

PART V
—*cont.*

(7) The powers of taking samples of milk which are conferred on a sampling officer by subsections (3) to (6) of this section shall be exercisable throughout any county by an authorised officer of the county council, whether or not the council is the food and drugs authority for the whole county.

(8) Any power of an authorised officer in respect of procuring samples of milk may be exercised at a place outside the area of the council whose officer he is, if the food and drugs authority of the area within which that place is situated have consented to samples of milk being procured within their area by officers of the first-mentioned council, and, for the purposes of this Act, any samples so procured shall be deemed to have been procured within the area for which the officer in question acts.

A food and drugs authority shall not unreasonably withhold their consent for the purposes of this subsection; and any question whether or not such consent is unreasonably withheld shall be referred to and determined by the Minister of Health.

92.—(1) If a sampling officer who has procured a sample of Right to have any food, drug or substance considers that it should be analysed, samples he shall submit it to be analysed by the public analyst for the analysed. area in which the sample was, or is deemed to have been, procured.

(2) A person, other than a sampling officer, who has purchased any food or drug, or any substance capable of being used in the preparation of food, may submit a sample of it to be analysed by the public analyst for the area in which the purchase was made.

(3) The public analyst shall analyse as soon as practicable any sample submitted to him in pursuance of this section, but may, in the case of a sample submitted by a person not being an officer of the food and drugs authority, demand in advance the payment of such fee as may be fixed by the authority.

(4) If—

(a) the office of public analyst for the area in question is vacant, or

(b) the public analyst determines that he is for any reason unable to perform an effective analysis,

the sample shall be submitted or, as the case may be, sent by the public analyst to whom it was originally submitted, to the public analyst for some other area, and he shall, upon payment to him of such sum as may be agreed, analyse the sample.

(5) A public analyst who has analysed a sample shall give to the person by whom it was originally submitted a certificate specifying the result of the analysis; and any such certificate shall be in a form prescribed by regulations made by the Ministers.

(6) Any certificate of the results of an analysis given by a public analyst in pursuance of this section shall be signed by the public analyst, but the analysis may be made by any person acting under the direction of the analyst.

provisions as to samples taken for analysis.

93.—(1) A sampling officer who purchases or takes a sample of any food, drug or substance for the purpose of analysis by a public analyst shall deal with the sample in accordance with the provisions of Part I of the Seventh Schedule to this Act.

(2) Part I of the said Schedule shall apply to the purchase of samples by any person who is neither a sampling officer nor a person having the powers of a sampling officer as they apply in relation to the purchase of samples by a sampling officer; and references therein to a sampling officer shall be construed accordingly.

(3) If it appears to a sampling officer that any food, drug or substance, of which he has procured a sample for the purpose of analysis by a public analyst, was manufactured or put into its wrapper or container by a person (not being a person to whom one part of the sample is required to be given under Part I of the Seventh Schedule to this Act) having his name and an address in the United Kingdom displayed on the wrapper or container, the officer shall, unless he decides not to have an analysis made, within three days of procuring the sample send to that person a notice informing him that the sample has been procured by the officer and where the sample was taken or, as the case may be, from whom it was purchased.

(4) Where a sample taken or purchased by a sampling officer has been analysed by a public analyst, any person to whom a part of the sample was given under Part I of the Seventh Schedule to this Act shall be entitled, on payment to the authority by whose officer the sample was procured of a fee of one shilling, to be supplied with a copy of the certificate given by the public analyst under subsection (5) of section ninety-two of this Act.

94.—(1) The provisions of this Act relating to the procuring of samples by a sampling officer, and to proceedings in connection therewith, shall, in relation to milk, have effect subject to the provisions of Part II of the Seventh Schedule to this Act.

(2) Where milk sold or exposed for sale within the area of any council is obtained from a dairy situated outside that area, the medical officer of health or any other authorised officer of the council may by notice in writing to the medical officer of health or other authorised officer of a food and drugs authority

within whose area the dairy is situated, or through whose area the milk is transported, request him to procure samples of the milk, and it shall be the duty of an officer who receives such a notice to procure, as soon as is practicable, samples of the milk in question and to forward those samples to the officer who gave the notice, or to such person as that officer may direct, and, for the purposes of this Act, samples so procured shall be deemed to have been procured within the area for which the last mentioned officer acts.

(3) So much of any contract as requires a purveyor of milk, on a sample of milk being procured under this Act, to send to the person from whom he obtained the milk any part of that sample, or to give to that person notice that a sample has been so procured, shall be void.

(4) It shall be a defence for a person charged with an offence under this Act, or under regulations made thereunder, in respect of a sample of milk taken after the milk has left his possession, to prove that the churn or other vessel in which the milk was contained was effectively closed and sealed at the time when it left his possession, but had been opened before the person by whom the sample was taken had access to it.

95. The powers of sampling officers to take samples under Power of Minister's inspectors to take samples of milk—

- (a) in any case, by an inspector of the Minister of Agriculture, Fisheries and Food; and
- (b) for purposes connected with the enforcement of any provisions which, by virtue of subsection (1) of section eighty-seven of this Act, are enforceable by the said Minister, by an authorised officer of his;

and references to a sampling officer in subsection (6) of the said section ninety-one, in section ninety-three of this Act, and in Part I of the Seventh Schedule thereto, shall be construed accordingly.

96.—(1) The Minister of Agriculture, Fisheries and Food may, in relation to any matter appearing to him to affect the general interests of consumers or the general interests of agriculture in the United Kingdom, direct an officer of his department to procure samples of any specified food, and thereupon the officer shall have all the powers of a sampling officer, and this Act shall apply as if he were a sampling officer, except that—

- (a) if he intends to submit any sample procured by him to be analysed, he shall divide it into four parts, and shall

deal with three of those parts in the manner directed by Part I of the Seventh Schedule to this Act, and send the fourth part to the said Minister, and

(b) any fee for analysis shall be payable to the analyst by the food and drugs authority of the area in which the sample is procured.

(2) The Minister of Agriculture, Fisheries and Food shall communicate the result of the analysis of any such sample to the food and drugs authority, and thereupon the authority shall have the like duty to cause proceedings to be taken as if one of their officers had procured the sample and sent it to be analysed.

97. Where any person procures a sample consisting of a food, drug or substance contained in unopened containers, and the division into parts of the food, drug or substance contained in those containers—

- (a) is not reasonably practicable, or
- (b) might affect the composition, or impede the proper analysis, of the contents,

the provisions of Part I of the Seventh Schedule to this Act, or of section ninety-six of this Act, as the case may be, with respect to the division of samples into parts shall be deemed to be complied with if the person procuring the sample divides the containers into the requisite number of lots and deals with each lot as if it were a part in the manner provided by those provisions; and references in this Act to a part of a sample shall be construed accordingly.

98. A local authority may, at the request of a person who has in his possession any food which has not been sold and is not intended for sale, and on payment by that person of such fee, if any, as may be fixed by the authority, arrange to have the food examined.

99.—(1) Every public analyst shall, as soon as may be after the last day of March, the last day of June, the last day of September and the last day of December in every year, report to the authority by whom he was appointed the number of articles which have been analysed by him under this Act in his capacity of public analyst for their area during the preceding quarter of a year and the result of each analysis.

(2) Every food and drugs authority shall transmit to the Minister of Agriculture, Fisheries and Food, at such time as he may direct, a copy of each quarterly report received by them from a public analyst.

Enforcement

100.—(1) Subject to the provisions of this section, an authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

(a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Act or of any regulations or byelaws made thereunder, being provisions which the council are required or empowered to enforce, and

(b) generally for the purpose of the performance by the council of their functions under this Act or any such regulations or byelaws:

Provided that admission to any premises used only as a private dwelling-house shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If a justice of the peace, on sworn information in writing,—

(a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as aforesaid, and

(b) is also satisfied either—

(i) 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

(ii) 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 under his hand authorise the council by any authorised officer to enter the premises, if need be by force.

(3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) Nothing in this section shall authorise any person, except with the permission of the local authority under the Diseases of Animals Act, 1950, to enter any cowshed or other place in which an animal affected with any disease to which that Act applies is kept and which is situated in a place declared under that Act to be infected with such a disease.

(7) This section shall not apply in relation to the enforcement of regulations made by the Board of Trade under section seven of this Act.

Power to enter
ships, aircraft,
vehicles, etc.

101.—(1) An authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

- (a) 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 Part I of this Act, being provisions which the council are required or empowered to enforce, and
- (b) to enter any vehicle, stall or place other than premises, or any home-going ship, for any purpose for which he is empowered under the last foregoing section to enter premises.

(2) Subsections (2) to (4) of the last foregoing section shall apply in relation to any ship, aircraft, vehicle, stall or place which may be entered under the powers conferred by the foregoing subsection as they apply in relation to premises, and as if any reference to the occupier of premises were a reference to the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place.

(3) This section shall not apply in relation to the enforcement of regulations made by the Board of Trade under section seven of this Act.

102. Section ten of the Sale of Food (Weights and Measures) Act, 1926 (which confers special powers of entry and inspection on inspectors of weights and measures), shall apply as if references therein to the said Act of 1926 and to its requirements

included references respectively to regulations made by the Board of Trade under section seven of this Act and to the requirements of such regulations.

103.—(1) An inspector or authorised officer of the Minister of Agriculture, Fisheries and Food and an authorised officer of the Minister of Health shall, for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act or of any regulations or order made thereunder, being provisions which the Minister in question is required or empowered to enforce, have the powers of entry specified in the following subsection; and an inspector or authorised officer of the Minister of Agriculture, Fisheries and Food shall have the said powers for the purpose of taking any sample of milk under section ninety-five of this Act.

(2) The powers of entry referred to in the foregoing subsection are the like powers of entry as are exercisable under section one hundred or one hundred and one of this Act* by an authorised officer of a council; and in relation to an inspector or officer to whom the said subsection applies, the reference in subsection (2) of section one hundred of this Act to the council shall be construed as a reference to the Minister of Agriculture, Fisheries and Food or the Minister of Health, as the case may be.

104.—(1) Without prejudice to any power of examining food which may be conferred by regulations made under Part I of this Act, an authorised officer of a port health authority into whose district any food has been imported with a view to sale for human consumption may give directions to the person in possession of the food prohibiting or restricting its removal or delivery—

Restriction on
movement of
imported food.

- (a) during any period not exceeding forty-eight hours, and
- (b) if within that period the officer so requires, until that person has notified the officer of the name of the person to whom, and the address to or at which, he proposes to send or deliver the food.

(2) The power conferred by the foregoing subsection on an authorised officer of a port health authority shall be exercisable also, in relation to an area not forming part of a port health district, by an authorised officer of a local authority or county council.

(3) A person who fails to comply with any direction given under subsection (1) of this section, or who in a notification thereunder knowingly makes any misstatement, shall be guilty of an offence; and subsection (3) of the next following section shall not apply.

105.—(1) A person who wilfully obstructs any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued thereunder, shall be liable to a fine not exceeding five pounds:

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Act, or if he has within the twelve months last preceding been convicted of an offence under this subsection, he shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

(2) If—

(a) a sampling officer applies to purchase any food, drug or substance exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food, drug or substance for sale, or having it for sale, refuses to sell to the officer such quantity thereof as aforesaid, or

(b) the seller or consignor of any article or substance of which an officer has power to take a sample, or a person having the charge for the time being of such an article or substance, refuses to allow the officer to take the quantity which he requires as a sample,

then, in any of the cases mentioned in the foregoing paragraphs, the person concerned shall be treated for the purposes of subsection (1) of this section as having wilfully obstructed the officer:

Provided that, where any food, drug or substance is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

(3) A person who fails to give to any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued thereunder, any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by this Act to call for or may reasonably require, or who, when required to give any such information, knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

(4) The last foregoing subsection shall be without prejudice to so much of section one hundred and twenty-three of this Act as enables regulations made under this Act, or an order made under section five thereof, to contain provisions for imposing penalties on persons offending against the regulations or order.

106. A person guilty of an offence under this Act shall, unless a special punishment for that offence is provided by this Act, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

107.—(1) Where an offence under this Act, or any regulations Offences by or order made 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, any director, manager, secretary or other similar officer, of the body corporate, or 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 the foregoing subsection the expression "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

108.—(1) Subject to the provisions of this Act, all offences Prosecutions. under this Act and regulations and byelaws made thereunder, and any offence against an order made under section five of this Act, shall be punishable on summary conviction:

Provided that, notwithstanding anything in the Magistrates' Courts Act, 1952,—

(a) where a sample has been procured under this Act, no prosecution in respect of the article or substance sampled shall be begun after the expiration of the following period, beginning with the date on which the sample was procured, that is to say—

(i) in the case of a sample of milk, twenty-eight days,

(ii) in any other case, two months, unless the justice of the peace before whom the information is laid, on being satisfied on oath that having regard to the circumstances of the particular case it was not practicable to lay the information at an earlier date, gives a certificate to that effect; and, if the prosecution is in respect of a sample of milk, it shall not in any case be begun after the expiration of forty-two days beginning with the said date;

(b) the time within which proceedings may be commenced under section one hundred and sixteen of this Act in respect of the giving of a false warranty shall, instead of being six months in accordance with section one hundred and four of the Magistrates' Courts Act, 1952, be twelve months.

(2) Where a sample has been procured under this Act, any proceedings in respect of the article or substance sampled shall be taken before a court having jurisdiction in the place where the sample was procured:

Provided that—

(a) where a sample procured within one area is for the purposes of this Act deemed to have been procured within another area, proceedings may, at the option of the prosecutor, be taken either before a court having jurisdiction in the area within which the sample was procured, or before a court having jurisdiction in the area within which it is deemed to have been procured; and

(b) where the article or substance sampled was sold and actually delivered to the purchaser, proceedings may, if the prosecutor so elects, be taken before a court having jurisdiction at the place of delivery.

(3) In any proceedings under this Act in respect of an article or substance sampled, the summons shall not be made returnable less than fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor, and of any certificate given by a justice under paragraph (a) of the proviso to subsection (1) of this section, shall be served with the summons.

(4) In any proceedings under this Act, where a sample has been procured in such circumstances that its division into parts is required by this Act, the part of the sample retained by the person who procured it shall be produced at the hearing.

109.—(1) Without prejudice to their powers of enforcement under any provision of this Act, the authorities specified in the first column of the Eighth Schedule to this Act may, where they are of opinion that the general interests of consumers are affected, institute proceedings for any of the offences specified in relation to them respectively in the second column of the said Schedule; but except as otherwise expressly provided by this Act, proceedings shall not be instituted by any of the said authorities for an offence against any such provisions of this Act, or of any regulations made thereunder, as it is the duty of any council to execute and enforce.

(2) Subject to the next following subsection, a county council or local authority may institute proceedings under any section of, or regulation made under, this Act, notwithstanding that they are not the authority charged with the execution and enforcement thereof:

Provided that—

(a) a council or local authority shall not have power by virtue of this subsection to institute proceedings against any person for contravening or failing to comply with any Milk and Dairies Regulations which, by virtue of subsection (1) of section eighty-seven of this Act, are enforceable by the Minister of Agriculture, Fisheries and Food;

(b) no council other than a local authority for the purposes of the Weights and Measures Acts, 1878 to 1936, shall institute proceedings for an offence against regulations made by the Board of Trade under section seven of this Act.

(3) Proceedings shall not be instituted by a council—

(a) for an offence under section six of this Act, so far as it relates to food,

(b) except so far as may be otherwise provided by regulations made by the Ministers under section seven of this Act, for an offence against any provisions of those regulations,

unless they have given to the Minister of Agriculture, Fisheries and Food not less than fourteen days' notice of their intention to institute the proceedings, together with a summary of the facts upon which the charges are founded.

A certificate of the Minister of Agriculture, Fisheries and Food that the requirements of this subsection have been complied with in relation to any proceedings shall be conclusive evidence that they have been complied with in relation thereto: and any document purporting to be such a certificate as aforesaid and to be signed by or on behalf of the said Minister shall be deemed to be such a certificate, unless the contrary is shown.

110.—(1) In any proceedings under this Act, the production Evidence of by one of the parties of a document purporting to be a certificate analysis. of a public analyst in the form prescribed under subsection (5) of section ninety-two of this Act, or 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 therein, unless, in the first-mentioned case, the other party requires that the analyst shall be called as a witness.

(2) In any such proceedings, if a sample of milk has been taken by an officer of one authority at the request of an officer of another authority, a document purporting to be a certificate signed by the officer who took the sample and stating that the provisions of this Act with respect to the manner in which samples are to be dealt with were complied with shall, if a copy thereof has been served on the defendant with the summons, be sufficient evidence of compliance with those provisions, unless the defendant requires that the officer shall be called as a witness.

(3) In any such proceedings, if a defendant intends to produce a certificate of a public analyst, or under subsection (1) of this section to require that a public analyst shall be called as a witness, or under subsection (2) of this section to require that a sampling officer shall be called as a witness, notice of his intention, together, in the first-mentioned case, with a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it thinks proper.

(4) Regulations made under section four or section seven of this Act may prescribe a method of analysis for the purpose of ascertaining the presence in, or absence from, any food of any substance specified in the regulations, or the quantity of any such substance which is present in any food; and in any proceedings under this Act—

- (a) for a contravention of any regulations made under either of the said sections, or
- (b) for an offence under section two or section six of this Act,

in respect of any food alleged to contain, or not to contain, any substance specified as aforesaid or any particular quantity of such a substance, evidence of an analysis carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

111. For the purposes of this Act and of any regulations or byelaws made thereunder—

- (a) any article 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;
- (b) any article commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the

preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

(c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

112.—(1) The court before which any proceedings are taken Power of under this Act may, if it thinks fit, and upon the request of either court to party shall, cause the part of any sample produced before the require analysis by court under subsection (4) of section one hundred and eight Government of this Act to be sent to the Government Chemist, who shall Chemist. make an analysis and transmit to the court a certificate of the result thereof, and the costs of the analysis shall be paid by the prosecutor or the defendant as the court may order.

(2) If, in a case where an appeal is brought, no action has been taken under the foregoing subsection, the provisions thereof shall apply also in relation to the court by which the appeal is heard.

(3) Any certificate of the results of an analysis transmitted by the Government Chemist under this section shall be signed by or on behalf of the Government Chemist, but the analysis may be made by any person acting under the direction of the person by whom the certificate is signed; and any certificate so transmitted by the Government Chemist shall be evidence of the facts stated therein unless any party to the proceedings requires that the person by whom it is signed shall be called as a witness.

113.—(1) A person against whom proceedings are brought Contravention under this Act shall, upon information duly laid by him and on due to default giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings; and if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the foregoing subsection—

- (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right

to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence:

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Act against some person and the authority are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) of this section, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

Contraventions
originating
in Scotland
or Northern
Ireland.

114.—(1) Where proceedings are brought against any person (hereafter in this section referred to as "the defendant") in respect of a contravention of any provisions of this Act, or of regulations made thereunder, and it is proved—

(a) that the contravention was due to the act or default of some other person, being an act or default which took place in Scotland or Northern Ireland, and

(b) that the defendant used all due diligence to secure compliance with the said provisions.

the defendant shall, subject to the provisions of this section, be acquitted of the offence.

(2) The defendant shall not be entitled to be acquitted under this section unless within seven days from the date of the service of the summons on him he has given notice in writing to the prosecution of his intention to rely upon the provisions of this section, specifying the name and address of the person to whose act or default he alleges that the contravention was due, and has sent a like notice to that person.

(3) The person specified in a notice served under this section shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(4) Where it is proved that the contravention of the provisions in question was due to the act or default of some person other than the defendant, being an act or default which took place in Scotland or Northern Ireland, the court shall (whether or not the defendant is acquitted) cause notice of the proceedings to be sent

to the authority concerned with the purposes of this section, the said authority being—

(a) in the case of a contravention committed in respect of a drug, the Minister of Health;

(b) in the case of a contravention of regulations made by the Board of Trade, that Board; and

(c) in any other case, the Minister of Agriculture, Fisheries and Food.

115.—(1) Subject to the provisions of this section, in any proceedings for an offence under this Act or any regulations made thereunder, being an offence consisting of selling, or offering, or exposing, or advertising for sale, or having in possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove—

(a) that he purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be so sold or dealt with under the name or description or for the purpose under or for which he sold or dealt with it, and with a written warranty to that effect, and that he had no reason to believe at the time of the commission of the alleged offence that it was otherwise, and

(c) that it was then in the same state as when he purchased it.

(2) A warranty shall only be a defence in proceedings under this Act if—

(a) the defendant—

(i) has, not later than three clear days before the date of the hearing, sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and

(ii) has also sent a like notice of his intention to that person, and

(b) in the case of a warranty given by a person resident outside the United Kingdom, the defendant proves that he had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein, and

(c) in the case of a prosecution in respect of a sample of milk procured from him, the defendant either—

(i) has within sixty hours after the sample was procured served such a notice as is mentioned in paragraph 12 of the Seventh Schedule to this Act, or

(ii) not having served such a notice, proves that he had reasonable cause to believe that such a notice would have been of no effect by reason of the fact that the milk in question was a mixture of milk produced on more than one dairy farm.

(3) Where the defendant is a servant of the person who purchased the article or substance under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

(5) For the purposes of this and the next following section, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description by any person without contravening any of the provisions of this Act or of regulations made thereunder.

offences in
relation to
warranties and
certificates
of analysis.

116.—(1) A defendant who in any proceedings under this Act wilfully applies to any article or substance a warranty or certificate of analysis given in relation to any other article or substance shall be guilty of an offence.

(2) A person who, in respect of any article or substance sold by him, being an article or substance in respect of which a warranty might be pleaded under section one hundred and fifteen of this Act, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he proves that when he gave the warranty he had reason to believe that the statements or description contained therein were accurate.

(3) Where the defendant in a prosecution under this Act relies successfully on a warranty given to him or to his employer, any proceedings under subsection (2) of this section in respect of the warranty may, at the option of the prosecutor, be taken either before a court having jurisdiction in the place where a sample of the article or substance to which the warranty relates was procured, or before a court having jurisdiction in the place where the warranty was given.

Appeals

Appeals to
magistrates'
courts.

117.—(1) Where any enactment in, or regulation made under, this Act provides for an appeal to a magistrates' court against a refusal or other decision of an authority, the procedure shall be by way of complaint for an order, and the Magistrates' Courts Act, 1952, shall apply to the proceedings.

(2) The time within which such an appeal may be brought shall be twenty-one days from the date on which notice of the authority's refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the authority in the matter shall state the right of appeal to a magistrates' court and the time within which such an appeal may be brought.

118. Where a person aggrieved by an order, determination or further appeal or other decision of a court of summary jurisdiction under this Act, to quarter or under any regulation made thereunder, is not by any other enactment authorised to appeal to a court of quarter sessions, he may appeal to such a court.

119. Where on an appeal under this Act, or under any regulations made under this Act, a court varies or reverses any court's decision of an authority, it shall be the duty of the authority to give effect to the order of the court, and, in particular, to grant any necessary licence and to make any necessary entry in any register.

120.—(1) Where a decision of an authority under this Act, or Right to carry under any regulations made under this Act, refusing, cancelling, on business suspending or revoking, registration or a licence, or a decision of a magistrates' court on appeal against such a decision, makes it unlawful for a person to carry on any business which he, or his immediate predecessor in the business, was lawfully carrying on at the date when the decision of the authority was given, or to use any premises for any purpose for which he, or his immediate predecessor in the business, was lawfully using them at the said date, he may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned or has failed for want of prosecution.

The reference in this subsection to refusing a licence includes, in the case of a licence under Part IV of this Act, a reference to refusing to grant a licence with an express authorisation under subsection (3) of section sixty-two of this Act, or refusing to renew a licence with such an authorisation as aforesaid.

(2) The foregoing provisions with respect to the right to continue to carry on a business and to use premises shall apply also where the decision of a court in proceedings in respect of an

offence under this Act, or under any such regulations as aforesaid, makes it unlawful for a person to carry on a business which he was lawfully carrying on immediately before the decision was given, or to use any premises for any purpose for which he was then lawfully using them.

Compensation

121. Where by any of the provisions in Part I of this Act provision is made for the payment of compensation to any person, any dispute arising as to the fact of damage or loss, or as to the amount of compensation, shall be determined by arbitration under this Act:

Provided that, if the compensation claimed does not exceed fifty pounds, all questions as to the fact of damage or loss, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a magistrates' court.

PART VI

MISCELLANEOUS AND GENERAL

122.—(1) Her Majesty may by Order in Council provide for the application to the Crown of such of the provisions of this Act and of any regulations or order made thereunder as may be specified in the Order, with such exceptions, adaptations and modifications as may be so specified.

(2) Without prejudice to the generality of the foregoing subsection, an Order under this section may make special provision for the enforcement of any provisions applied by the Order, and, where any such provision imposes a liability on a person by reason that he is the occupier or owner of premises, or the owner of a business, or the principal on whose behalf any transaction is carried out, the Order may make provision for determining, in a case where the premises are occupied or owned, or the business is owned, by the Crown, or the transaction is carried out on behalf of the Crown, the person who is to be treated as so liable.

123.—(1) Regulations made under Part I of this Act, Milk and Dairies Regulations and Milk (Special Designation) Regulations, without prejudice to the generality of the provisions under which they are made, may—

- (a) modify for the purposes of the regulations any provisions of this Act relating to the taking, analysis and examination of samples,
- (b) apply, as respects matters to be dealt with by the regulations, any provision in any Act (including this Act) dealing with the like matters, with the necessary modifications and adaptations,

(c) (subject to the provisions of paragraph 3 of the Fourth Schedule to this Act) provide for an appeal to a magistrates' court against any refusal or other decision of an authority by whom the regulations are to be enforced and executed,

(d) authorise the making of charges for the purposes of the regulations, or for any services performed thereunder, and provide for the recovery of charges so made,

(e) contain provisions for imposing on persons offending against the regulations penalties not exceeding the maximum penalties specified in section one hundred and six of this Act,

(f) make such ancillary and incidental provisions as appear to the Ministers to be necessary or desirable; and regulations made under Part I of this Act may, without prejudice as aforesaid, require persons carrying on any activity to which the regulations apply to keep and produce records and furnish returns.

(2) Subsection (1) of this section shall apply to an order made under section five of this Act as it applies to regulations made under Part I of this Act.

(3) The power conferred by paragraph (b) of subsection (1) of this section shall, in the case of Milk (Special Designation) Regulations, include power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of Part II of the Seventh Schedule to this Act which may appear not to be appropriate for that purpose.

(4) Regulations made under section thirteen or section twenty-one of this Act, and any order made under section seventeen of this Act, may be made so as to apply throughout England and Wales or to apply only in such area or areas as may be specified in the regulations or order.

(5) Any order made under section five or section seventeen of this Act, and any Order in Council made under section one hundred and twenty-two of this Act, may be revoked or varied by a subsequent order or Order in Council made under the appropriate section.

(6) Before making any regulations to which subsection (1) of this section applies, and before making an order under section five or section seventeen of this Act, the Ministers, or the Board of Trade in the case of regulations to be made by them, as the case may be, shall consult with such organisations as appear to them to be representative of interests substantially affected by the regulations or by the order:

Provided that this subsection shall not apply in relation to the making of regulations which reproduce, without substantive

modification, any regulations in force immediately before the commencement of the Food and Drugs Amendment Act, 1954.

124.—(1) Any power to make regulations or orders under this Act, and the power of the Minister of Health to make a declaration under subsection (5) of section sixteen or subsection (4) of section seventeen of this Act, shall be exercisable by statutory instrument.

(2) Any statutory instrument containing—

- (a) regulations made under Part I, or Part II, or subsection (2) of section eighty-nine, of this Act,
- (b) an order made under section five of this Act,
- (c) an order made under section forty-one of this Act ordering that subsection (1) of section thirty-seven of this Act shall cease to be in operation in any area, or
- (d) an Order in Council made under section one hundred and twenty-two of this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) No order shall be made under section seventeen of this Act unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) A draft of any statutory instrument containing an order made under section forty-one of this Act bringing subsection (1) of section thirty-seven of this Act into operation in any area shall be laid before Parliament.

125.—(1) The confirming authority in respect of byelaws made under this Act shall be as follows, that is to say:—

- (a) in the case of byelaws made under section fifteen of this Act, the confirming authority shall be the Minister of Health,
- (b) in the case of byelaws made under Part III of this Act the confirming authority shall be the Minister of Housing and Local Government, and
- (c) in the case of byelaws made under Part IV of this Act, the confirming authority shall be the Minister of Agriculture, Fisheries and Food.

(2) Section two hundred and seventy-seven of the Public Health (London) Act, 1936, so far as it relates to byelaws made under that Act by the Common Council of the City of London or by the port health authority of the Port of London shall, with any necessary adaptation, apply in relation to byelaws made under this Act by the Common Council or, by virtue of an order

of the Minister of Health in pursuance of section eighty-eight of this Act, by the port health authority.

(3) An authority who propose to apply to the Minister of Health for confirmation of any byelaws made under section fifteen of this Act shall, in addition to complying with any other statutory requirements, publish in the London Gazette, at least one month before the application is made, notice of their intention to apply for confirmation.

(4) In so far as any byelaws made under this Act conflict with regulations made under Part I thereof, the regulations shall prevail.

126.—(1) Any expenses incurred by any Minister of the Crown Expenses, or Government department in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(2) Any payments received by the Minister of Agriculture, Fisheries and Food for milk sold by him under section forty-two of this Act, or for treating under that section milk of others, shall be paid into the Exchequer.

(3) Expenses incurred under this Act by the London County Council shall be defrayed as expenses for general county purposes.

(4) Expenses incurred by a county council as a food and drugs authority shall, if the council are not the food and drugs authority for the whole county, be defrayed as expenses for special county purposes charged on those county districts the councils of which are not food and drugs authorities.

(5) Any expenses incurred by a county council in the enforcement and execution of—

- (a) regulations made under Part I of this Act,
- (b) Milk and Dairies Regulations, or
- (c) Milk (Special Designation) Regulations,

shall, if the Minister of Housing and Local Government by order so directs, be defrayed as expenses for special county purposes charged on 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.

(6) Expenses incurred under this Act by a sampling officer in procuring samples and causing samples to be analysed shall be defrayed by the authority whose officer he is:

Provided that expenses incurred by an officer in complying with a notice given to him under subsection (2) of section ninety-four of this Act shall be borne by the authority whose officer

gave the notice, and any dispute as to the amount of any such expenses shall be referred to and determined by the Minister of Housing and Local Government.

(7) A county council may, as part of their expenses as a food and drugs authority, make a contribution towards any expenses incurred by the council of a county district within the county, not being a food and drugs authority, in connection with the procuring and analysis or examination of samples and the institution of proceedings under this Act.

Default of food
and drugs
authority.

127.—(1) If the Minister of Agriculture, Fisheries and Food, after communication with a food and drugs authority, is of opinion that the authority have failed in relation to any kind of food to execute or enforce any of the provisions of this Act which it is their duty to execute or enforce, and that their failure affects the general interests of consumers, or the general interests of agriculture in the United Kingdom, he may by order empower an officer of his department to execute and enforce, or procure the execution and enforcement of, those provisions in relation to food of that kind.

(2) Expenses incurred under any such order by the Minister of Agriculture, Fisheries and Food or his officer shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the said Minister shall, on demand, be paid to him by the food and drugs authority and shall be recoverable by him from them as a debt due to the Crown, and the authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them as a food and drugs authority.

(3) Nothing in this section affects any other power exercisable by the Minister of Agriculture, Fisheries and Food, or a county council, with respect to defaults of local authorities.

Protection for
local
government
officers acting
in good faith.

128.—(1) An officer of a council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment, if he did that act in the honest belief that his duty under this Act required or entitled him to do it:

Provided that nothing in this subsection shall be construed as relieving a council from any liability in respect of acts of their officers.

(2) Where an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of this Act and the circumstances are such that he is not legally entitled to require the council to indemnify him, the council may, nevertheless, indemnify

him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under this Act required or entitled him to do it.

(3) For the purposes of this section, a public analyst appointed by a food and drugs authority shall be treated as being an officer of the authority whether or not he is employed whole-time.

129.—(1) If the appointment of any officer of a local authority is determined, or his emoluments are diminished, in consequence of—

- (a) a local authority ceasing, as respects the whole or any part of their area, to be a food and drugs authority, or officers.
- (b) any such vesting of functions as is mentioned in subsection (4) of section eighty-eight of this Act, or
- (c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act, 1936, which are incorporated in this Act,

the provisions of subsections (2) to (4) and (6) of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933, shall apply in relation to that officer—

- (i) as if the cesser, vesting, transfer or relinquishment had taken effect by virtue of an order made by the Minister of Housing and Local Government under Part VI of the said Act of 1933 and coming into operation upon the date on which the cesser, vesting, transfer or relinquishment took effect, and

- (ii) as if the said order provided that any officer who, by virtue or in consequence of the order, might suffer any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision was made by or under any enactment for the time being in force, should be entitled to receive compensation from such authority, or from such authorities and in such proportions, as the Minister of Housing and Local Government might determine.

(2) The provisions of this section shall apply in relation to a county council and the officers thereof as they apply in relation to a local authority and the officers thereof.

(3) For the purposes of this section, a public analyst shall be deemed to be an officer of the authority by whom he was appointed.

130.—(1) A local authority may be authorised by the responsible Minister to purchase land compulsorily for the purposes of this Act:

Provided that this subsection shall not be taken as applying to the purposes of paragraph (b) of subsection (1) of section forty-nine of this Act, or of paragraph (a) of section seventy-four thereof.

(2) In the foregoing subsection "the responsible Minister" means—

(a) in relation to the purposes of Part III of this Act, the Minister of Housing and Local Government,

(b) in relation to the purposes of Part IV of this Act, the Minister of Agriculture, Fisheries and Food, and

(c) in relation to any other purposes the Minister of Health;

and "land" has the same meaning as it has in the Public Health Act, 1936.

(3) In relation to the compulsory purchase of land under this section, the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this Act had been in force immediately before the commencement of that Act.

131.—(1) The provisions of the Public Health Act, 1936, which are specified in the first column of Part I of the Ninth Schedule to this Act shall be deemed to be incorporated in this Act; and, where any of the said provisions as so incorporated contains a reference to "the Minister", that reference shall be construed for the purposes of this Act in accordance with the entry in the second column of that Schedule against the provision which contains the reference.

(2) Part II of the Ninth Schedule to this Act shall have effect for enabling the Minister of Health by order to make alterations in local Acts consequentially on the passing of the enactments replaced by this Act.

132. Where a person who holds a licence, or is registered in respect of any premises, under this Act or any regulations made thereunder dies, the licence or registration shall, unless previously revoked or cancelled, enure for the benefit of his personal representative, or of his widow or any other member of his family, until the expiration of two months from his death, or until the expiration of such longer period as the licensing or registering authority may allow.

133.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any Secretary, Under Secretary or Assistant Secretary of the Board, or any person authorised in that behalf by the President.

(2) In the foregoing subsection the expression "Minister of State" means such a Minister of the Crown as is referred to in section two of the Re-election of Ministers Act, 1919, as explained by the House of Commons Disqualification (Declaration of Law) Act, 1935.

134.—(1) The provisions of paragraphs 1 to 5 of the Tenth Schedule to this Act shall have effect for the purpose of applying Northern Ireland certain provisions of this Act and for purposes connected therewith.

(2) Notwithstanding anything in the Government of Ireland Act, 1920, it shall be within the powers of the Parliament of Northern Ireland to enact legislation—

(a) for purposes corresponding (with the necessary modifications) with any of the purposes of the provisions of this Act which are specified in sub-paragraph (a) of paragraph 6 of the Tenth Schedule to this Act, or of those specified in sub-paragraph (b) of that paragraph as extended by this Act to Northern Ireland;

(b) for repealing so much of paragraphs 1 to 5 of the said Tenth Schedule as relates to the provisions of this Act which are specified in sub-paragraph (b) of paragraph 6 of the said Schedule;

(c) for applying to the Crown, in matters relating to functions of the Crown in respect of Irish services within the meaning of the Government of Ireland Act, 1920, or property held on behalf of the Crown for the purposes of such services, any enactments of the Parliament of Northern Ireland passed, whether before or after the passing of this Act, for purposes similar to those of this Act.

(3) For the purposes of section six of the Government of Ireland Act, 1920, the Defence (Sale of Food) Regulations, 1943, shall be deemed to be made in pursuance of an Act passed before the appointed day within the meaning of that section.

135.—(1) In this Act, unless the context otherwise requires, Interpretation, and without prejudice to section forty-six of 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;
- "analysis" includes micro-biological assay but no other form of biological assay, and "analyse" shall be construed accordingly;
- "animal" does not include bird or fish;
- "area" in relation to a county council and to officers of such a council means, as the case may require, either the county or that part of the county for which the council are the food and drugs authority and, in relation to a local authority and to officers of such an authority, means their district;
- "article" does not include a live animal or bird;
- "authorised market officer" has the meaning assigned to it by subsection (4) of section fifty-three of this Act;
- "authorised officer" has the meaning assigned to it by section eighty-six of 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;
- "catering premises" means premises where, in the course of a business, food is prepared and supplied for immediate consumption on the premises;
- "cheese" means the substance usually known as cheese, containing no fat other than fat derived from milk;
- "container" includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;
- "council" includes a port health authority;
- "county" means an administrative county;
- "county district" means a non-county borough, urban district or rural district;
- "cream" means that part of milk rich in fat which has been separated by skimming or otherwise;
- "dairy", "dairy farm", "dairy farmer" and "dairyman" have the meanings assigned to them by section twenty-eight of this Act;
- "district", in relation to the local authority of a borough, or any local authority in London, and in relation to the officers of such an authority, means the borough or other area for which the authority acts;
- "drug" includes medicine for internal or external use;

- "food" includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—
- (a) water, live animals or birds,
- (b) fodder or feeding stuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs;
- "food and drugs authority" has the meaning assigned to it by section eighty-three of this Act;
- "functions" includes powers and duties;
- "home-going ship" means a ship plying exclusively in inland waters, or engaged exclusively in coastal excursions; and for the purpose of this definition "inland waters" means any canal, river, lake, navigation or estuary, and "coastal excursion" means an excursion lasting not more than one day which starts and ends in Great Britain and does not involve calling at any place outside Great Britain;
- "human consumption" includes use in the preparation of food for human consumption;
- "ice-cream" includes any similar commodity;
- "importation" has the same meaning as it has for the purposes of the Customs and Excise Act, 1952, and "import" shall be construed accordingly;
- "importer", in relation to an imported article, includes any person who, whether as owner, consignee, consignee, agent or broker, is in possession of the article or in any way entitled to the custody or control of it;
- "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;
- "local authority", in sections forty-two and forty-three of this Act has the meaning assigned to it by those sections, and elsewhere in this Act has the meaning assigned to it by section eighty-five thereof;
- "London" means the administrative county of London;
- "market authority" has the meaning assigned to it by subsection (2) of section forty-nine of this Act;
- "milk" includes cream and separated milk, but does not include dried milk or condensed milk;
- "Milk and Dairies Regulations" has the meaning assigned to it by section twenty-nine of this Act;

- “ Milk (Special Designation) Regulations ” has the meaning assigned to it by section thirty-five of this Act ;
- “ the Minister ”, in Parts II and IV of this Act, and in the Second and Fourth Schedules thereto, means the Minister of Agriculture, Fisheries and Food ;
- “ the Ministers ” means the Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly ;
- “ officer ” includes servant ;
- “ premises ”, except in Part IV of this Act, means a building or part of a building, and any forecourt, yard or part of storage used in connection with a building or part of a building, and includes, in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings ;
- “ preparation ”, in relation to food, includes manufacture and any form of treatment, and “ preparation for sale ” includes packaging ; and “ prepare ” and “ prepare for sale ” shall be construed accordingly ;
- “ public analyst ” has the meaning assigned to it by section eighty-nine of this Act ;
- “ purveyor ”, in relation to milk, includes any person who sells milk, whether wholesale or by retail ;
- “ raw milk ” means milk which has not been treated by heat ;
- “ sampling officer ” has the meaning assigned to it by section ninety-one of this Act ;
- “ sanitary convenience ” means a closet, privy or urinal ;
- “ separated ”, in relation to milk, includes skimmed ;
- “ ship ” includes any boat or craft ;
- “ shop ” has the same meaning as in the Shops Act, 1950 ;
- “ slaughterhouse ” means a place for slaughtering animals, the flesh of which is intended for sale for human consumption, and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there or for keeping, or subjecting to any treatment or process, products of the slaughtering of animals there ;
- “ slaughterhouse facilities ” has the meaning assigned to it by subsection (2) of section seventy of this Act ;

- “ slaughterhouse licence ” means a licence under Part IV of this Act authorising the occupier of any premises to keep them as a slaughterhouse ;
- “ statutory order ” means any order, byelaw or other instrument having effect by virtue of an Act of Parliament or confirmed by Parliament ;
- “ substance ” includes a liquid ;
- “ transit ” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer ;
- “ vessel ” includes a receptacle of any kind, whether open or closed.
- (2) For the purposes of this Act (except section sixteen thereof), but without prejudice to the provisions of section forty-six thereof,—
- (a) the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly ; and
- (b) where in connection with any business in the course of which food is supplied the place where food is served to the customer is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.
- (3) References in this Act to any enactment shall, except so far as the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.
- 136.—(1) The enactments and orders specified in the Eleventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The transitional provisions set out in Part I of the Twelfth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of the Food and Drugs Amendment Act, 1954.
- (3) Part II of the Twelfth Schedule to this Act shall have effect for preserving the operation of—
- (a) section ninety-nine of the Food and Drugs Act, 1938 (which relates to the metropolitan borough of Woolwich and its markets),

(b) certain transitory provisions contained in the Slaughtering-houses Act, 1954, being provisions which were mainly, but not wholly, spent before the commencement of this Act and are not reproduced by this Act.

(4) The mention of particular matters in the Twelfth Schedule to this Act shall not be taken as affecting the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title,
commence-
ment and
extent.

137.—(1) This Act may be cited as the Food and Drugs Act, 1955.

(2) This Act shall come into operation on the day appointed for the coming into operation of the Food and Drugs Amendment Act, 1954, immediately after that Act comes into operation.

(3) Parts III and IV of this Act shall not extend to London.

(4) This Act shall not extend to Scotland.

(5) Except as provided by section one hundred and thirty-four of this Act and the Tenth Schedule thereto, this Act shall not extend to Northern Ireland.