
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety (Northern Ireland) Order 1991

PART III

ADMINISTRATION AND ENFORCEMENT

Appeals

Appeals

37.—(1) Any person who is aggrieved by—

- (a) a decision of an authorised officer to serve an improvement notice;
- (b) a decision of a district council or, as the case may be,^[F1] the Food Standards Agency or] the Department of Agriculture to refuse to issue such a certificate as is mentioned in Article 10(6) or 11(8); or
- (c) subject to paragraph (2), a decision of a district council or, as the case may be,^[F1] the Food Standards Agency or] the Department of Agriculture to refuse, cancel, suspend or revoke a licence required by regulations under Part II,

may appeal to a court of summary jurisdiction.

(2) The procedure on an appeal to a court of summary jurisdiction under paragraph (1), or an appeal to such a court for which provision is made by regulations under Part II, shall be by way of notice under Part VII of the Magistrates' Courts (Northern Ireland) Order 1981^{F2}.

^[F3](2A) The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) in the case of an appeal under paragraph (1)(a), that period or the period specified in the improvement notice, whichever ends the earlier.]

(3) In any case where such an appeal as is mentioned in paragraph (2) lies, the document notifying the decision to the person concerned shall state—

- (a) the right of appeal to a court of summary jurisdiction; and
- (b) the period within which such an appeal may be brought.

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| F1 | 1999 c. 28 |
| F2 | 1981 NI 26 |
| F3 | 1996 NI 12 |

Modifications etc. (not altering text)

- C1** Art. 37 applied with modifications (7.10.2013) by [The Fish Labelling Regulations \(Northern Ireland\) 2013 \(S.R. 2013/219\)](#), regs. 1, 5

Status: Point in time view as at 11/09/2015.

Changes to legislation: There are currently no known outstanding effects for the The Food Safety (Northern Ireland) Order 1991, Cross Heading: Appeals. (See end of Document for details)

- C2** Art. 37 applied with modifications (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), regs. 1, **reg. 8(1)-(3)**
- C3** Art. 37 applied with modifications (20.11.2013) by [The Fruit Juices and Fruit Nectars Regulations \(Northern Ireland\) 2013 \(S.R. 2013/253\)](#), regs. 1(1), **reg. 18(1)-(3)**
- C4** Art. 37 applied (with modifications) (13.12.2014) by [The Products Containing Meat etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/285\)](#), regs. 1, **8(1)**
- C5** Art. 37 applied (with modifications) (24.6.2015) by [The Honey Regulations \(Northern Ireland\) 2015 \(S.R. 2015/261\)](#), reg. 1, **Sch. 2**
- C6** Art. 37 applied (with modifications) (11.9.2015) by [The Country of Origin of Certain Meats Regulations \(Northern Ireland\) 2015 \(S.R. 2015/321\)](#), regs. 1, 6(3), **Sch. Pt. 3 paras. 1, 2**
- C7** Art. 37(1) applied (with modifications) (13.12.2014) by [The Food Information Regulations \(Northern Ireland\) 2014 \(S.R. 2014/223\)](#), regs. 1(2), 12, **Sch. 4 para. 1**
- C8** Art. 37(2)(A)(3) applied (1.1.2007) by [Fishery Products \(Official Controls Charges\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/485\)](#), **reg. 8(2)**
- C9** Art. 37(2) applied (1.1.2008) by [Fishery Products \(Official Controls Charges\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/497\)](#), **reg. 8(2)**
- C10** Art. 37(2A) applied (1.1.2008) by [Fishery Products \(Official Controls Charges\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/497\)](#), **reg. 8(2)**
- C11** Art. 37(2A)(b) applied (with modifications) (13.12.2014) by [The Food Information Regulations \(Northern Ireland\) 2014 \(S.R. 2014/223\)](#), regs. 1(2), 12, **Sch. 4 para. 2**
- C12** Art. 37(3) applied (1.1.2008) by [Fishery Products \(Official Controls Charges\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/497\)](#), **reg. 8(2)**

Appeals against improvement notices

38.—(1) On an appeal against an improvement notice, the court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(2) Where, apart from this paragraph, any period specified in an improvement notice would include any day on which an appeal against that notice is pending, that day shall be excluded from that period.

(3) An appeal shall be regarded as pending for the purposes of paragraph (2) until it is determined or abandoned.

Modifications etc. (not altering text)

- C13** Art. 38 applied with modifications (7.10.2013) by [The Fish Labelling Regulations \(Northern Ireland\) 2013 \(S.R. 2013/219\)](#), regs. 1, **5(4)**
- C14** Art. 38 applied with modifications (31.10.2013) by [The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations \(Northern Ireland\) 2013 \(S.R. 2013/220\)](#), regs. 1, **8(4)**
- C15** Art. 38 applied with modifications (20.11.2013) by [The Fruit Juices and Fruit Nectars Regulations \(Northern Ireland\) 2013 \(S.R. 2013/253\)](#), regs. 1(1), **18(4)**
- C16** Art. 38 applied (with modifications) (13.12.2014) by [The Products Containing Meat etc. Regulations \(Northern Ireland\) 2014 \(S.R. 2014/285\)](#), regs. 1, **8(4)**
- C17** Art. 38 applied (with modifications) (24.6.2015) by [The Honey Regulations \(Northern Ireland\) 2015 \(S.R. 2015/261\)](#), reg. 1, **Sch. 2**
- C18** Art. 38 applied (with modifications) (11.9.2015) by [The Country of Origin of Certain Meats Regulations \(Northern Ireland\) 2015 \(S.R. 2015/321\)](#), regs. 1, 6(3), **Sch. Pt. 3 para. 3**
- C19** Art. 38(1) applied (with modifications) (13.12.2014) by [The Food Information Regulations \(Northern Ireland\) 2014 \(S.R. 2014/223\)](#), regs. 1(2), 12, **Sch. 4 para. 3**

C20 Art. 38(2) applied (with modifications) (13.12.2014) by [The Food Information Regulations \(Northern Ireland\) 2014 \(S.R. 2014/223\)](#), regs. 1(2), 12, **Sch. 4 para. 3**

Status:

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Changes to legislation:

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