
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety (Northern Ireland) Order 1991

PART III

ADMINISTRATION AND ENFORCEMENT

Offences

Time limit for prosecutions

35. A prosecution for an offence under this Order which is punishable under Article 36(2) shall not be begun after the expiry of—

- (a) 3 years from the commission of the offence; or
- (b) one year from its discovery by the prosecution,

whichever is the earlier.

Modifications etc. (not altering text)

- C1** Art. 35 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food Regulations (Northern Ireland) 2006 (S.R. 2006/217), **reg. 7(d)**
- C2** Art. 35 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances Regulations (Northern Ireland) 2007 (S.R. 2007/301), **reg. 5(g)**
- C3** Art. 35 applied (with modifications) (1.10.2007) by Nutrition and Health Claims Regulations (Northern Ireland) 2007 (S.R. 2007/349), **reg. 6(g)**
- C4** Art. 35 applied (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(3)**
- C5** Art. 35 applied (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(4)**
- C6** Art. 35 applied (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(4)**
- C7** Art. 35 applied (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(4)**
- C8** Art. 35 applied (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(4)**
- C9** Art. 35 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, 19, **Sch. 5**

Punishment of offences

36.—^{F1}(1) A person guilty of an offence under Article 34(1) 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 3 months or to both.

- ^{F1}(2) A person guilty of any other offence under this Order shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
 - (b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding 6 months or to both.
- ^{F1}(3) In paragraph (2) “the relevant amount” means—
- (a) in the case of an offence under^{F2} Article 6 or 13], £20,000;
 - (b) in any other case, the statutory maximum.

F1 mod. by SR 2005/284

F2 SR 2004/505

Modifications etc. (not altering text)

- C10** Art. 36 applied (with modifications) (1.7.2008) by [Drinking Milk Regulations \(Northern Ireland\) 2008 \(S.R. 2008/237\)](#), **reg. 7(h)**
- C11** Art. 36 applied (with modifications) (1.7.2008) by [Spreadable Fats \(Marketing Standards\) and the Milk and Milk Products \(Protection of Designations\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/239\)](#), **regs. 3, 7(i)**
- C12** Art. 36 applied (31.3.2016) by [The Animals and Animal Products \(Examination for Residues and Maximum Residue Limits\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/54\)](#), **regs. 1, 32(1)(g)**
- C13** Art. 36(1)-(3) applied (with modifications) (20.5.2006) by [Ceramic Articles in Contact with Food Regulations \(Northern Ireland\) 2006 \(S.R. 2006/217\)](#), **reg. 7(e)**
- C14** Art. 36(1) applied (with modifications) (9.11.2006) by [Rice Products \(Restriction on First Placing on the Market\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/443\)](#), **reg. 5(f)**
- C15** Art. 36(1) applied (with modifications) (18.10.2006) by [Curd Cheese \(Restriction on Placing on the Market\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/415\)](#), **reg. 4(f)**
- C16** Art. 36(1) applied (with modifications) (1.7.2006) by [Contaminants in Food Regulations \(Northern Ireland\) 2006 \(S.R. 2006/256\)](#), **reg. 5(1)(g)**
- C17** mod. by SR 2004/487
- C18** Art. 36(1) applied (1.3.2007) by [Notification of Marketing of Food for Particular Nutritional Uses Regulations \(Northern Ireland\) 2007 \(S.R. 2007/60\)](#), **reg. 7(i)**
- C19** Art. 36(1) applied (with modifications) (1.3.2007) by [Quick-frozen Foodstuffs Regulations \(Northern Ireland\) 2007 \(S.R. 2007/65\)](#), **reg. 10(h)**
- C20** Art. 36(1) applied (with modifications) (1.3.2007) by [Contaminants in Food Regulations \(Northern Ireland\) 2007 \(S.R. 2007/66\)](#), **reg. 5(1)(g)**
- C21** Art. 36(1) applied (with modifications) (1.3.2007) by [Quick-frozen Foodstuffs \(No.2\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/110\)](#), **reg. 10(h)**
- C22** Art. 36(1) applied (with modifications) (3.8.2007) by [Food \(Suspension of the Use of E 128 Red 2G as Food Colour\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/352\)](#), **reg. 5(f)**
- C23** Art. 36(1) applied (31.10.2007) by [Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations \(Northern Ireland\) 2007 \(S.R. 2007/420\)](#), **reg. 22(1)(i)** (with reg. 3)
- C24** Art. 36(1) applied (with modifications) (11.1.2008) by [Infant Formula and Follow-on Formula Regulations \(Northern Ireland\) 2007 \(S.R. 2007/506\)](#), **reg. 29(g)**
- C25** Art. 36(1) applied (with modifications) (12.3.2008) by [Rice Products from the United States of America \(Restriction on First Placing on the Market\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/99\)](#), **reg. 5(f)**
- C26** Art. 36(1) applied (with modifications) (15.4.2008) by [Specified Products from China \(Restriction on First Placing on the Market\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/171\)](#), **reg. 6(f)**
- C27** Art. 36(1) applied (with modifications) (1.7.2009) by [Contaminants in Food Regulations \(Northern Ireland\) 2009 \(S.R. 2009/220\)](#), **reg. 5(1)(g)**

- C28** Art. 36(1) applied (with modifications) (31.7.2009) by Food Irradiation Regulations (Northern Ireland) 2009 (S.R. 2009/258), **reg. 11(1)(h)**
- C29** Art. 36(1) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(g)**
- C30** Art. 36(1) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(d)**
- C31** Art. 36(1) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(f)**
- C32** Art. 36(1) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(h)**
- C33** Art. 36(1) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(g)**
- C34** Art. 36(1) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(g)**
- C35** Art. 36(1) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(d)**
- C36** Art. 36(1) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(d)**
- C37** Art. 36(1) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), **regs. 1, 5(g)**
- C38** Art. 36(1) applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), **regs. 1, 9, Sch. Pt 1 para. 1**
- C39** Art. 36(1)(2) 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, 19, Sch. 5**
- C40** Art. 36(1) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), **regs. 1, 8(1)(g)**
- C41** Art. 36(1) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), **regs. 1(1), 19, Sch.**
- C42** Art. 36(1) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), **regs. 1(1), 19, Sch. 14**
- C43** Art. 36(1)(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 Pt. 4**
- C44** Art. 36(1) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), **regs. 1, 9, Sch. 2**
- C45** Art. 36(1)(2) applied (with modifications) (24.6.2015) by The Honey Regulations (Northern Ireland) 2015 (S.R. 2015/261), **reg. 1, Sch. 2**
- C46** Art. 36(1)(2) 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(4), Sch. Pt. 4**
- C47** Art. 36(1)(2) applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 (S.R. 2015/365), **regs. 1, 34(3), Sch. 12 Pt. 4 Table**
- C48** Art. 36(1) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), **reg. 1, Sch. 2 Pt. 2**
- C49** Art. 36(1) applied (with modifications) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), **reg. 1, Sch. 5 Pt. 2**
- C50** Art. 36(1)(2) applied (with modifications) by S.R. 2012/384, **Sch. 2 Pt. 2** (as inserted (14.9.2017) by The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/157), **reg. 1, Sch.)**
- C51** Art. 36(1)(2) applied (with modifications) (23.4.2018) by The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 (S.R. 2018/77), **regs. 1, 6(2), Sch. 3 Pt. 2**

- C52** Art. 36(1)(2) applied (with modifications) (23.4.2018) by The Jam and Similar Products Regulations (Northern Ireland) 2018 (S.R. 2018/78), regs. 1, 10, **Sch. 4** (with reg. 3)
- C53** Art. 36(2)(3) applied (with modifications) (9.11.2006) by Rice Products (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/443), **reg. 5(6)**
- C54** Art. 36(2)(3) applied (with modifications) (18.10.2006) by Curd Cheese (Restriction on Placing on the Market) Regulations (Northern Ireland) 2006 (S.R. 2006/415), **reg. 4(g)**
- C55** Art. 36(2)(3) applied (with modifications) (1.7.2006) by Contaminants in Food Regulations (Northern Ireland) 2006 (S.R. 2006/256), **reg. 5(1)(h)**
- C56** Art. 36(2) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(j)**
- C57** Art. 36(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(i)**
- C58** Art. 36(2) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(h)**
- C59** Art. 36(2) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(i)**
- C60** Art. 36(2) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(g)**
- C61** Art. 36(2) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(j)** (with reg. 3)
- C62** Art. 36(2) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(h)**
- C63** Art. 36(2)(3) applied (with modifications) (12.3.2008) by Rice Products from the United States of America (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/99), **reg. 5(g)**
- C64** Art. 36(2)(3) applied (with modifications) (15.4.2008) by Specified Products from China (Restriction on First Placing on the Market) Regulations (Northern Ireland) 2008 (S.R. 2008/171), **reg. 6(g)**
- C65** Art. 36(2)(3) applied (with modifications) (1.7.2009) by Contaminants in Food Regulations (Northern Ireland) 2009 (S.R. 2009/220), **reg. 5(1)(h)**
- C66** Art. 36(2)(3) applied (with modifications) (1.1.2010) by Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009 (S.R. 2009/398), **reg. 4(h)**
- C67** Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009/416), **reg. 16(1)(g)**
- C68** Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food (Jelly Mini-Cups) (Emergency Control) Regulations (Northern Ireland) 2009 (S.R. 2009/417), **reg. 5(1)(i)**
- C69** Art. 36(2)(3) applied (with modifications) (20.1.2010) by Food Enzymes Regulations (Northern Ireland) 2009 (S.R. 2009/415), **reg. 5(1)(e)**
- C70** Art. 36(2) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(h)**
- C71** Art. 36(2) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(h)**
- C72** Art. 36(2) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(e)**
- C73** Art. 36(2)(3) applied (with modifications) (1.7.2011) by Plastic Kitchenware (Conditions on Imports from China) Regulations (Northern Ireland) 2011 (S.R. 2011/236), **reg. 11(1)(e)**
- C74** Art. 36(2) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(h)**
- C75** Art. 36(2) applied with modifications (7.10.2013) by The Fish Labelling Regulations (Northern Ireland) 2013 (S.R. 2013/219), regs. 1, 9, **Sch. Pt 1 para. 1**
- C76** Art. 36(2)(3) applied with modifications (31.10.2013) by The Contaminants in Food Regulations (Northern Ireland) 2013 (S.R. 2013/229), regs. 1, **8(1)(h)**

- C77 Art. 36(2) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch. 14**
- C78 Art. 36(2) applied with modifications (20.11.2013) by The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2013 (S.R. 2013/253), regs. 1(1), 19, **Sch.**
- C79 Art. 36(2) applied (with modifications) (13.12.2014) by The Products Containing Meat etc. Regulations (Northern Ireland) 2014 (S.R. 2014/285), regs. 1, 9, **Sch. 2**
- C80 Art. 36(2) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**
- C81 Art. 36(2) applied (with modifications) (22.12.2016) by The Caseins and Caseinates Regulations (Northern Ireland) 2016 (S.R. 2016/415), reg. 1, **Sch. 5 Pt. 2**
- C82 Art. 36(2)(b) applied (with modifications) (20.7.2016) by The Food Safety (Information and Compositional Requirements) Regulations (Northern Ireland) 2016 (S.R. 2016/251), reg. 1, **Sch. 2 Pt. 2**
- C83 Art. 36(3) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs Regulations (Northern Ireland) 2007 (S.R. 2007/65), **reg. 10(i)**
- C84 Art. 36(3) applied (with modifications) (1.3.2007) by Contaminants in Food Regulations (Northern Ireland) 2007 (S.R. 2007/66), **reg. 5(1)(h)**
- C85 Art. 36(3) applied (with modifications) (1.3.2007) by Quick-frozen Foodstuffs (No.2) Regulations (Northern Ireland) 2007 (S.R. 2007/110), **reg. 10(i)**
- C86 Art. 36(3) applied (with modifications) (3.8.2007) by Food (Suspension of the Use of E 128 Red 2G as Food Colour) Regulations (Northern Ireland) 2007 (S.R. 2007/352), **reg. 5(g)**
- C87 Art. 36(3) applied (31.10.2007) by Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007 (S.R. 2007/420), **reg. 22(1)(j)** (with reg. 3)
- C88 Art. 36(3) applied (with modifications) (11.1.2008) by Infant Formula and Follow-on Formula Regulations (Northern Ireland) 2007 (S.R. 2007/506), **reg. 29(h)**
- C89 Art. 36(3) applied (1.3.2007) by Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 (S.R. 2007/60), **reg. 7(j)**
- C90 Art. 36(3) applied (with modifications) (6.4.2010) by Fish Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/54), **reg. 10(h)**
- C91 Art. 36(3) applied (with modifications) (20.10.2010) by Contaminants in Food Regulations (Northern Ireland) 2010 (S.R. 2010/335), **reg. 5(1)(h)**
- C92 Art. 36(3) applied (with modifications) (20.1.2011) by Flavourings in Food Regulations (Northern Ireland) 2010 (S.R. 2010/414), **reg. 5(1)(e)**
- C93 Art. 36(3) applied (with modifications) (1.1.2012) by The Foodstuffs Suitable for People Intolerant to Gluten Regulations (Northern Ireland) 2010 (S.R. 2010/338), regs. 1, **5(h)**

Changes to legislation:

There are currently no known outstanding effects for the The Food Safety (Northern Ireland) Order 1991, Cross Heading: Offences.