



Food Act 1984

1984 CHAPTER 30

PART VI

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

Appeals

104 Appeals to magistrates' courts

- (1) Where this Act or any regulations made under this Act provide for an appeal to a magistrates' court against a refusal or other decision of an authority, the procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 applies to the proceedings.
- (2) The time within which such an appeal may be brought shall be 21 days from the date on which notice of the authority's refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the authority's decision in the matter shall state—
 - (a) the right of appeal to a magistrates' court; and
 - (b) the time within which such an appeal may be brought.

105 Further appeal to Crown Court

Where a person aggrieved by an order, determination or other decision of a magistrates' court under this Act, or under any regulation made under this Act, is not by any other enactment authorised to appeal to the Crown Court, he may appeal to such a court

106 Effect of court's decision

Where on an appeal under this Act, or under any regulations made under this Act, a court varies or reverses any decision of an authority, it is the authority's duty—

*Status: This is the original version (as it was originally enacted).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

- (a) to give effect to the court's order; and
- (b) in particular, to grant any necessary licence and to make any necessary entry in any register.

107 Carrying on business pending appeal

- (1) Where a decision of an authority under this Act, or under any regulations made under this Act, refusing, cancelling, suspending or revoking, registration or a licence, or a decision of a magistrates' court on appeal against such a decision, makes it unlawful for a person—
- (a) to carry on any business which he, or his immediate predecessor in the business, was lawfully carrying on at the date when the decision of the authority was given, or
 - (b) to use any premises for any purpose for which he, or his immediate predecessor in the business, was lawfully using them at that date,
- he may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned or has failed for want of prosecution.
- (2) The provisions of subsection (1) with respect to the right to continue to carry on a business and to use premises shall apply also where the decision of a court in proceedings in respect of an offence under this Act, or under any regulations made under this Act, makes it unlawful for a person—
- (a) to carry on a business which he was lawfully carrying on immediately before the decision was given; or
 - (b) to use any premises for any purpose for which he was then lawfully using them.