

1990 No. 2614

FOOD

**Detention of Food
(Prescribed Forms) Regulations 1990**

<i>Made - - - -</i>	<i>19th December 1990</i>
<i>Laid before Parliament</i>	<i>20th December 1990</i>
<i>Coming into force</i>	<i>10th January 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(a), after consulting such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations in accordance with section 48(4)(a) of that Act, hereby make the following Regulations:

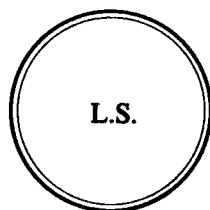
Citation and commencement

1. These Regulations may be cited as the Detention of Food (Prescribed Forms) Regulations 1990 and shall come into force on 10th January 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.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this 19th day of December 1990.



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

19th December 1990

William Waldegrave
Secretary of State for Health

19th December 1990

David Hunt
Secretary of State for Wales

19th December 1990

Ian Lang
Secretary of State for Scotland

(a) 1990 c.16. Section 4(1) provides a definition of "the Ministers" upon whom the power to make these Regulations is conferred.

FORMS

PART I

TABLE OF CONTENTS

1. Notice given by an authorised officer under section 9(3)(a) of the Food Safety Act 1990 (“ Detention of food notice ”).
2. Notice authorised or required by section 9(4)(a) of that Act, or by a code of practice issued under section 40(1) of that Act, to be given for the purposes of informing a person that a detention of food notice is withdrawn (“ Withdrawal of detention of food notice ”).
3. Notice authorised or required by section 9(5) of that Act, or by a code of practice issued under section 40(1) of that Act, to be given for the purpose of informing a person in charge of food of the intention of an authorised officer to have food dealt with by a justice of the peace, or in Scotland a sheriff or magistrate (“ A food condemnation warning notice ”).

PART II

Authority:

FORM 1

Food Safety Act 1990—Section 9
DETENTION OF FOOD NOTICE

Reference Number:

1. To:
Of:

2. Food to which this notice applies:
Description :
Quantity :
Identification marks :

3. THIS FOOD IS NOT TO BE USED FOR HUMAN CONSUMPTION.
In my opinion, the food does not comply with food safety requirements because:

4. The food must not be removed from:
.....
*unless it is moved to:
.....
(*Officer to delete if not applicable)

5. Within 21 days, either this notice will be withdrawn and the food released, or the food will be seized to be dealt with by a justice of the peace, or in Scotland a sheriff or magistrate, who may condemn it.

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.

NOTES

1. The food described in this notice has been detained pending official investigation.
2. The food must not be used for human consumption until it is released by the officer.
3. The food must remain where it is. If it is moved, it may only be moved to the place stated in paragraph 4 of the notice.
4. If for some reason you need to move the food after receiving this notice, you should contact the officer.
5. Within 21 days the officer must tell you if the notice is being withdrawn or if he is seizing the food for it to be dealt with by a justice of the peace, or in Scotland a sheriff or magistrate, who may condemn it.
6. *COMPENSATION*: If this notice is withdrawn and the food released for human consumption, then you may be entitled to compensation from the authority. This compensation will be payable for any loss in value of the food resulting from the effect of the notice.

WARNING

FAILURE TO COMPLY KNOWINGLY WITH THIS NOTICE IS AN OFFENCE

Offenders will be liable:

*—on summary conviction, to a fine of up to £2000
and/or 6 months in prison,*

or

*—on conviction on indictment, to an unlimited fine and/or
up to 2 years in prison.*

Food Safety Act 1990—Section 9

WITHDRAWAL OF DETENTION OF FOOD NOTICE

1. To:
Of:
.....

2. Detention Notice Number, dated and served on you on (date) is now withdrawn. The food described in paragraph 3 below can now be used for human consumption.

3. Food released for human consumption:

Description :
Quantity :
Identification marks :

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.

NOTES

1. The food described in this notice has now been released for human consumption.
2. If this notice does not relate to all of the food originally detained, then the rest has been seized under section 9(3)(b) of the Food Safety Act 1990.
3. *COMPENSATION*: If you can show that any of the food now released for human consumption has lost value, you may be entitled to compensation from the authority. Compensation will be payable for any loss in value resulting from the effect of the notice.

Food Safety Act 1990—Section 9

FOOD CONDEMNATION WARNING NOTICE

Reference Number:

1. To:
Of:

2. This Notice applies to the following food which has been seized by an officer of this authority:
Description :
Quantity :
Identification marks :

3. IT IS MY INTENTION TO APPLY TO A JUSTICE OF THE PEACE, OR IN SCOTLAND A SHERIFF OR MAGISTRATE, AT
ON (DATE) AT..... AM/PM FOR THE ABOVE FOOD TO BE CONDEMNED,
because

4. As the person in charge of the food, you are entitled to attend and to bring witnesses.

5. A copy of this notice has also been given to:
.....
who may also attend and bring witnesses.

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.

NOTES

1. You are being warned that the Authority will be applying to a justice of the peace, or in Scotland a sheriff or magistrate, for the food that has already been seized to be condemned.
 2. The justice of the peace, or in Scotland the sheriff or magistrate, will listen to the authority's case that the food fails to comply with food safety requirements and should be condemned. You may say why it should not be condemned.
 3. You may bring your own evidence and witnesses to challenge the views of the authority and you may be represented by a lawyer.
 4. You are not being charged with an offence. The hearing is only to decide whether the food complies with food safety requirements. But the court may order the food to be condemned. However you may be prosecuted for offences under the Food Safety Act 1990.
 5. *EXPENSES*: If the justice of the peace, or in Scotland the sheriff or magistrate, orders the food to be condemned, then the owner of the food will have to pay reasonable expenses for it to be destroyed or disposed of.
 6. *COMPENSATION*: If the justice of the peace, or in Scotland the sheriff or magistrate, does not condemn the food, the owner of the food may be entitled to compensation from the authority for any loss in its value as a result of the action taken by the authority.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the forms of notice which may be used in connection with the detention of food under section 9 of the Food Safety Act 1990 (regulation 2).

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