



Food Safety Act 1990

1990 CHAPTER 16

PART III **E+W+S**

ADMINISTRATION AND ENFORCEMENT

Offences

34 Time limit for prosecutions. **E+W+S**

No prosecution for an offence under this Act which is punishable under ^[F1]section 35(2)]^[F1] section 35(A1), (A2) or (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.

Textual Amendments

- F1** Words in s. 34 substituted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), [sch. para. 3\(5\)](#) (with s. 62); [S.S.I. 2015/99](#), art. 2

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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3163](#), [regs. 1](#), 18(1) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994](#), [reg. 59\(1\)](#), [Sch. 5](#))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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3164](#), [regs. 1](#), 19(1) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994](#), [reg. 59\(1\)](#), [Sch. 5](#))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\(1\)\(f\)](#)
- C2** S. 34 applied (E.) (4.10.2004) by [Genetically Modified Food \(England\) Regulations 2004 \(S.I. 2004/2335\)](#), [regs. 1\(b\)](#), [6\(2\)](#)

Changes to legislation: Food Safety Act 1990, Section 34 is up to date with all changes known to be in force on or before 26 June 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) View outstanding changes

- C3 S. 34 applied (with modifications) (15.11.2004) by Genetically Modified Food (Scotland) Regulations 2004 (S.S.I. 2004/432), regs. 1(1), **6(2)**
- C4 S. 34 applied (17.12.2004) by Genetically Modified Food (Wales) Regulations 2004 (S.I. 2004/3220), regs. 1(b), **6(2)**
- C5 S. 34 applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(4)**
- C6 S. 34 extended (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(4)**
- C7 S. 34 applied (24.6.2005) by The Materials and Articles in Contact with Food (Wales) Regulations 2005 (S.I. 2005/1647), regs. 1, **14(4)** (with reg. 3)
- C8 S. 34 applied (with modifications) (20.5.2006) by Ceramic Articles In Contact With Food (England) Regulations 2006 (S.I. 2006/1179), regs. 1(1), **7(d)**
- C9 S. 34 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food (Scotland) Regulations 2006 (S.S.I. 2006/230), regs. 1(2), **7**
- C10 S. 34 applied (with modifications) (30.6.2006) by Ceramic Articles in Contact with Food (Wales) Regulations 2006 (S.I. 2006/1704), regs. 1(1), **7(1)(d)**
- C11 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007 (S.I. 2007/1631), regs. 1, **5(g)**
- C12 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I. 2007/1984), regs. 1, **5(g)**
- C13 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 (S.S.I. 2007/325), regs. 1(1), **5(g)**
- C14 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (Scotland) Regulations 2007 (S.S.I. 2007/383), regs. 1(1), **6(g)**
- C15 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (Wales) Regulations 2007 (S.I. 2007/2611), regs. 1, **6(g)**
- C16 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (England) Regulations 2007 (S.I. 2007/2080), regs. 1, **6(g)**
- C17 S. 34 applied (31.7.2009) by The Food Irradiation (Wales) Regulations 2009 (S.I. 2009/1795), regs. 1(1), **11(3)** (with reg. 2)
- C18 S. 34 applied (31.7.2009) by The Food Irradiation (England) Regulations 2009 (S.I. 2009/1584), regs. 1, **11(3)** (with reg. 2)
- C19 S. 34 applied (20.1.2010) by Food Additives (Scotland) Regulations 2009 (S.S.I. 2009/436), regs. 1(1), **16(4)**
- C20 S. 34 applied (20.1.2010) by Food Additives (England) Regulations 2009 (S.I. 2009/3238), regs. 1, **16(4)**
- C21 S. 34 applied (20.1.2010) by Food Enzymes (Scotland) Regulations 2009 (S.S.I. 2009/435), regs. 1, **5(4)**
- C22 S. 34 applied (20.1.2010) by Food Enzymes Regulations 2009 (S.I. 2009/3235), regs. 1(1), **5(4)**
- C23 S. 34 applied (with modifications) (20.1.2011) by The Flavourings in Food (Wales) Regulations 2010 (S.I. 2010/2922), regs. 1, **5(4)**
- C24 S. 34 applied (20.1.2011) by The Flavourings in Food (England) Regulations 2010 (S.I. 2010/2817), regs. 1(c), **5(4)**
- C25 S. 34 applied (S.) (20.1.2011) by The Flavourings in Food (Scotland) Regulations 2010 (S.S.I. 2010/439), regs. 1, **5(4)**
- C26 S. 34 applied (with modifications) (W.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 (S.I. 2011/1605), regs. 1(2), **11(4)**
- C27 S. 34 applied (E.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011 (S.I. 2011/1517), regs. 1, **11(4)**
- C28 S. 34 applied (S.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011 (S.S.I. 2011/282), regs. 1, **11(4)**
- C29 S. 34 applied (5.10.2013) by The Fish Labelling (Scotland) Regulations 2013 (S.S.I. 2013/256), regs. 1, **7(3)**

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- C30** S. 34 applied (with modifications) (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 (S.I. 2013/2210), regs. 1, **19(3)**
- C31** S. 34 applied (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 (S.I. 2013/2591), regs. 1, **19(3)**
- C32** S. 34 applied (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013 (S.S.I. 2013/266), regs. 1, **17(3)**
- C33** S. 34 power to apply in part for certain purposes conferred (1.4.2015) by Food (Scotland) Act 2015 (asp 1), **ss. 49(2)(c)(vi), 63(2)** (with s. 62); S.S.I. 2015/99, art. 2
- C34** S. 34 applied (with modifications) (E.) (1.10.2022) by The Food (Promotion and Placement) (England) Regulations 2021 (S.I. 2021/1368), regs. 1(1), **16(1)(2)(h)**
- C35** S. 34 applied (with modifications) (S.) (30.6.2023) by The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023 (S.S.I. 2023/161), regs. 1(2), **3(b)**

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Changes and effects yet to be applied to :

- s. 34 applied by [S.I. 2009/3378 reg. 16\(4\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 37(2)(a) repealed by [2007 c. 15 Sch. 23 Pt. 1](#)