



Food Safety Act 1990

1990 CHAPTER 16

PART III

ADMINISTRATION AND ENFORCEMENT

Offences

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.
- (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 ^{M1}Slaughterhouses Act 1974 to keep a ^{F1} . . . knacker’s yard;
 - ^{F2}(b)
 - (c) licensed under section 6 of [^{F3}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.

Status: Point in time view as at 30/07/2003. This version of this provision has been superseded.

Changes to legislation: Food Safety Act 1990, Section 35 is up to date with all changes known to be in force on or before 20 August 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)

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- F1** Words in s. 35(4)(a) repealed (11.9.1996) by **S.I. 1996/2235, art. 11, Sch.**
F2 S. 35(4)(b) repealed (11.9.1996) by **S.I. 1996/2235, art. 11, Sch.**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

- C1** 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)**
- C2** 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**
 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)**;

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- (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)**
- C3** S. 35(1)-(3) applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(e)**
- C4** S. 35(1) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), regs. 1, **10(h)**
- C5** 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)**
- C6** 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)**
- C7** 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)**
- C8** S. 35(1) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C9** 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)**
- C10** 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)**
- C11** 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)**
- C12** S. 35(1) applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(i)**
- C13** 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)**
- C14** 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)
- C15** 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)
- C16** 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)**
- C17** 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)**
- C18** 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)**
- C19** S. 35(2)(3) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C20** 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)**
- C21** 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)**
- C22** 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)**
- C23** 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)**

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- C24** 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)
- C25** 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)**
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Marginal Citations

- M1** 1974 c. 3.

Status:

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