



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART III

#### ADMINISTRATION AND ENFORCEMENT

##### *Offences*

#### **34 Time limit for prosecutions.**

No prosecution for an offence under this Act which is punishable under section 35(2) below shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

#### **Modifications etc. (not altering text)**

- C1** S. 34 applied (with modifications) (1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3163, regs. 1, 18\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994, reg. 59\(1\), Sch. 5](#))
- S. 34 applied (with modifications) (1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3164, regs. 1, 19\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994, reg. 59\(1\), Sch. 5](#))
- S. 34 applied (14.7.1993) by [S.I. 1993/1520, reg. 2\(5\)](#)
- S. 34 applied (with modifications) (15.9.1995) by [S.I. 1995/1763, reg. 7\(g\)](#)
- S. 34 applied (with modifications) (15.9.1995) by [S.I. 1995/2200, reg. 18](#)
- S. 34 applied (with modifications) (17.11.1997) by [S.I. 1997/2537, reg. 9](#)
- S. 34 applied (with modifications) (29.4.1998) by [S.I. 1998/994, reg. 55\(1\)\(f\)](#)

#### **35 Punishment of offences.**

- (1) A person guilty of an offence under section 33(1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) A person guilty of any other offence under this Act shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
  - (b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding six months or to both.
- (3) In subsection (2) above “the relevant amount” means—
- (a) in the case of an offence under section 7, 8 or 14 above, £20,000;
  - (b) in any other case, the statutory maximum.
- (4) If a person who is—
- (a) licensed under section 1 of the <sup>M1</sup>Slaughterhouses Act 1974 to keep a <sup>F1</sup> . . . knacker’s yard;
  - <sup>F2</sup>(b) . . . . .
  - (c) licensed under section 6 of [<sup>F3</sup>the Slaughter of Animals (Scotland) Act 1980] to use any premises as a knacker’s yard,
- is convicted of an offence under Part II of this Act, the court may, in addition to any other punishment, cancel his licence or registration.

#### Textual Amendments

- F1** Words in s. 35(4)(a) repealed (11.9.1996) by S.I. 1996/2235, art. 11, Sch.  
**F2** S. 35(4)(b) repealed (11.9.1996) by S.I. 1996/2235, art. 11, Sch.  
**F3** Words in s. 35(4)(c) substituted (11.9.1996) by S.I. 1996/2235, art. 9(5)

#### Modifications etc. (not altering text)

- C2** S. 35(1) applied (with modifications) (16.9.1997) by S.I. 1997/2238, art. 4(1)(b)  
 S. 35(1) applied (with modifications) (21.5.1998) by S.I. 1998/1277, art. 4(1)(b)(c)  
 S. 35(1) applied (with modifications): (S.) (29.7.1999) by S.S.I. 1999/15, reg. 5; (S.) (20.8.1999) by S.S.I. 1999/32, reg. 5(2)(b); (S.) (20.8.1999) by S.S.I. 1999/33, reg. 5(2)(b); (5.6.1999) by S.I. 1999/1542, art. 4(2)(b); (5.6.1999) by S.I. 1999/1543, reg. 4(2)(b); (25.6.1999) by S.I. 1999/1800, art. 5(1)(b); (21.7.1999) by S.I. 1999/2332, reg. 5(2)(b); (21.7.1999) by S.I. 1999/2025, art. 5(2)(b); (21.7.1999) by S.I. 1999/2026, reg. 5(2)(b); (18.8.1999) by S.I. 1999/2333, reg. 5(2)(b); (12.10.1999) by S.I. 1999/2798, art. 5(2)(b); (12.10.1999) by S.I. 1999/2799, reg. 5(2)(b); (23.12.1999) by S.I. 1999/3421, art. 5(2)(b); (23.12.1999) by S.I. 1999/3422, reg. 5(2)(b)  
 S. 35(1) applied (with modifications): (S.) (17.2.2000) by S.S.I. 2000/15, art. 5(2)(b); (S.) (17.2.2000) by S.S.I. 2000/16, art. 5(2)(b); (E.W.) (23.2.2000) by S.I. 2000/375, art. 5(1)(b); (S.) (24.2.2000) by S.S.I. 2000/35, art. 5(b); (E.W.) (8.3.2000) by S.I. 2000/587, art. 5(2)(b)(3); (E.W.) (8.3.2000) by S.I. 2000/588, art. 5(2)(b)(3)  
 S. 35(1) applied (with modifications): (E.) (2.2.2002) by S.I. 2002/183, reg. 6(1) (which S.I. was revoked (20.6.2002) by S.I. 2002/1614, reg. 6); (W.) (2.2.2002) by S.I. 2002/203, reg. 6(1) (which S.I. was revoked (12.7.2002) by S.I. 2002/1798, reg. 6); (S.) (2.2.2002) by S.S.I. 2002/36, reg. 6(1) (which S.S.I. was revoked (24.6.2002) by S.S.I. 2002/300, reg. 6); (E.) (16.2.2002) by S.I. 2002/334, art. 5(1)(d) (as amended (20.3.2002) by S.I. 2002/602, art. 4); (S.) (16.2.2002) by S.S.I. 2002/64, art. 5(1)(d); (W.) (23.2.2002) by S.I. 2002/402, art. 5(1)(d)
- C3** S. 35(1)-(3) applied (with modifications): (16.6.1997) by S.I. 1997/1335, reg. 6; (30.6.1997) by S.I. 1995/1544, reg. 10(1) (as substituted (30.6.1997) by S.I. 1997/1414, reg. 3); (4.7.1997) by S.I. 1997/1499, reg. 6(1) (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, reg. 11, Sch.; S.S.I. 2002/267, reg. 11, Sch.; S.I. 2002/1886, reg. 11, Sch.); (11.8.1997) by S.I. 1997/1729, reg. 34(1)(g); (31.3.1999) by S.I. 1997/2182, reg. 9

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- S. 35(1)-(3) applied (with modifications): by S.I. 1998/141, **reg. 10(g)(h)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(e)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(f)(g)**
- S. 35(1)-(3) applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (19.3.1999) by S.I. 1996/1499, **reg. 48(3)** (as substituted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(h)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
- S. 35(1)-(3) applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**
- S. 35(1)-(3) applied (with modifications): (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(h)**; (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(h)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(h)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(h)**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)**; (W.) (1.5.2001) by S.I. 2001/1440, **reg. 10(h)**
- S. 35(1)-(3) applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(h)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(h)**; (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(d)(e)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(1)(d)(e)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/148, **regs. 1(1), 5(1)(d)(e)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/149, **regs. 1(1), 5(1)(d)(e)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(1)(d)(e)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(1)(d)(e)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(f)(g)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(f)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(f)(g)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(g)(h)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(d)(e)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(d)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(f)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(d)(e)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(g)(h)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(i)(j)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(d)(e)** and S.I. 2002/2296, **reg. 5(1)(d)(e)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(d)(e)** and S.I. 2002/2351, **reg. 5(1)(d)(e)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(c)** and S.S.I. 2002/425, **reg. 5(1)(c)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(h)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(i)(j)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(h)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(i)(j)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(i)(j)**
- C4** S. 35(1)-(3) applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(e)**
- C5** S. 35(1) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(h)**
- C6** S. 35(1)-(3) applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(g)**
- C7** S. 35(1) applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), **regs. 1(1), 5(1)(d)**
- C8** S. 35(1) applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), **regs. 1, 7(1)(g)**
- C9** S. 35(1) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), **regs. 1, 10**
- C10** S. 35(1)-(3) applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), **regs. 1(1), 7(1)(f)**
- C11** S. 35(1) applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), **regs. 1(1), 5(1)(d)**
- C12** S. 35(1)-(3) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), **regs. 1(1), 10(h)**
- C13** S. 35(1) applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), **regs. 1, 9(i)**
- C14** S. 35(1) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), **regs. 1(b), 9(i)**

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C15** S. 35(1) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(i)** (with reg. 11)
- C16** S. 35(1)-(3) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(1)(h)** (with reg. 3)
- C17** S. 35(1) applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(d)**
- C18** S. 35(1) applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(g)**
- C19** S. 35(1) applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(d)**
- C20** S. 35(1) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(i)**
- C21** S. 35(1)-(3) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(h)** (with reg. 4)
- C22** S. 35(1)-(3) applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(1)(c)**
- C23** S. 35(1) applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(d)**
- C24** S. 35(1)-(3) applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(1)(c)**
- C25** S. 35(1) applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(i)** (with reg. 3)
- C26** S. 35(1) applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(d)**
- C27** S. 35(1) applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(d)**
- C28** S. 35(2)(3) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), regs. 1, **10(i)**
- C29** S. 35(2)(3) applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), regs. 1(1), **5(1)(e)**
- C30** S. 35(2)(3) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C31** S. 35(2)(3) applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), regs. 1, **7(1)(h)**
- C32** S. 35(2)(3) applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), regs. 1(1), **5(1)(e)**
- C33** S. 35(2)(3) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(j)**
- C34** S. 35(2)(3) applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(j)**
- C35** S. 35(2)(3) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(j)** (with reg. 11)
- C36** S. 35(2)(3) applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(e)**
- C37** S. 35(2)(3) applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(e)**
- C38** S. 35(2)(3) applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(h)**
- C39** S. 35(2)(3) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(j)**
- C40** S. 35(2)(3) applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(e)**

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C41** S. 35(2)(3) applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(j)** (with reg. 3)
- C42** S. 35(2)(3) applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(e)**
- C43** S. 35(2)(3) applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(e)**

#### Marginal Citations

- M1** 1974 c. 3.

### 36 Offences by bodies corporate.

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

#### Modifications etc. (not altering text)

- C44** S. 36 applied by S.I. 1991/370, **reg. 3** (1)  
S. 36 applied: (9.4.1992) by S.I. 1992/496, **reg. 7(1)(f)**; (29.5.1992) by S.I. 1992/1122, **reg. 4** (which S.I. was revoked (24.7.1992) by S.I. 1992/1601, **reg. 6**); (24.7.1992) by S.I. 1992/1601, **reg. 4**; (13.9.1992) by S.I. 1992/1971, **reg. 9(g)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(g)**; (1.10.1992) by S.I. 1992/2037, **reg. 23(e)** (which S.I. was revoked (1.4.1995) by S.I. 1995/539, **reg. 25**, **Sch. 22** (with regs. 3(2), 25, **Sch. 22**))  
S. 36 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(h)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(g)**  
S. 36 applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(f)**
- C45** S. 36 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**  
S. 36 applied (with modifications): (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1, 18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1, 19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (18.12.1992 for certain purposes and 1.1.1993 otherwise) by S.I. 1992/3165, **regs. 1, 7(2)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**  
S. 36 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(g)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(e)** (which S.I. was revoked (1.4.1995) by S.I. 1995/540, **reg. 26** (with reg. 3(5))); (2.9.1994) by S.I. 1994/2127, **reg. 5**; (1.1.1995) by S.I. 1994/3082, **reg. 21**  
S. 36 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995) by S.I. 1995/539, **reg. 22** and S.I. 1995/540, **reg. 24**; (1.4.1995) by S.I. 1995/614, **reg. 11**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(g)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(g)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(h)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (20.9.1995) by S.I. 1995/2148, **reg. 17**



*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- S. 36 applied (with modifications): (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(h)** and S.I. 1995/3124, **reg. 11(h)**; (1.1.1996) by S.I. 1995/3240, **reg. 10(g)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49, Sch. 9**); (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**; (1.1.1996) by S.I. 1995/3205, **reg. 14**; (29.3.1996) by S.I. 1996/961, **art. 4(a)**; (1.7.1996) by S.I. 1996/1499, **reg. 48** and S.I. 1996/1502, **reg. 6**; (5.7.1996) by S.I. 1996/1743, **reg. 5**; (1.9.1996) by S.I. 1996/2097, **reg. 6**
- S. 36 applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6(g)**; (30.6.1997) by S.I. 1995/1544, **reg. 10(1)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (4.7.1997) by S.I. 1997/1499, **reg. 6(1)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, **reg. 11, Sch.**; S.S.I. 2002/267, **reg. 11, Sch.**; S.I. 2002/1886, **reg. 11, Sch.**); (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(h)**; (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**; (17.11.1997) by S.I. 1997/2537, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**; (1.1.1998) by S.I. 1997/2965, **reg. 30**
- S. 36 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(i)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(f)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(g)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(h)**
- S. 36 applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (17.12.1999) by S.S.I. 1999/186, **art. 9**; (19.3.1999) by S.I. 1996/1499, **reg. 48** (as inserted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(i)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
- S. 36 applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(i)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(i)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(i)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(i)**
- S. 36 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)** and S.I. 2001/1440, **reg. 10(i)**
- S. 36 applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(i)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(i)**; (E.) (20.3.2002) by S.I. 2002/334, **art. 5(1)(e)** (as substituted (20.3.2002) by S.I. 2002/602, **art. 4**); (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(f)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(1)(f)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(1), 5(1)(f)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(1), 5(1)(f)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(1)(f)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(1)(f)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(h)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(g)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(h)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(i)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(f)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(e)**; (S.) (1.7.2002) by S.I. 2002/267, **reg. 7(1)(g)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(f)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(i)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(k)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(f)** and S.I. 2002/2296, **reg. 5(1)(f)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(f)** and S.I. 2002/2351, **reg. 5(1)(f)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(d)** and S.S.I. 2002/425, **reg. 5(1)(d)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(i)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(k)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(i)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(k)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(k)**
- C46** S. 36 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(1)(d)**
- C47** S. 36 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(j)**
- C48** S. 36 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(h)**
- C49** S. 36 applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), **regs. 1(1), 5(1)(f)**

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- C50 S. 36 applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), regs. 1, **7(1)(i)**
- C51 S. 36 applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C52 S. 36 applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), regs. 1(1), **7(1)(g)**
- C53 S. 36 applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), regs. 1(1), **5(1)(f)**
- C54 S. 36 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(k)**
- C55 S. 36 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(i)**
- C56 S. 36 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(k)**
- C57 S. 36 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(k)** (with reg. 11)
- C58 S. 36 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(1)(i)** (with reg. 3)
- C59 S. 36 applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(f)**
- C60 S. 36 applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(f)**
- C61 S. 36 applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(i)**
- C62 S. 36 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(i)** (with reg. 4)
- C63 S. 36 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(k)**
- C64 S. 36 applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(1)(d)**
- C65 S. 36 applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(f)**
- C66 S. 36 applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(1)(d)**
- C67 S. 36 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(k)** (with reg. 3)
- C68 S. 36 applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(f)**
- C69 S. 36 applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(f)**

#### [<sup>F4</sup> 36A Offences by Scottish partnerships.

Where an offence under this Act which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he, as well as the partnership shall be deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.]

#### Textual Amendments

- F4 S. 36A inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 16** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

*Status: Point in time view as at 06/09/2003.*

*Changes to legislation: Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C70** S. 36A applied (with modifications) (S.) (17.3.2001) by [S.S.I. 2001/38, reg. 10](#)  
 S. 36A applied (with modifications): (S.) (8.3.2002) by [S.S.I. 2002/50, reg. 6\(j\)](#); (S.) (25.3.2002 at 1700 hours) by [S.S.I. 2002/148, regs. 1\(1\), 5\(1\)\(g\)](#) (which S.S.I. was revoked (13.9.2002) by [S.S.I. 2002/424, reg. 7](#)); (S.) (25.3.2002 at 1700 hours) by [S.S.I. 2002/149, regs. 1\(1\), 5\(1\)\(g\)](#) (which S.S.I. was revoked (13.9.2002) by [S.S.I. 2002/425, reg. 7](#)); (S.) (4.4.2002) by [S.S.I. 2002/179, reg. 6\(1\)\(h\)](#); (S.) (24.6.2002) by virtue of [S.S.I. 2002/300, reg. 5\(1\)\(f\)](#); (S.) (1.7.2002) by [S.S.I. 2002/267, reg. 7\(1\)\(h\)](#); (S.) (13.9.2002) by [S.I. 2002/424, reg. 5\(1\)\(e\)](#) and [S.I. 2002/425, reg. 5\(1\)\(e\)](#); (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by [S.S.I. 2002/397, regs. 1\(2\)\(3\), 8\(j\)](#); (S.) (1.1.2003) by [S.S.I. 2002/523, reg. 5\(1\)\(j\)](#)
- C71** S. 36A applied (with modifications) (S.) (28.3.2003) by [The Fish Labelling \(Scotland\) Regulations 2003 \(S.S.I. 2003/145\), regs.1\(1\), 10\(i\)](#)
- C72** S. 36A applied (with modifications) (S.) (1.7.2003) by [Contaminants in Food \(Scotland\) Regulations 2003 \(S.S.I. 2003/289\), regs. 1\(1\), 7\(1\)\(h\)](#)
- C73** S. 36A applied (with modifications) (12.7.2003) by [Fruit Juices and Fruit Nectars \(Scotland\) Regulations 2003 \(S.S.I. 2003/293\), regs. 1\(1\), 10\(j\)](#)
- C74** S. 36A applied (with modifications) (17.7.2003) by [Condensed Milk and Dried Milk \(Scotland\) Regulations 2003 \(S.S.I. 2003/311\), regs. 1\(1\), 10\(1\)\(j\)](#) (with reg. 3)
- C75** S. 36A applied (with modifications) (3.8.2003) by [The Cocoa and Chocolate Products \(Scotland\) Regulations 2003 \(S.S.I. 2003/291\), regs. 1, 11\(j\)](#) (with reg. 4)
- C76** S. 36A applied (with modifications) (9.8.2003) by [Food \(Hot Chilli and Hot Chilli Products\) \(Emergency Control\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/382\), regs. 1\(1\), 6\(1\)\(e\)](#)
- C77** S. 36A applied (with modifications) (27.8.2003) by [Food \(Brazil Nuts\) \(Emergency Control\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/396\), regs. 1\(1\), 5\(1\)\(e\)](#)



**Status:**

Point in time view as at 06/09/2003.

**Changes to legislation:**

Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.