



Food Safety Act 1990

1990 CHAPTER 16

PART III

ADMINISTRATION AND ENFORCEMENT

Appeals

39 Appeals against improvement notices.

- (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 subsection, 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(3) An appeal shall be regarded as pending for the purposes of subsection (2) above until it is finally disposed of, is withdrawn or is struck out for want of prosecution.

Modifications etc. (not altering text)

- C1** S. 39 applied (with modifications) (2.9.2013) by [The Fish Labelling Regulations 2013 \(S.I. 2013/1768\)](#), regs. 1(1)(b), **9**
- C2** S. 39 applied (with modifications) (26.9.2013) by [The Fish Labelling \(Wales\) Regulations 2013 \(S.I. 2013/2139\)](#), regs. 1(2), **7**
- C3** S. 39 applied (with modifications) (20.11.2013) by [The Fruit Juices and Fruit Nectars \(England\) Regulations 2013 \(S.I. 2013/2775\)](#), regs. 1(2), **18(2)**
- C4** S. 39 applied (with modifications) (20.11.2013) by [The Fruit Juices and Fruit Nectars \(Wales\) Regulations 2013 \(S.I. 2013/2750\)](#), regs. 1(2), **18(2)** (with reg. 22(2))
- C5** S. 39 applied (with modifications) (19.9.2014 for specified purposes, 13.12.2014 for specified purposes, 13.12.2016 in so far as not already in force) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), regs. 1(3)(4)(b)(5)(b), 12(4), **Sch. 4 Pt. 4** (with reg. 12(6))

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- C6** S. 39 applied (with modifications) (13.12.2014) by [The Products Containing Meat etc. \(England\) Regulations 2014 \(S.I. 2014/3001\)](#), reg. 7(4) (with reg. 3)
- C7** S. 39 applied (with modifications) (1.4.2015) by [The Country of Origin of Certain Meats \(England\) Regulations 2015 \(S.I. 2015/518\)](#), regs. 1(1), 6(4), **Sch. para. 4**
- C8** S. 39 applied (with modifications) (6.4.2015) by [The Condensed Milk and Dried Milk \(England\) Regulations 2015 \(S.I. 2015/675\)](#), regs. 1(1), 6, **Sch. 3 Pt. 3**
- C9** S. 39 applied (with modifications) (24.6.2015) by [The Honey \(England\) Regulations 2015 \(S.I. 2015/1348\)](#), reg. 1(1), **Sch. 2** (with regs. 4, 5)
- C10** S. 39 applied (with modifications) (3.8.2015) by [The Honey \(Wales\) Regulations 2015 \(S.I. 2015/1507\)](#), reg. 1(2), **Sch. 2** (with reg. 22)
- C11** S. 39 applied (with modifications) (10.8.2015) by [The Country of Origin of Certain Meats \(Wales\) Regulations 2015 \(S.I. 2015/1519\)](#), regs. 1(2), 6(4), **Sch. Pt. 4**
- C12** S. 39 applied (with modifications) (28.11.2015) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(Wales\) Regulations 2015 \(S.I. 2015/1867\)](#), regs. 1(2), 35, **Sch. 12 Table 3** (with reg. 3)
- C13** S. 39 applied (with modifications) by S.I. 2000/845, reg. 5A(5), Sch. Pt. 5 (as inserted (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), reg. 1(3), Sch. 3 para. 2(b)(c) (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4 and (22.2.2020) by S.I. 2020/43, reg. 1(1), **Sch. 5 para. 2(2)(b)**)
- C14** S. 39 applied (with modifications) by S.I. 2003/3207, reg. 10A(5), Sch. 9 Pt. 5 (as inserted (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), reg. 1(3), Sch. 3 para. 3(b)(c) (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4 and (22.2.2020) by S.I. 2020/43, reg. 1(1), **Sch. 5 para. 3(2)(b)**)
- C15** S. 39 applied (with modifications) by S.I. 2007/3521, reg. 28A(5), Sch. Pt. 5 (as inserted (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), reg. 1(3), Sch. 3 para. 4(b)(c) (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4 and (22.2.2020) by S.I. 2020/43, reg. 1(1), **Sch. 5 para. 4(2)(b)**)
- C16** S. 39 applied (with modifications) by S.I. 1997/2182, reg. 6A(5), Sch. 3 Pt. 5 (as inserted (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), reg. 1(3), Sch. 3 para. 1(h)(j) (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4 and (22.2.2020) by S.I. 2020/43, reg. 1(1), **Sch. 5 para. 1(2)(b)**)
- C17** S. 39 applied (with modifications) by S.I. 2009/3051, reg. 3A(5), Sch. 2 Pt. 5 (as inserted (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), reg. 1(3), Sch. 3 para. 5(a)(c) (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4 and (22.2.2020) by S.I. 2020/43, reg. 1(1), **Sch. 5 para. 5(3)(b)**)
- C18** S. 39 applied (with modifications) (20.7.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(England\) Regulations 2016 \(S.I. 2016/688\)](#), regs. 1(3), 4(5), **Sch. 2 Pt. 5** (as amended (1.3.2017) by S.I. 2017/62, regs. 1(3), 4)
- C19** S. 39 applied (with modifications) by S.I. 2007/3573, reg. 28A(5), Sch. Pt. 5 (as inserted (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), reg. 1(3), **Sch. 3 para. 4(b)**)
- C20** S. 39 applied (with modifications) by S.I. 1997/2182, reg. 6A(5), **Sch. 3 Pt. 5** (as inserted (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), reg. 1(3), **Sch. 3 para. 1(g)**)
- C21** S. 39 applied (with modifications) by S.I. 2009/3254, reg. 3A(5), Sch. 2 Pt. 5 (as inserted (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), reg. 1(3), **Sch. 3 para. 5(a)**)
- C22** S. 39 applied (with modifications) (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), regs. 1(3), 4(5), **Sch. 2 Pt. 5**
- C23** S. 39 applied (with modifications) by S.I. 2004/314, reg. 10A(5), Sch. 9 Pt. 5 (as inserted (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), reg. 1(3), **Sch. 3 para. 3(b)**)

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- C24** S. 39 applied (with modifications) by S.I. 2000/1866, reg. 5A(5), Sch. Pt. 5 (as inserted (2.8.2016) by [The Food for Specific Groups \(Information and Compositional Requirements\) \(Wales\) Regulations 2016 \(S.I. 2016/639\)](#), reg. 1(3), **Sch. 3 para. 2(b)**)
- C25** S. 39 applied (with modifications) (15.8.2014 for specified purposes, 13.12.2014 for specified purposes, 13.12.2016 in so far as not already in force) by [The Food Information Regulations 2014 \(S.I. 2014/1855\)](#), reg. 12(4), **Sch. 4 Pt. 4** (with regs. 1(9)(b), 12(6))
- C26** S. 39 applied (with modifications) (22.12.2016) by [The Caseins and Caseinates \(Wales\) Regulations 2016 \(S.I. 2016/1130\)](#), regs. 1(3), 8(2), **Sch. 5 Pt. 2** (with regs. 3, 8(3))
- C27** S. 39 applied (with modifications) by S.I. 2012/2705, Sch. 2 Pt. 2 (as inserted (14.9.2017) by [The Materials and Articles in Contact with Food \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/832\)](#), reg. 1(3), **Sch.**)
- C28** S. 39 applied (with modifications) (26.9.2017) by [The Caseins and Caseinates \(England\) Regulations 2017 \(S.I. 2017/848\)](#), regs. 1(1), 7, **Sch. 5**
- C29** S. 39 applied (with modifications) (1.1.2018) by [The Novel Foods \(Wales\) Regulations 2017 \(S.I. 2017/1103\)](#), reg. 1(3), **Sch. 2 Pt. 3** (with reg. 5(4))
- C30** S. 39 applied (with modifications) (26.3.2018) by [The Condensed Milk and Dried Milk \(Wales\) Regulations 2018 \(S.I. 2018/275\)](#), regs. 1(3), 6(2), **Sch. 3 Pt. 2**
- C31** S. 39 applied (with modifications) (26.3.2018) by [The Jam and Similar Products \(Wales\) Regulations 2018 \(S.I. 2018/274\)](#), reg. 1(3), **Sch. 5** (with reg. 3)
- C32** S. 39 applied (with modifications) by S.I. 2007/2785, **Sch. 13** (as inserted (6.4.2018) by [The Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/352\)](#), reg. 1(1), **Sch. 2**)
- C33** S. 39 applied (with modifications) (E.) (22.2.2020 for all purposes except in respect of infant formula and follow-on formula manufactured from protein hydrolysates and 22.2.2022 in so far as not already in force) by [The Food for Specific Groups \(Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula\) \(Information and Compositional Requirements\) \(Amendment etc.\) \(England\) Regulations 2020 \(S.I. 2020/43\)](#), regs. 1(1)(2), 4(5), **Sch. 2 para. 5** (as amended by S.I. 2021/168, **reg. 2(2)**) (as amended by S.I. 2021/168, **reg. 2(2)**) Edit
- C34** S. 39 applied (with modifications) (W.) (22.2.2020 for all purposes except in respect of infant formula and follow-on formula manufactured from protein hydrolysates and 22.2.2021 in so far as not already in force) by [The Infant Formula and Follow-on Formula \(Wales\) Regulations 2020 \(S.I. 2020/89\)](#), regs. 1(1)(2), 4(3), **Sch. 2 para. 5** (with savings in reg. 5(4)(5), Sch. 4 para. 26(1)(2) (as inserted (16.9.2021) by S.I. 2021/955, reg. 2(2), **Sch.**))

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Changes and effects yet to be applied to :

- s. 39 applied (with modifications) by S.I. 2007/2080, reg. 6, Sch. Pt. 5 (as inserted) by [S.I. 2024/165 reg. 2\(6\)](#)

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](#)