
STATUTORY INSTRUMENTS

1991 No. 100

FOOD

**Food Safety (Improvement and Prohibition-
Prescribed Forms) Regulations 1991**

<i>Made</i>	- - - -	<i>22nd January 1991</i>
<i>Laid before Parliament</i>		<i>24th January 1991</i>
<i>Coming into force</i>	- -	<i>14th February 1991</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales acting jointly as respects England and Wales, and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred by section 49(2) of the Food Safety Act 1990(1), and of all other powers enabling them in that behalf, after consulting such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations in accordance with section 48(4)(a) of that Act, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Safety (Improvement and Prohibition-Prescribed Forms) Regulations 1991 and shall come into force on 14th February 1991.

Forms prescribed for certain purposes

2. The form of a document used for the purposes of the Food Safety Act 1990 and referred to in a numbered paragraph in the table of contents in Part I of the Schedule to these Regulations is hereby prescribed as being that set out in the correspondingly numbered form in Part II of that Schedule.

(1) 1990 c. 16. Section 4(1) provides a definition of “the Ministers” which is relevant to the powers exercised by the making of these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 22nd day of January 1991.

L.S.

22nd January 1991

Trumpington
Minister of State, Ministry of Agriculture,
Fisheries and Food

22nd January 1991

William Waldegrave
Secretary of State for Health

22nd January 1991

David Hunt
Secretary of State for Wales

Signed by authority of the Secretary of State for Scotland

22nd January 1991

Michael B. Forsyth
Minister of State, Scottish Office

SCHEDULE

Regulation 2

FORMS

PART I

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2. Notice served by an authorised officer under section 12(1) of the Food Safety Act 1990 (“emergency prohibition notice”).
3. Notice given under section 12(3) of the Food Safety Act 1990 by an authorised officer of his intention to apply for an emergency prohibition order (“notice of intention to apply for an emergency prohibition order”).
4. Certificate issued by an enforcement authority under section 11(6)(a) or section 12(8) of the Food Safety Act 1990 that they are satisfied that the proprietor of a food business has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business (“certificate that there is no longer a risk to health”).
5. Notice given by an enforcement authority under section 11(7)(b) or section 12(9)(b) of the Food Safety Act 1990 that they are not satisfied that the proprietor of a food business has taken sufficient measures to secure that the health risk condition is fulfilled with respect to the business (“notice of continuing risk to health”).

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PART II

Authority:

FORM 1

**Food Safety Act 1990 – Section 10
IMPROVEMENT NOTICE**

Reference Number:

- 1. To: (Proprietor of the food business)
At:
.....
..... (Address of proprietor)

- 2. In my opinion the:
.....
.....
[Officer to insert matters which do not comply with the Regulations]
in connection with your food business
..... (Name of business)
at
..... (Address of business)
do/does* not meet the requirements of
of the Regulations

because:
.....
.....
[* Officer to delete as appropriate]

- 3. In my opinion, the following measures are needed for you to comply with these Regulations:
- 4. These measures or measures that will achieve the same effect must be taken by: (date)
- 5. *It is an offence not to comply with this improvement notice by the date stated.*

Signed: Authorised Officer
Name in capitals:
Date:
Address:
.....
Tel: Fax:

*Please read the notes overleaf carefully.
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.*

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NOTES

1. In the opinion of the officer you are not complying with the Regulations under Part II of the Food Safety Act 1990 described in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.
3. *You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.*

YOUR RIGHT OF APPEAL

4. If you disagree with all or part of this notice, you can appeal to the magistrates' court, or in Scotland to the sheriff. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
5. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. *However, if you are not complying with the Regulations mentioned in the notice, you may still be prosecuted for failure to comply with those Regulations.*
6. When the appeal is heard, the magistrates' court, or in Scotland the sheriff, may confirm, cancel or vary the notice.

WARNING

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

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Authority:

FORM 2

**Food Safety Act 1990 – Section 12
EMERGENCY PROHIBITION NOTICE**

Reference Number:

1. To: (Proprietor of the food business)
At:
..... (Address of proprietor)

2* I am satisfied that:
.....
.....
at
..... (Address of business)

POSES AN IMMINENT RISK OF INJURY TO HEALTH because:
.....
.....
.....

(*See Note 1 overleaf)

3. *YOU MUST NOT USE IT FOR THE PURPOSES OF THIS/ANY/THIS OR ANY SIMILAR* FOOD BUSINESS.*

[* Officer to delete as appropriate]

Signed: Authorised Officer
Name in capitals:
Date:
Address:
.....
Tel: Fax:

*Please read the notes overleaf carefully.
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTES

1. *When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the officer in paragraph 2 of the notice and located at the address stated.*
2. Within 3 days of service of this notice, the authority must apply to a magistrates' court, or in Scotland to a sheriff, for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the imminent risk of injury to health, you should apply in writing to the authority for a certificate which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 3 of the notice (see section 11(3) of the Food Safety Act 1990) until (a) a court decides you may do so; (b) the authority issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and the authority has not applied to the court as in paragraph 2 above; or (d) the authority abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence (under section 1 of the Criminal Damage Act 1971 or, in Scotland, section 78 of the Criminal Justice (Scotland) Act 1980) to deface it.
6. **COMPENSATION:** If the authority does not apply to the magistrates' court, or in Scotland to the sheriff, for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the magistrates' court, or in Scotland the sheriff, decide at the hearing that the authority's action was wrong.

WARNING

ANY ONE WHO KNOWINGLY CONTRAVENES THIS NOTICE IS GUILTY OF AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

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Authority:

FORM 3

**Food Safety Act 1990 – Section 12
NOTICE OF INTENTION TO APPLY FOR AN EMERGENCY
PROHIBITION ORDER**

Reference Number:

- 1. To:
- Address:
-
-

You are the proprietor of the food business at:

.....
.....
.....

- 2. *I give notice that I shall be applying to the*
- Magistrates' Court/Sheriff sitting at*
- for an emergency prohibition order because*
-
-

- 3. If an order is made by the court you will not be able to use the premises, process, treatment or equipment described:
-
-
-

for the purpose of this/any/this or any similar* food business.

[* Officer to delete as appropriate]

Signed: Authorised Officer

Name in capitals:

Date:

Address:

.....

Tel: Fax:

*Please read the notes overleaf carefully.
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTES

1. This notice tells you that the authority intends to apply to the magistrates' court, or in Scotland the sheriff, for an emergency prohibition order which, if granted, would mean that you could not use the premises, process, treatment or equipment described for the purposes specified in paragraph 3 of the notice (see section 11(3) of the Food Safety Act 1990).
2. The court will consider the evidence from the authority as to why they believe there is an imminent risk of injury to health from the operation of your food business or part of it. You may bring your own evidence and witnesses to put before the court and you may choose to be represented by a lawyer.
3. *If the court is convinced by the authority's evidence, then an order will be made stating what you may not do. The order will be served on you by the authority. A copy of it must be fixed by the authority at your premises and it is an offence to deface it. (Section 1 of the Criminal Damage Act 1971 or, in Scotland, section 78 of the Criminal Justice (Scotland) Act 1980).*
4. In England and Wales, you have the right to appeal to the Crown Court against the decision of the magistrates' court if you think that it is wrong. In Scotland the position is governed by the Rules of Court.
5. The making of an order does not mean you are guilty of an offence but the authority may seek to prosecute you for offences under the Food Safety Act 1990 or associated regulations.
6. If you have been issued with an emergency prohibition notice from the authority, you will know what steps should be taken to remove the imminent risk to health.
7. *If the court is not satisfied by the authority's evidence and an order is not issued, then you will be entitled to continue your business. If the authority has already issued you with an emergency prohibition notice and you have suffered loss because you have complied with it, then you will also be entitled to compensation from the authority.*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Authority:

FORM 4

Food Safety Act 1990 – Sections 11 & 12

CERTIFICATE THAT THERE IS NO LONGER A RISK TO HEALTH

1. To: (Name of proprietor)

At: (Address of proprietor)

Proprietor of:

Address of food business:

.....

2. *The enforcement authority certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:*

- emergency prohibition notice*
- emergency prohibition order*
- prohibition order*
- [* Officer to delete as appropriate]

served on you on (date).

Signed: Authorised Officer

Name in capitals:

Date:

Address:

.....

Tel: Fax:

THIS CERTIFICATE MEANS THAT YOU MAY NOW USE THE PREMISES, PROCESS, TREATMENT OR EQUIPMENT AGAIN.

*Please read the notes overleaf carefully.
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

NOTES

1. The authority is now satisfied that the imminent* risk of injury to health no longer exists in respect of the circumstances that caused the authority to issue you with an emergency prohibition notice or the court to impose a prohibition order or emergency prohibition order.
2. *The relevant notice or order is now lifted and you may use the premises, process, treatment or equipment again.*

[* Officer to delete as appropriate]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Authority:

FORM 5

Food Safety Act 1990 – Sections 11 & 12

NOTICE OF CONTINUING RISK TO HEALTH

- 1. To: (Name of proprietor)
- At: (Address of proprietor)
- Proprietor of:
- Address of food business:

- 2. *The authority is NOT satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the:*
 - emergency prohibition notice*
 - emergency prohibition order*
 - prohibition order*
 - [* Officer to delete as appropriate]

served on you on (date), a further copy of which is attached.

The authority is not satisfied because:
.....
.....

- 3. *You must not use the premises, process, treatment or equipment in question until the authority notifies you that you may do so.*

Signed: Authorised Officer

Name in capitals:

Date:

Address:

Tel: Fax:

*Please read the notes overleaf carefully.
If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.*

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NOTES

1. The authority is not yet satisfied that the imminent* risk of injury to health has been removed at your business. The reasons why the authority is not satisfied are given.
2. You still cannot use the premises, process, treatment or equipment in question for the purposes described in the emergency prohibition notice/emergency prohibition order/prohibition order* even if you are appealing against the terms of this notice.
3. You are entitled to appeal against this notice. If you want to do so, you should apply to the magistrates' court, or in Scotland to a sheriff, within one calendar month of the date on which this notice is served on you.
4. As soon as you think that there is no longer a/an imminent* risk of injury to health, because of actions you have taken, you may apply to the authority for the prohibition notice or order to be lifted.

[* Officer to delete as appropriate]

WARNING

FAILURE TO COMPLY WITH THE ORIGINAL NOTICE OR ORDER IS AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations prescribe the forms of notice which may be used in connection with improvement notices under section 10 prohibition orders (other than those relating to proprietors) under section 11 and emergency prohibition notices or orders under section 121 of the Food Safety Act 1990 (regulation 2).