



# Food and Environment Protection Act 1985

## 1985 CHAPTER 48

### PART IV

#### GENERAL AND SUPPLEMENTARY

#### 21 Offences—penalties etc.

- (1) A person guilty of an offence to which this subsection applies shall be liable—
- on summary conviction, to a fine of an amount not exceeding the statutory maximum; and
  - on conviction on indictment, to a fine or to imprisonment for a term of not more than two years or to both.

- (2) The offences to which subsection (1) above applies are offences under sections 1(6), [F1 and 2(4)] above.

- [F2(2A) A person guilty of an offence under section 9(1) shall be liable—

- on summary conviction, to [F3 a fine of an amount not exceeding £50,000][F3 a fine]; and
- on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.]

- (3) A person guilty of an offence to which this subsection applies shall be liable—
- on summary conviction, to a fine of an amount not exceeding the statutory maximum; and
  - on conviction on indictment, to a fine.

- (4) The offences to which subsection (3) above applies are offences under sections 9(2) and 16(12) above.

- (5) A person guilty of an offence under Schedule 2 to this Act shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

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*Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 21. (See end of Document for details)*

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- (6) 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 director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (7) Where the affairs of a body corporate are managed by its members, subsection (6) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

<sup>F4</sup>(8) .....

#### **Textual Amendments**

- F1** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 146(6)(a)**
- F2** S. 21(2A) inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), **s. 146(6)(b)**
- F3** Words in s. 21(2A)(a) substituted (E.W.) (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 16** (with reg. 5(1))
- F4** S. 21(8) repealed (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), Sch. 8 para. 2(8), **Sch. 22 Pt. 2** (with ss. 111, 323(6), Sch. 9 Pts. 3); S.I. 2011/556, art. 3(2)(a)(d)

#### **Modifications etc. (not altering text)**

- C1** S. 21 extended (with modifications) (22.8.1997) by [S.I. 1997/1770](#), **art. 4**
- C2** S. 21(5) applied (with modifications) (E.W.) (22.12.2005) by [Pesticides \(Maximum Residue Levels in Crops, Food and Feeding Stuffs\) \(England and Wales\) Regulations 2005 \(S.I. 2005/3286\)](#), regs. 1(1), **3(6)**
- C3** S. 21(5) applied (with modifications) (S.) (22.12.2005) by [Pesticides \(Maximum Residue Levels in Crops, Food and Feeding Stuffs\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/599\)](#), regs. 1(1), **3(6)**
- C4** S. 21(5) applied (N.I.) (30.6.2006) by [Pesticides \(Maximum Residue Levels in Crops, Food and Feeding Stuffs\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/220\)](#), regs. 1, **3(6)**

**Changes to legislation:**

There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Section 21.