

SCHEDULE 2

Regulation 4

Modification of provisions of the Act

PART 1

Modification of section 10 (improvement notices)

1. For section 10(1) substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a specified EU requirement, or has placed food on the market that does not comply with a specified EU requirement, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer's grounds for believing that the person is failing to comply, or as the case may be, that the food does not comply with the specified EU requirement;
- (b) specify the matters which constitute the failure to so comply;
- (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or such measures that are at least equivalent to them, within such period as may be specified in the notice.”

2. Section 10(3) does not apply.

3. After section 10(3) insert—

“(4) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the [^{F1}Food for Specific Groups (Information and Compositional Requirements)] (England) Regulations 2016.”

F1 Words in Sch. 2 para. 3 substituted (1.3.2017) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/62\)](#), regs. 1(3), **3(a)**

PART 2

Modification of section 32 (powers of entry)

4. For paragraphs (a) to (c) of section 32(1) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU requirement; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of such a requirement;”

5. Section 32(9) does not apply.

6. After section 32(9) insert—

“(10) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the [^{F2}Food for Specific Groups (Information and Compositional Requirements)] (England) Regulations 2016.”

Changes to legislation: There are currently no known outstanding effects for the *The Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016, SCHEDULE 2.* (See end of Document for details)

F2 Words in Sch. 2 para. 6 substituted (1.3.2017) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/62\)](#), regs. 1(3), **3(a)**

PART 3

Modification of section 35 (punishment of offences)

[^{F3}**6A.** In section 35(1), after “section 33(1) above”, insert “as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016,]

F3 Sch. 2 para. 6A inserted (1.3.2017) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/62\)](#), regs. 1(3), **3(b)(i)**

7. In section 35, after subsection (1A), insert—

“(1B) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the [^{F4}Food for Specific Groups (Information and Compositional Requirements)] (England) Regulations 2016, is liable, on summary conviction, to a fine.”

F4 Words in Sch. 2 para. 7 substituted (1.3.2017) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/62\)](#), regs. 1(3), **3(a)**

[^{F5}**8.** In section 35(2), after “any other offence under this Act”, insert “including an offence under section 33(2), as applied by regulation 4(6) and (7) of the Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016,]

F5 Sch. 2 para. 8 substituted (1.3.2017) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/62\)](#), regs. 1(3), **3(b)(ii)**

PART 4

Modification of section 37 (appeals to magistrates' courts or sheriff)

9. In section 37(1), omit paragraphs (b) and (c), and for “a magistrates' court or, in Scotland, to the sheriff” substitute “the First-tier Tribunal”.

10. For section 37(3) substitute—

“(3) The appeals procedure under the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 ^{M1} applies to appeals made under subsection (1).”

Marginal Citations

M1 [S.I. 2009/1976 \(L20\)](#).

11. For section 37(5) substitute—

“(5) The notice of appeal period under rule 22 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 applies to appeals made under subsection (1).”

Changes to legislation: There are currently no known outstanding effects for the *The Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016, SCHEDULE 2*. (See end of Document for details)

- 12.** In section 37(6)—
- (a) for “(3) or (4)” substitute “ (1) ”, and
 - (b) in paragraph (a), for “a magistrates' court or to the sheriff” substitute “ the First-tier Tribunal ”.

PART 5

Modification of section 39 (appeals against improvement notices)

- 13.** For section 39(1) for “court” (both times it appears) substitute “ First-tier Tribunal ”.
- 14.** In section 39(3), omit “for want of prosecution”.

Changes to legislation:

There are currently no known outstanding effects for the The Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016, SCHEDULE 2.