular the person's conduct subsequent to the conviction and any improvement in the state of the premises to which the order relates, grant the application.

(5) If an application under the last foregoing subsection is refused by the court to which it is made, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(6) The court to which an application under the said subsection is made shall have power to order the applicant to pay the whole or any part of the costs of the application.

15.—(1) Subject to the provisions of this section, a local authority may make byelaws for securing the observance of handling and sanitary and cleanly conditions and practices in connection with the handling, wrapping and delivery of food sold or intended for sale for human consumption, and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

(2) Byelaws under this section shall not be made by the council of a metropolitan borough or by the overseers of the Inner Temple or the Middle Temple, but may be made by the London County Council so as to apply to the whole or any part of London outside the City; and it shall be the duty of the council of every metropolitan borough and of the said overseers to enforce within their district any byelaws made by the London County Council under this section.

Registration of premises and licensing of vehicles, etc., in connection with sale of food

16.—(1) Subject to the provisions of this section, no premises shall be used for—

- (a) the sale, or the manufacture for the purpose of sale, of ice-cream, or the storage of ice-cream intended for sale, or
 - (b) the preparation or manufacture of sausages or potted, pressed, pickled or preserved food intended for sale,
- unless they are registered under this section for that purpose by the local authority.

For the purposes of this subsection—

- (i) "sale" means sale for human consumption, and
- (ii) the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(2) A person who uses any premises in contravention of the provisions of subsection (1) of this section shall be guilty of an offence.

(3) Nothing in this Part of this Act shall apply so as to require the registration under this section of premises used wholly or mainly—

- (a) as catering premises, or
- (b) as a school or club;

and paragraph (a) of subsection (1) of this section shall not apply in relation to the sale or storage of ice-cream at any premises used as a theatre, cinematographic theatre, music hall or concert hall.

(4) Save in so far as may be expressly provided by regulations made under this Part of this Act, this section shall not apply in relation to premises which are used for the preparation, sale or storage of articles prepared from, or consisting of, materials other than those of animal or vegetable origin, but are not otherwise used for any purpose in connection with the preparation, storage or sale of food.

(5) Where in any district local Act provisions were in force at the commencement of this Act with respect to the registration of premises used for any of the purposes mentioned in subsection (1) of this section, being provisions which were in force at the commencement of the Food and Drugs Act, 1938 (that is to say, immediately before the first day of October nineteen hundred and thirty-nine), subsection (1) of this section, so far as it relates to registration for purposes regulated by the local Act provisions, shall not apply to that district until the Minister of Health, on the application of the local authority, declares it to be in force therein.

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nesses.

17.—(1) The Ministers may by order direct that section sixteen of this Act shall have effect as if the purposes described in subsection (1) thereof included, except in such cases as may be prescribed by the order, the sale or preparation for sale of food for human consumption, or the storage of food intended for such sale, in the course of any business of a class specified in the order.

(2) An order made under this section—

(a) shall make provision for enabling premises used for purposes for which registration is required by virtue of the order to be registered under the said section sixteen before the date when subsection (1) of that section becomes applicable to them by virtue of the order, and

(b) in relation to premises used for those purposes before that date, shall make provision for excluding or restricting the power of the local authority to refuse applications for registration.

(3) The purposes for which registration is required by virtue of an order made under this section may include any purpose for which, apart from the order, registration would be required under the said section sixteen; and any such order may repeal, in whole or in part, paragraph (a) or (b) of subsection (1) of that section, and may make provision for continuing in force the registration of any premises for purposes to which the order applies.

Where an order made under this section repeals the whole or any part of the said paragraphs, section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall apply as if the order were an Act.

(4) If, at the time when premises become registrable for any purposes by virtue of an order made under this section, local Act provisions with respect to the registration of premises used for any of those purposes are in force in any district, subsection (1) of section sixteen of this Act, as having effect by virtue of the order, shall not, so far as it relates to registration for purposes regulated by the local Act provisions, apply to that district until the Minister of Health, on the application of the local authority, declares it to be in force therein.

18.—(1) An application for the registration of any premises under section sixteen of this Act shall specify—

(a) the purpose or purposes for which registration is applied for, and

(b) all rooms or accommodation in the premises proposed to be used for those purposes;

and on such an application being made as aforesaid by the occupier, or a person proposing to occupy, the premises to which the application relates, the local authority shall, subject to the provisions of this and the next following section, register the premises for those purposes.

(2) It is hereby declared that the local authority may register the same premises for more than one purpose for which registration under the said section sixteen is required and may register different parts of the same premises for different purposes.

(3) The premises registered under the said section sixteen in pursuance of such an application as aforesaid shall not include any room or accommodation not specified in the application.

(4) Upon any change in the occupation of premises registered under the said section sixteen, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the local authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable to a fine not exceeding five pounds.

19.—(1) If in the case of any premises in respect of which an application is made for registration under section sixteen of this Act, or which are registered thereunder, it appears to the local authority—

- (a) that the requirements of regulations in force under section thirteen of this Act are not complied with in connection with the premises or the business carried on at the premises, or
- (b) that the premises or any part of the premises are otherwise unsuitable (having regard to considerations of hygiene and in particular to the situation, construction or condition of the premises, or to any activities carried on therein) for use for the purpose or purposes specified in the application, or for which they are used, as the case may be,

the authority may serve on the applicant for registration or, as the case may be, on the occupier of the premises, a notice stating the place and time, not being less than twenty-one days after the date of the service of the notice, at which they propose to take the matter into consideration and informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why the authority should not, for reasons specified in the notice, refuse the application or, as the case may be, cancel the registration of the premises.

(2) A person entitled under the last foregoing subsection to appear before any authority may appear in person or by counsel or a solicitor or any other representative, or may be accompanied by any person whom he may wish to assist him in the proceedings.

(3) If a person on whom a notice is served under subsection (1) of this section fails to show cause to the satisfaction of the local authority, they may refuse the application or, as the case may be, cancel the registration of the premises, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days from the date of their decision, give to him, not later than forty-eight hours after receiving the requirement, a statement of the grounds on which the decision was based.

(4) A person aggrieved by the decision of a local authority under this section to refuse to register any premises, or to cancel the registration of any premises, may appeal to a magistrates' court.

20. Where on an application made by a local authority under subsection (5) of section sixteen or subsection (4) of section seventeen of this Act the Minister of Health declares subsection (1) of the said section sixteen to be in force in the district of the authority, then, upon the declaration taking effect, such of the local Act provisions referred to in the subsection under which the application was made as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the district of the authority; but any premises which immediately before the repeal of those provisions were registered thereunder—

- (a) for any purpose mentioned in subsection (1) of section sixteen of this Act, if the application was made under that section, or
- (b) for any of the purposes for which premises become registrable by virtue of the relevant order made under section seventeen of this Act, if the application was made under that section,
- shall be deemed to have been registered under the said section sixteen for the purpose in question.

21.—(1) Subject to the provisions of this section, the Ministers Licensing of may make regulations providing—

- (a) for the issue by local authorities of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption, and
- (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence issued under the regulations.

(2) Regulations made under this section may be made so as to apply either generally or to such class or classes of business as may be specified in the regulations, and may exempt from the requirements of this Act as to registration under section sixteen thereof any premises used for the storage of food intended for sale for human consumption in the course of a business in respect of which a licence is in force under the regulations.

(3) Regulations made under this section may provide for the refusal or cancellation of a licence under the regulations, either wholly or in respect of a part of the business for which the licence is applied for or is held,—

- (a) where the requirements of regulations in force under section thirteen of this Act are not complied with in relation to that business, or

Supplementary provisions as to declarations under ss. 16 (5) and 17 (4).

(b) where the applicant or holder is unable or has failed to comply, in relation to that business, with any byelaws in force under section fifteen of this Act;

and such regulations shall make provision for affording to persons affected by any such refusal or cancellation an opportunity to make representations to the local authority, and to appeal from the decision of that authority to a magistrates' court.

(4) If on the coming into operation of any regulations under this section in relation to any class of business, local Act provisions are in force in any district, being provisions under which persons engaged in that class of business are required to be licensed or registered, the regulations so far as they relate to that class of business shall not apply to that district until such date as may be appointed by an order made by the Minister of Health upon application in that behalf made by the local authority.

(5) Where an order is made under the last foregoing subsection in relation to any district, that order—

- (a) may repeal any such local Act provisions as are mentioned in that subsection, so far as they relate to that district and to the class of business in relation to which the regulations under this section have effect, and
- (b) shall provide for securing that persons licensed or registered under those provisions are, in relation to any business of the said class in which they are engaged, treated as licensed under the regulations.

Special provisions as to sale, etc., of particular foods

22.—(1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sale, ice-cream from a stall or vehicle, or from a container used without a stall or vehicle, shall have his name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be, and, if he fails to comply with the requirements of this section, shall be liable to a fine not exceeding forty shillings.

(2) A local authority may at any time resolve that, as from such date, not being less than four weeks from the date of the passing of the resolution, as may be specified therein and until the resolution is revoked, this section shall apply within their district in relation to all kinds of food, or to any kinds of food specified in the resolution, as it applies in relation to ice-cream, and while any such resolution is in force, this section shall apply accordingly:

Provided that nothing in this subsection shall have effect in relation to milk.

(3) A local authority shall forthwith give notice to the Minister of Health of the passing or revocation of a resolution under this section, and shall take such steps as he may direct for publishing notice of the coming into operation, or revocation, of any such resolution.

23.—(1) Every manufacturer of, or dealer in, ice-cream shall, upon the occurrence of any disease to which this subsection applies or disease by which this subsection spread of disease by ice-cream, applies among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the medical officer of health of the district and, if he fails to do so, shall be liable to a fine not exceeding five pounds.

(2) Subsection (1) of this section applies to the diseases specified in the First Schedule to this Act and any other disease which the Minister of Health may by order declare to be a disease to which that subsection applies.

(3) If the medical officer of health of a district has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any disease communicable to human beings, he may give notice to the person in charge thereof that, until further notice, the ice-cream or substance in question, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding ten pounds.

(4) If on further investigation the medical officer is satisfied that the ice-cream or substance in question may safely be used for human consumption, he shall forthwith withdraw his notice; but, if he is not so satisfied, he shall cause it to be destroyed, and he shall also cause to be destroyed any other ice-cream or such substance as aforesaid then on the premises as to which he is not so satisfied.

(5) Where a notice given under subsection (3) of this section is withdrawn by the medical officer, or the medical officer acting under subsection (4) of this section causes any ice-cream or other substance to be destroyed, the local authority shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the medical officer or, as the case may be, for the loss of its value:

Provided that—

- (a) no compensation shall be payable under this section in respect of the destruction of any ice-cream or substance

(2) A county council or a local authority may contribute towards the expenses incurred under this section by any other council or any joint committee, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shellfish.

(3) Any expenses incurred by a county council under this section shall, if the Minister of Housing and Local Government by order so directs, be defrayed as expenses for special county purposes chargeable upon such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(4) In London, a local authority may, with the consent of the Minister of Housing and Local Government, borrow for the purposes of this section as if they were purposes of the Public Health (London) Act, 1936.

(5) In this section the expression "cleansing shellfish" includes the subsection of shellfish to any germicidal treatment.

(6) Nothing in this section shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may, before the work is commenced, be approved by the Minister of Transport and Civil Aviation.

24.—(1) No person shall sell, or offer or expose for sale, or have in his possession for the purpose of sale, any horseflesh for human consumption elsewhere than in premises, or in a stall, vehicle or place, over or on which a notice in legible letters stating that horseflesh is sold there is displayed in a conspicuous position so as to be visible whenever horseflesh is being sold, or offered or exposed for sale.

(2) No person shall supply horseflesh for human consumption to a purchaser who has not asked to be supplied with horseflesh, or who has asked to be supplied with some compound article of food not ordinarily made of horseflesh.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) If any horseflesh is exposed for sale elsewhere than in premises, or in a stall, vehicle or place, distinguished as aforesaid without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

(5) In this section the expression "horseflesh" means the flesh of horses, asses and mules, and includes any such flesh whether cooked or uncooked and whether alone, or accompanied by, or mixed with, any other substance, and the expression "flesh" includes any part of any such animal.

25.—(1) A county council or a local authority may provide, whether within or without their county or district, tanks or other apparatus for cleansing shellfish and may make charges in respect of the use of any tank or other apparatus so provided.

(2) A county council or a local authority may contribute towards the expenses incurred under this section by any other council or any joint committee, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shellfish.

(3) Any expenses incurred by a county council under this section shall, if the Minister of Housing and Local Government by order so directs, be defrayed as expenses for special county purposes chargeable upon such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(4) In London, a local authority may, with the consent of the Minister of Housing and Local Government, borrow for the purposes of this section as if they were purposes of the Public Health (London) Act, 1936.

(5) In this section the expression "cleansing shellfish" includes the subsection of shellfish to any germicidal treatment.

(6) Nothing in this section shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections, and subject to such restrictions and conditions, as may, before the work is commenced, be approved by the Minister of Transport and Civil Aviation.

Food poisoning

26.—(1) If a registered medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of any local authority is suffering from food poisoning, he shall forthwith send to the medical officer of health of that district a certificate stating—

(a) the name, age and sex of the patient, and the address of the premises where the patient is, and

(b) particulars of the food poisoning from which he is, or is suspected to be, suffering,

and also stating whether the case occurs in the private practice of the practitioner, or in his practice as medical officer of a public body or institution.

(2) Where the local authority is not the local health authority, the district medical officer of health shall send a copy of the certificate within twelve hours after its receipt to the local health authority.

(3) A local authority shall pay to a registered medical practitioner for each certificate duly sent by him under the foregoing provisions of this section to their medical officer of health a fee of two shillings and sixpence if the case occurs in his private practice, and a fee of one shilling if it occurs in his practice as medical officer of any public body or institution.

(4) Where the medical practitioner attending a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which, if he were not the medical officer of health, he would have been entitled in respect of a certificate sent by him to the medical officer.

(5) Where a copy of a certificate has been sent to the local health authority under this section, and any fee has been paid for that certificate by the local authority, the fee shall be repaid to the local authority by the local health authority.

(6) Notwithstanding any enactment which in London might entail such a disqualification, the acceptance by a medical practitioner of a fee under this section shall not subject him to disqualification for being a member of any authority, other than a local authority within the meaning of the London Government Act, 1939, or for holding any other public office.

27.—(1) If the medical officer of health of a district has reasonable ground for suspecting that any food of which he, or any other officer of the local authority of the district, has procured a sample under the provisions of this Act is likely to cause food poisoning, he may give notice to the person in charge of the food that, until his investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.

A person who uses or removes any food in contravention of the requirements of a notice given under this subsection shall be liable to a fine not exceeding ten pounds.

(2) If, as a result of his investigations, the medical officer is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he may deal with it as food falling within subsection (1) of section nine of this Act and subsections (2) and (3) of that section shall apply accordingly; but, if he is satisfied that it may safely be used for human consumption, he shall forthwith withdraw his notice.

(3) If a notice given under subsection (1) of this section is withdrawn by the medical officer of health, or if the justice of the peace before whom any food is brought under this section refuses to condemn it, the local authority shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the medical officer.

MILK, DAIRIES AND CREAM SUBSTITUTES

Milk and Dairies

28.—(1) In the following provisions of this Act—
(a) the expression “dairy” —

Meaning
of “dairy”,
“dairy farm”,
etc.

(i) includes any farm, cowshed, milking house, etc., milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purposes of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but

(ii) does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

(b) the expression “dairy farm” —

(i) means any premises (being a dairy) on which milk is produced from cows, but

(ii) does not include any part of any such premises on which milk is manufactured into other products unless the milk produced on the premises forms a substantial part of the milk so manufactured;

(c) the expression “dairy farmer” means a dairyman who produces milk from cows; and

(d) the expression “dairyman” includes an occupier of a dairy, a cowkeeper, and a purveyor of milk.

(2) If any question arises under sub-paragraph (ii) of paragraph (b) of the foregoing subsection whether the milk produced on a farm or other premises forms a substantial part of the milk that is manufactured into other products thereon, that question shall be determined by the Minister of Agriculture, Fisheries and Food (hereafter in this Part of this Act referred to as “the Minister”).

29.—(1) The Ministers may make regulations, to be called Milk and Dairies Regulations, making provision—

(a) for the inspection of cattle on dairy farms;

(b) for the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels;

(c) with respect to the lighting, ventilation, cleansing, drainage and water-supply of dairies;

- (d) for securing the cleanliness of churns and other milk vessels and appliances and for prohibiting, subject to prescribed exceptions, the use of churns (whether by the persons to whom they belong or other persons) otherwise than as containers for milk, where the churns are in use for the purposes of the business of a dairy-man;
- (e) for prescribing the precautions to be taken for protecting milk against infection or contamination;
- (f) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected;
- (g) for imposing obligations on dairymen and their employees in regard to cases of infectious illness;
- (h) for regulating the cooling, storage, conveyance and distribution of milk;
- (i) with respect to the labelling, marking or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered;
- (k) in cases where no express provision is made by this Act, for prohibiting or restricting—
- (i) the addition of any substance to milk, or the abstraction from milk of fat or any other constituent;
 - (ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated;
- (l) for prohibiting or restricting, subject to prescribed exceptions, the sale for human consumption, as milk of any specified description (being a description which in the opinion of the Ministers ascribes to the milk a quality higher than the minimum quality prescribed for milk under section thirty-three of this Act) of milk containing less than a specified quantity of any specified normal constituent;
- (m) for requiring, subject to prescribed exceptions, cream or separated milk to be subjected to a specified treatment before being sold for human consumption;
- (n) for prohibiting, subject to prescribed exceptions, the sale for human consumption of milk obtained from cows milked—

- (i) at any stage of a journey to or from a dairy farm,
- (ii) at a slaughterhouse or knacker's yard, or
 - (iii) in any market or other place where cattle are collected for the purposes of sale or showing, whether or not the market or place is registered in pursuance of Milk and Dairies Regulations as a dairy farm;
- (o) for requiring, subject to prescribed exceptions, any milk to which regulations in force under the last foregoing paragraph apply to be stained or otherwise treated for the purposes of identification.
- (2) In the foregoing subsection—
- (a) "prescribed exceptions" means such exceptions as may be allowed by or under Milk and Dairies Regulations, and
 - (b) except in paragraph (o), "milk" means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.
- (3) Paragraph (m) of subsection (1) of this section, so far as it relates to cream, shall be without prejudice to the power of the Ministers under section four of this Act to make regulations applying to cream, but regulations made under paragraph (j), paragraph (k) or paragraph (l) of the said subsection shall not apply in relation to cream in so far as they are made for any purpose for which regulations relating to cream may be made under the said section four.
- (4) Milk and Dairies Regulations may be general regulations or regulations limited to a particular area.
- (5) The Minister of Health may, with the approval of the Treasury, repay out of moneys provided by Parliament such part, not exceeding three-quarters, as he may with such approval determine of any sums paid by a local authority by way of compensation to any person for damage or loss sustained by him by reason of any prohibition or restriction imposed by Milk and Dairies Regulations on the sale, supply or use of milk which is infected or suspected of being infected.
- 30.—(1) Milk and Dairies Regulations—**
- (a) may provide for the registration of persons carrying on, dairymen, or proposing to carry on, the trade of a dairyman and dairy farms and for the registration of dairies, and for prohibiting any person from carrying on the said trade unless he and any premises used by him as a dairy are duly registered, and
 - (b) shall provide for the registration by the Minister of dairy farms and of persons carrying on, or proposing to carry on, the trade of a dairy farmer.

Registration of
dairymen,
dairy farms
and dairy
farmers.

(2) Regulations made for the purposes of this section may make special provision—

(a) for the registration of premises used temporarily as dairies or dairy farms, and of the occupiers of such premises;

(b) for the removal from the register of such premises and occupiers at the expiration of the period for which the registration is effected.

(3) Part I of the Second Schedule to this Act shall have effect, subject to the provisions of subsection (5) of this section, with respect to refusing or cancelling the registration of dairymen.

(4) Subject to the provisions of the said subsection (5), regulations made for the purposes of paragraph (b) of subsection (1) of this section shall make provision in accordance with Part II of the Second Schedule to this Act for dealing with the refusal and cancellation of any such registration as is mentioned in that paragraph.

(5) The Second Schedule to this Act shall not apply to registration in pursuance of regulations made by virtue of subsection (2) of this section, or to persons registered or applying to be registered thereunder.

Prohibition
of sale of
milk from
diseased
cows.

31.—(1) No person shall—

(a) sell, or offer or expose for sale, for human consumption, or

(b) use in the manufacture of products for sale for human consumption,

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculous, or from tuberculosis of the udder or any other disease of cows to which this section applies.

(2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering as aforesaid, if he could with ordinary care have ascertained the fact.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) The diseases of cows to which this section applies are those listed in the Third Schedule to this Act and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

Adulteration,
etc., of milk.

32.—(1) No person shall add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption.