



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Food safety*

#### **12 Emergency prohibition notices and orders.**

- (1) If an authorised officer of an enforcement authority is satisfied that the health risk condition is fulfilled with respect to any food business, he may, by a notice served on the proprietor of the business (in this Act referred to as an “emergency prohibition notice”), impose the appropriate prohibition.
- (2) If a magistrates’ court or, in Scotland, the sheriff is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, the court or sheriff shall, by an order (in this Act referred to as an “emergency prohibition order”), impose the appropriate prohibition.
- (3) Such an officer shall not apply for an emergency prohibition order unless, at least one day before the date of the application, he has served notice on the proprietor of the business of his intention to apply for the order.
- (4) Subsections (2) and (3) of section 11 above shall apply for the purposes of this section as they apply for the purposes of that section, but as if the reference in subsection (2) to risk of injury to health were a reference to imminent risk of such injury.
- (5) As soon as practicable after the service of an emergency prohibition notice, the enforcement authority shall affix a copy of the notice in a conspicuous position on such premises used for the purposes of the business as they consider appropriate; and any person who knowingly contravenes such a notice shall be guilty of an offence.
- (6) As soon as practicable after the making of an emergency prohibition order, the enforcement authority shall—
  - (a) serve a copy of the order on the proprietor of the business; and

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**Changes to legislation:** Food Safety Act 1990, Section 12 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) affix a copy of the order in a conspicuous position on such premises used for the purposes of that business as they consider appropriate;and any person who knowingly contravenes such an order shall be guilty of an offence.
- (7) An emergency prohibition notice shall cease to have effect—
  - (a) if no application for an emergency prohibition order is made within the period of three days beginning with the service of the notice, at the end of that period;
  - (b) if such an application is so made, on the determination or abandonment of the application.
- (8) An emergency prohibition notice or emergency prohibition order shall cease to have effect on the issue by the enforcement authority of a certificate to the effect that they are satisfied that the proprietor has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business.
- (9) The enforcement authority shall issue a certificate under subsection (8) above within three days of their being satisfied as mentioned in that subsection; and on an application by the proprietor for such a certificate, the authority shall—
  - (a) determine, as soon as is reasonably practicable and in any event within 14 days, whether or not they are so satisfied; and
  - (b) if they determine that they are not so satisfied, give notice to the proprietor of the reasons for that determination.
- (10) Where an emergency prohibition notice is served on the proprietor of a business, the enforcement authority shall compensate him in respect of any loss suffered by reason of his complying with the notice unless—
  - (a) an application for an emergency prohibition order is made within the period of three days beginning with the service of the notice; and
  - (b) the court declares itself satisfied, on the hearing of the application, that the health risk condition was fulfilled with respect to the business at the time when the notice was served;and any disputed question as to the right to or the amount of any compensation payable under this subsection shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

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**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](#)