



Food Safety Act 1990

1990 CHAPTER 16

PART III

ADMINISTRATION AND ENFORCEMENT

Offences

36 Offences by bodies corporate.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) any director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,
- he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) above “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Modifications etc. (not altering text)

- C1** S. 36 applied by [S.I. 1991/370, reg. 3 \(1\)](#)
S. 36 applied: (9.4.1992) by [S.I. 1992/496, reg. 7\(1\)\(f\)](#); (29.5.1992) by [S.I. 1992/1122, reg. 4](#) (which S.I. was revoked (24.7.1992) by [S.I. 1992/1601, reg. 6](#)); (24.7.1992) by [S.I. 1992/1601, reg. 4](#); (13.9.1992) by [S.I. 1992/1971, reg. 9\(g\)](#); (14.9.1992) by [S.I. 1992/1978, reg. 7\(g\)](#); (1.10.1992) by [S.I. 1992/2037, reg. 23\(e\)](#) (which S.I. was revoked (1.4.1995) by [S.I. 1995/539, reg. 25, Sch. 22](#) (with [regs. 3\(2\), 25, Sch. 22](#)))
S. 36 applied: (14.7.1993) by [S.I. 1993/1520, reg. 2\(2\)\(h\)](#); (29.7.1993) by [S.I. 1993/1658, reg. 7\(g\)](#)
S. 36 applied (W.) (1.4.2001) by [S.I. 2001/1360, reg. 7\(1\)\(f\)](#)

Status: Point in time view as at 17/04/2003. This version of this provision has been superseded.

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- C2** S. 36 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**
- S. 36 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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1, 18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1, 19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (18.12.1992 for certain purposes and 1.1.1993 otherwise) by S.I. 1992/3165, **regs. 1, 7(2)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1), Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**
- S. 36 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(g)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(e)** (which S.I. was revoked (1.4.1995) by S.I. 1995/540, **reg. 26** (with **reg. 3(5)**)); (2.9.1994) by S.I. 1994/2127, **reg. 5**; (1.1.1995) by S.I. 1994/3082, **reg. 21**
- S. 36 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995) by S.I. 1995/539, **reg. 22** and S.I. 1995/540, **reg. 24**; (1.4.1995) by S.I. 1995/614, **reg. 11**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(g)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(g)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(h)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (20.9.1995) by S.I. 1995/2148, **reg. 17**
- S. 36 applied (with modifications): (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(h)** and S.I. 1995/3124, **reg. 11(h)**; (1.1.1996) by S.I. 1995/3240, **reg. 10(g)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49, Sch. 9**); (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**; (1.1.1996) by S.I. 1995/3205, **reg. 14**; (29.3.1996) by S.I. 1996/961, **art. 4(a)**; (1.7.1996) by S.I. 1996/1499, **reg. 48** and S.I. 1996/1502, **reg. 6**; (5.7.1996) by S.I. 1996/1743, **reg. 5**; (1.9.1996) by S.I. 1996/2097, **reg. 6**
- S. 36 applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6(g)**; (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)(h)**; (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**; (17.11.1997) by S.I. 1997/2537, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**; (1.1.1998) by S.I. 1997/2965, **reg. 30**
- S. 36 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(i)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(f)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(g)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(h)**
- S. 36 applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (17.12.1999) by S.S.I. 1999/186, **art. 9**; (19.3.1999) by S.I. 1996/1499, **reg. 48** (as inserted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(i)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
- S. 36 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)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(i)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(i)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(i)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(i)**
- S. 36 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)** and S.I. 2001/1440, **reg. 10(i)**
- S. 36 applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(i)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(i)**; (E.) (20.3.2002) by S.I. 2002/334, **art. 5(1)(e)** (as substituted (20.3.2002) by S.I. 2002/602, **art. 4**); (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(f)** (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)(f)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(1), 5(1)(f)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(1), 5(1)(f)** (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)(f)** (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)(f)** (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)(h)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(g)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(h)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(i)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(f)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(e)**; (S.) (1.7.2002) by S.I. 2002/267, **reg. 7(1)(g)**; (W.) (12.7.2002)

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by S.I. 2002/1798, **reg. 5(1)(f)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(i)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(k)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(f)** and S.I. 2002/2296, **reg. 5(1)(f)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(f)** and S.I. 2002/2351, **reg. 5(1)(f)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(d)** and S.S.I. 2002/425, **reg. 5(1)(d)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(i)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(k)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(i)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(k)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(k)**

- C3** S. 36 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(1)(d)**
- C4** S. 36 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(j)**
- C5** S. 36 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(h)**
- C6** S. 36 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)(f)**

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