



Food Act 1984

1984 CHAPTER 30

PART VI

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

Legal proceedings

95 Prosecutions.

- (1) No prosecution for an offence under this Act or regulations made under this Act which is triable either summarily or on indictment 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.
- [^{F1}(2) Where a sample has been procured under this Act, no prosecution in respect of the article or substance sampled shall be begun after the expiry of—
 - (a) 28 days, in the case of a sample of milk,
 - (b) two months, in any other case,beginning with the date on which the sample was procured.
- (3) Subsection (2) does not apply where the justice of the peace before whom the information is laid certifies that he is 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; but a prosecution in respect of a sample of milk shall not in any case be begun after the expiry of 42 days beginning with the date on which the sample was procured.
- (4) 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; but—
 - (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

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Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Section 95. (See end of Document for details)

- prosecutor's option, 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.
- (5) In any proceedings under this Act in respect of an article or substance sampled—
- (a) the summons shall not be made returnable less than 14 days from the day on which it is served; and
- (b) a copy of any certificate of analysis obtained on behalf of the prosecutor, and of any certificate given by a justice under subsection (3), shall be served with the summons.
- (6) 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.
- (7) Any regulations or order made under this Act and extending to Northern Ireland shall provide for applying, in relation to offences under them, the provisions—
- (a) of this section, or
- (b) of any corresponding Northern Ireland enactment,
- subject to any such modifications or adaptations as may be specified in the regulations or order.
- (8) Notwithstanding subsection (1), a person is not liable to be prosecuted for an offence under this Act or regulations made under this Act which was committed before 1st January 1983.]

Textual Amendments

F1 S. 95(2)–(8) repealed (E.W.) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(4), **Sch. 5**

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