



Food Safety Act 1990

1990 CHAPTER 16

PART III

ADMINISTRATION AND ENFORCEMENT

Offences

34 Time limit for prosecutions.

No prosecution for an offence under this Act which is punishable under section 35(2) below shall be begun after the expiry of—

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

whichever is the earlier.

Modifications etc. (not altering text)

- C1** S. 34 applied (with modifications) (1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3163, regs. 1, 18\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994, reg. 59\(1\)](#), [Sch. 5](#))
S. 34 applied (with modifications) (1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3164, regs. 1, 19\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994, reg. 59\(1\)](#), [Sch. 5](#))
S. 34 applied (14.7.1993) by [S.I. 1993/1520, reg. 2\(5\)](#)
S. 34 applied (with modifications) (15.9.1995) by [S.I. 1995/1763, reg. 7\(g\)](#)
S. 34 applied (with modifications) (15.9.1995) by [S.I. 1995/2200, reg. 18](#)
S. 34 applied (with modifications) (17.11.1997) by [S.I. 1997/2537, reg. 9](#)
S. 34 applied (with modifications) (29.4.1998) by [S.I. 1998/994, reg. 55\(1\)\(f\)](#)
- C2** S. 34 applied (E.) (4.10.2004) by [Genetically Modified Food \(England\) Regulations 2004 \(S.I. 2004/2335\)](#), [regs. 1\(b\), 6\(2\)](#)
- C3** S. 34 applied (with modifications) (15.11.2004) by [Genetically Modified Food \(Scotland\) Regulations 2004 \(S.S.I. 2004/432\)](#), [regs. 1\(1\), 6\(2\)](#)
- C4** S. 34 applied (17.12.2004) by [Genetically Modified Food \(Wales\) Regulations 2004 \(S.I. 2004/3220\)](#), [regs. 1\(b\), 6\(2\)](#)

Status: Point in time view as at 01/07/2005.

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- C5** S. 34 applied (with modifications) (1.1.2005) by [General Food Regulations 2004 \(S.I. 2004/3279\)](#), regs. 1, **7(4)**
- C6** S. 34 extended (29.4.2005) by [Materials and Articles in Contact with Food \(England\) Regulations 2005 \(S.I. 2005/898\)](#), regs. 1, **14(4)**
- C7** S. 34 applied (24.6.2005) by [The Materials and Articles in Contact with Food \(Wales\) Regulations 2005 \(S.I. 2005/1647\)](#), regs. 1, **14(4)** (with reg. 3)

35 Punishment of offences.

- (1) A person guilty of an offence under section 33(1) above 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 three months or to both.
- (2) A person guilty of any other offence under this Act shall be liable—
- (a) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both;
 - (b) on summary conviction, to a fine not exceeding the relevant amount or to imprisonment for a term not exceeding six months or to both.
- (3) In subsection (2) above “the relevant amount” means—
- (a) in the case of an offence under [^{F1}section 7 or 14] above, £20,000;
 - (b) in any other case, the statutory maximum.
- (4) If a person who is—
- (a) licensed under section 1 of the ^{M1}Slaughterhouses Act 1974 to keep a ^{F2} . . . knacker’s yard;
 - ^{F3}(b)
 - (c) licensed under section 6 of [^{F4}the Slaughter of Animals (Scotland) Act 1980] to use any premises as a knacker’s yard,
- is convicted of an offence under Part II of this Act, the court may, in addition to any other punishment, cancel his licence or registration.

Textual Amendments

- F1** Words in s. 35(3)(a) substituted (1.1.2005) by [General Food Regulations 2004 \(S.I. 2004/3279\)](#), regs. 1, **14**
- F2** Words in s. 35(4)(a) repealed (11.9.1996) by [S.I. 1996/2235](#), art. 11, **Sch.**
- F3** S. 35(4)(b) repealed (11.9.1996) by [S.I. 1996/2235](#), art. 11, **Sch.**
- F4** Words in s. 35(4)(c) substituted (11.9.1996) by [S.I. 1996/2235](#), art. **9(5)**

Modifications etc. (not altering text)

- C8** S. 35(1) applied (with modifications) (16.9.1997) by [S.I. 1997/2238](#), art. **4(1)(b)**
S. 35(1) applied (with modifications) (21.5.1998) by [S.I. 1998/1277](#), art. **4(1)(b)(c)**
S. 35(1) applied (with modifications): (S.) (29.7.1999) by [S.S.I. 1999/15](#), reg. **5**; (S.) (20.8.1999) by [S.S.I. 1999/32](#), reg. **5(2)(b)**; (S.) (20.8.1999) by [S.S.I. 1999/33](#), reg. **5(2)(b)**; (5.6.1999) by [S.I. 1999/1542](#), art. **4(2)(b)**; (5.6.1999) by [S.I. 1999/1543](#), reg. **4(2)(b)**; (25.6.1999) by [S.I. 1999/1800](#), art. **5(1)(b)**; (21.7.1999) by [S.I. 1999/2332](#), reg. **5(2)(b)**; (21.7.1999) by [S.I. 1999/2025](#), art. **5(2)(b)**; (21.7.1999) by [S.I. 1999/2026](#), reg. **5(2)(b)**; (18.8.1999) by [S.I. 1999/2333](#), reg. **5(2)(b)**; (12.10.1999) by [S.I. 1999/2798](#), art. **5(2)(b)**; (12.10.1999) by [S.I. 1999/2799](#), reg. **5(2)(b)**; (23.12.1999) by [S.I. 1999/3421](#), art. **5(2)(b)**; (23.12.1999) by [S.I. 1999/3422](#), reg. **5(2)(b)**

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- S. 35(1) applied (with modifications): (S.) (17.2.2000) by S.S.I. 2000/15, **art. 5(2)(b)**; (S.) (17.2.2000) by S.S.I. 2000/16, **art. 5(2)(b)**; (E.W.) (23.2.2000) by S.I. 2000/375, **art. 5(1)(b)**; (S.) (24.2.2000) by S.S.I. 2000/35, **art. 5(b)**; (E.W.) (8.3.2000) by S.I. 2000/587, **art. 5(2)(b)(3)**; (E.W.) (8.3.2000) by S.I. 2000/588, **art. 5(2)(b)(3)**
- S. 35(1) applied (with modifications): (E.) (2.2.2002) by S.I. 2002/183, **reg. 6(1)** (which S.I. was revoked (20.6.2002) by S.I. 2002/1614, **reg. 6**); (W.) (2.2.2002) by S.I. 2002/203, **reg. 6(1)** (which S.I. was revoked (12.7.2002) by S.I. 2002/1798, **reg. 6**); (S.) (2.2.2002) by S.S.I. 2002/36, **reg. 6(1)** (which S.S.I. was revoked (24.6.2002) by S.S.I. 2002/300, **reg. 6**); (E.) (16.2.2002) by S.I. 2002/334, **art. 5(1)(d)** (as amended (20.3.2002) by S.I. 2002/602, **art. 4**); (S.) (16.2.2002) by S.S.I. 2002/64, **art. 5(1)(d)**; (W.) (23.2.2002) by S.I. 2002/402, **art. 5(1)(d)**
- C9** S. 35(1)-(3) applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6**; (30.6.1997) by S.I. 1995/1544, **reg. 10(1)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (4.7.1997) by S.I. 1997/1499, **reg. 6(1)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, **reg. 11, Sch.**; S.S.I. 2002/267, **reg. 11, Sch.**; S.I. 2002/1886, **reg. 11, Sch.**); (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(g)**; (31.3.1999) by S.I. 1997/2182, **reg. 9**
- S. 35(1)-(3) applied (with modifications): by S.I. 1998/141, **reg. 10(g)(h)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(e)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(f)(g)**
- S. 35(1)-(3) applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (19.3.1999) by S.I. 1996/1499, **reg. 48(3)** (as substituted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(h)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
- S. 35(1)-(3) applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**
- S. 35(1)-(3) applied (with modifications): (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(h)**; (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(h)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(h)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(h)**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)**; (W.) (1.5.2001) by S.I. 2001/1440, **reg. 10(h)**
- S. 35(1)-(3) applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(h)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(h)**; (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(d)(e)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(1)(d)(e)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/148, **regs. 1(1), 5(1)(d)(e)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/149, **regs. 1(1), 5(1)(d)(e)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(1)(d)(e)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(1)(d)(e)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(f)(g)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(f)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(f)(g)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(g)(h)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(d)(e)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(d)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(f)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(d)(e)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(g)(h)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(i)(j)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(d)(e)** and S.I. 2002/2296, **reg. 5(1)(d)(e)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(d)(e)** and S.I. 2002/2351, **reg. 5(1)(d)(e)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(c)** and S.S.I. 2002/425, **reg. 5(1)(c)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(h)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(i)(j)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(h)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(i)(j)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(i)(j)**
- C10** S. 35(1)-(3) applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(e)**
- C11** S. 35(1) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(h)**
- C12** S. 35(1)-(3) applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(g)**

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- C13 S. 35(1) applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), regs. 1(1), **5(1)(d)**
- C14 S. 35(1) applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), regs. 1, **7(1)(g)**
- C15 S. 35(1) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C16 S. 35(1)-(3) applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), regs. 1(1), **7(1)(f)**
- C17 S. 35(1) applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), regs. 1(1), **5(1)(d)**
- C18 S. 35(1)-(3) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(h)**
- C19 S. 35(1) applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(i)**
- C20 S. 35(1) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(i)**
- C21 S. 35(1) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(i)** (with reg. 11)
- C22 S. 35(1)-(3) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(1)(h)** (with reg. 3)
- C23 S. 35(1) applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(d)**
- C24 S. 35(1) applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(g)**
- C25 S. 35(1) applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(d)**
- C26 S. 35(1) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(i)**
- C27 S. 35(1)-(3) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(h)** (with reg. 4)
- C28 S. 35(1)-(3) applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(1)(c)**
- C29 S. 35(1) applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(d)**
- C30 S. 35(1)-(3) applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(1)(c)**
- C31 S. 35(1) applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(i)** (with reg. 3)
- C32 S. 35(1) applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(d)**
- C33 S. 35(1) applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(d)**
- C34 S. 35(1) applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(i)**
- C35 S. 35(1) applied (with modifications) (25.9.2003) by Food (Hot Chilli And Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2455), regs. 1(1), **5(1)(d)**
- C36 S. 35(1)-(3) applied (with modifications) (30.9.2003) by Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/418), regs. 1(1), **5(1)(c)**
- C37 S. 35(1)-(3) applied (with modifications) (30.9.2003) by Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/414), regs. 1(1), **5(1)(c)**
- C38 S. 35(1) applied (with modifications) (14.11.2003) by Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2910), regs. 1(1), **5(1)(d)**

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- C39** S. 35(1) applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(i)** (with reg. 3)
- C40** S. 35(1) applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(i)**
- C41** S. 35(1)-(3) applied (with modifications) (28.11.2003) by Specified Sugar Products (Scotland) Regulations 2003 (S.S.I. 2003/527), regs. 1(1), **9** (with reg. 10)
- C42** S. 35(1) applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(i)**
- C43** S. 35(1) applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(i)**
- C44** S. 35(1) applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(i)**
- C45** S. 35(1)-(3) applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), regs. 1(1), **10(h)** (with regs. 3, 11)
- C46** S. 35(1) applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(i)** (with reg. 3)
- C47** S. 35(1)-(3) applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), regs. 1(1), **9(1)(h)**
- C48** S. 35(1)-(3) applied (with modifications) (14.2.2004) by Food (Chilli and Chilli Products) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/56), regs. 1(1), **6(1)(c)**
- C49** S. 35(1) applied (with modifications) (5.3.2004) by Jam and Similar Products (Wales) Regulations 2004 (S.I. 2004/553), regs. 1, **9(1)(i)** (with reg. 3)
- C50** S. 35(1)-(3) applied (with modifications) (16.4.2004) by Food (Jelly Mimi-Cups) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/187), regs. 1(1), **6(f)**
- C51** S. 35(1)-(3) applied (with modifications) (28.4.2004) by Jam and Similar Products (Scotland) Regulations 2004 (S.S.I. 2004/133), regs. 1(1), **10(h)**
- C52** S. 35(1) applied (with modifications) (31.5.2004) by Meat Products (Wales) Regulations 2004 (S.I. 2004/1396), regs. 1(c), **8(i)** (with reg. 3)
- C53** S. 35(1) applied (4.10.2004) by Genetically Modified Food (England) Regulations 2004 (S.I. 2004/2335), regs. 1(b), **6(1)(h)**
- C54** S. 35(1)-(3) applied (with modifications) (15.11.2004) by Genetically Modified Food (Scotland) Regulations 2004 (S.S.I. 2004/432), regs. 1(1), **6(1)(i)**
- C55** S. 35(1) applied (17.12.2004) by Genetically Modified Food (Wales) Regulations 2004 (S.I. 2004/3220), regs. 1(b), **6(1)(h)**
- C56** S. 35(1) applied (with modifications) (20.12.2004) by Contaminants in Food (England) Regulations 2004 (S.I. 2004/3062), regs. 1, **7(1)(g)**
- C57** S. 35(1)-(3) applied (with modifications) (25.12.2004) by Contaminants in Food (Scotland) Regulations 2004 (S.S.I. 2004/525), regs. 1(1), **7(1)(f)**
- C58** S. 35(1) applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(1)(e)**
- C59** S. 35(1) applied (with modifications) (12.1.2005) by Food with Added Phytosterols or Phytosterols (Labelling) (England) Regulations 2004 (S.I. 2004/3344), regs. 1, **10(1)(f)**
- C60** S. 35(1)-(3) applied (with modifications) (1.2.2005) by Food Labelling (Added Phytosterols or Phytosterols) (Scotland) Regulations 2005 (S.S.I. 2005/1), regs. 1(1), **10(1)(f)**
- C61** S. 35(1) applied (with modifications) (1.3.2005) by The Contaminants in Food (Wales) Regulations 2005 (S.I. 2005/364), regs. 1, **7(1)(g)**
- C62** S. 35(1) applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004 (S.I. 2004/313), regs. 1, **9**)
- C63** S. 35(1)-(3) applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (S.S.I. 2004/7), regs. 1(1), **9**)

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- C64 S. 35(1) applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by Infant Formula and Follow-on Formula (Amendment) (England) Regulations 2003 (S.I. 2003/3208), regs. 1, **9**)
- C65 S. 35(1)-(3) applied (with modifications) (6.3.2005) by Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (S.S.I. 2004/8), regs. 1(1), **12(h)**
- C66 S. 35(1) applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003 (S.I. 2003/3207), regs. 1, **12(i)** (with reg. 3)
- C67 S. 35(1) applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004 (S.I. 2004/314), regs. 1, **12(i)** (with reg. 3)
- C68 S. 35(1) applied (with modifications) (26.3.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (England) Regulations 2005 (S.I. 2005/404), regs. 1, **8(f)**
- C69 S. 35(1) applied (with modifications) (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(1)(e)**
- C70 S. 35(1) applied (with modifications) (30.4.2005) by Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005 (S.I. 2005/1224), regs. 1, **10(1)(f)**
- C71 S. 35(1)-(3) applied (with modifications) (11.5.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Scotland) Regulations 2005 (S.S.I. 2005/218), regs. 1(1), **8(e)**
- C72 S. 35(1)-(3) applied (with modifications) (21.5.2005) by Materials and Articles in Contact with Food (Scotland) Regulations 2005 (S.S.I. 2005/243), regs. 1(1), **14(1)** (with reg. 3)
- C73 S. 35(1) applied (with modifications) (1.6.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Wales) Regulations 2005 (S.I. 2005/1397), art. **1reg. 8(f)**
- C74 S. 35(1) applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1442), regs. 1(1), **5(1)(d)**
- C75 S. 35(1)-(3) applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/294), regs. 1(1), **6(1)(c)**
- C76 S. 35(1) applied (with modifications) (10.6.2005) by The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005 (S.I. 2005/1540), regs. 1(1), **5(1)(d)**
- C77 S. 35(1) applied (16.6.2005) by Smoke Flavourings (England) Regulations 2005 (S.I. 2005/464), regs. 1(b)(ii), **6**
- C78 S. 35(1) applied (16.6.2005) by Smoke Flavourings (Wales) Regulations 2005 (S.I. 2005/1350), regs. 1(b)(ii), **6(h)**
- C79 S. 35(1) applied (with modifications) (24.6.2005) by The Materials and Articles in Contact with Food (Wales) Regulations 2005 (S.I. 2005/1647), regs. 1, **14(1)(e)** (with reg. 3)
- C80 S. 35(1)-(3) applied (with modifications) (1.7.2005) by Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005/332), regs. 1(1), **15(1)(e)**
- C81 S. 35(2)(3) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), regs. 1, **10(i)**
- C82 S. 35(2)(3) applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), regs. 1(1), **5(1)(e)**
- C83 S. 35(2)(3) applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), regs. 1, **10**
- C84 S. 35(2)(3) applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), regs. 1, **7(1)(h)**
- C85 S. 35(2)(3) applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), regs. 1(1), **5(1)(e)**
- C86 S. 35(2)(3) applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(j)**
- C87 S. 35(2)(3) applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(j)**

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- C88** S. 35(2)(3) applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(j)** (with reg. 11)
- C89** S. 35(2)(3) applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), regs. 1(1), **5(1)(e)**
- C90** S. 35(2)(3) applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), regs. 1(1), **5(1)(e)**
- C91** S. 35(2)(3) applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), regs. 1, **7(1)(h)**
- C92** S. 35(2)(3) applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(j)**
- C93** S. 35(2)(3) applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(e)**
- C94** S. 35(2)(3) applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(j)** (with reg. 3)
- C95** S. 35(2)(3) applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(e)**
- C96** S. 35(2)(3) applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(e)**
- C97** S. 35(2)(3) applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(j)**
- C98** S. 35(2)(3) applied (with modifications) (25.9.2003) by Food (Hot Chilli And Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2455), regs. 1(1), **5(1)(e)**
- C99** S. 35(2)(3) applied (with modifications) (14.11.2003) by Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2910), regs. 1(1), **5(1)(e)**
- C100** S. 35(2)(3) applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(j)**
- C101** S. 35(2)(3) applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(j)**
- C102** S. 35(2)(3) applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(j)**
- C103** S. 35(2)(3) applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(j)**
- C104** S. 35(2)(3) applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(j)** (with reg. 3)
- C105** S. 35(2)(3) applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(j)** (with reg. 3)
- C106** S. 35(2)(3) applied (with modifications) (5.3.2004) by Jam and Similar Products (Wales) Regulations 2004 (S.I. 2004/553), regs. 1, **9(1)(j)** (with reg. 3)
- C107** S. 35(2)(3) applied (with modifications) (31.5.2004) by Meat Products (Wales) Regulations 2004 (S.I. 2004/1396), regs. 1(c), **8(j)** (with reg. 3)
- C108** S. 35(2)(3) applied (4.10.2004) by Genetically Modified Food (England) Regulations 2004 (S.I. 2004/2335), regs. 1(b), **6(1)(i)**
- C109** S. 35(2)(3) applied (17.12.2004) by Genetically Modified Food (Wales) Regulations 2004 (S.I. 2004/3220), regs. 1(b), **6(1)(i)**
- C110** S. 35(2)(3) applied (with modifications) (20.12.2004) by Contaminants in Food (England) Regulations 2004 (S.I. 2004/3062), regs. 1, **7(1)(h)**
- C111** S. 35(2)(3) applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(1)(f)**
- C112** S. 35(2)(3) applied (with modifications) (12.1.2005) by Food with Added Phytosterols or Phytosteranols (Labelling) (England) Regulations 2004 (S.I. 2004/3344), regs. 1, **10(1)(g)**
- C113** S. 35(2)(3) applied (with modifications) (1.3.2005) by The Contaminants in Food (Wales) Regulations 2005 (S.I. 2005/364), regs. 1, **7(1)(h)**

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- C114** S. 35(2)(3) applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by [The Infant Formula and Follow-on Formula \(Amendment\) \(Wales\) Regulations 2004 \(S.I. 2004/313\)](#), regs. 1, **9**)
- C115** S. 35(2)(3) applied (with modifications) (6.3.2005) by [The Processed Cereal-based Foods and Baby Foods for Infants and Young Children \(England\) Regulations 2003 \(S.I. 2003/3207\)](#), regs. 1, **12(j)** (with reg. 3)
- C116** S. 35(2)(3) applied (with modifications) (6.3.2005) by [The Processed Cereal-based Foods and Baby Foods for Infants and Young Children \(Wales\) Regulations 2004 \(S.I. 2004/314\)](#), regs. 1, **12(j)** (with reg. 3)
- C117** S. 35(2)(3) applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by [Infant Formula and Follow-on Formula \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/3208\)](#), regs. 1, **9**)
- C118** S. 35(2)(3) applied (with modifications) (26.3.2005) by [Production of Bovine Collagen Intended for Human Consumption in the United Kingdom \(England\) Regulations 2005 \(S.I. 2005/404\)](#), regs. 1, **8(g)**
- C119** S. 35(2)(3) applied (with modifications) (29.4.2005) by [Materials and Articles in Contact with Food \(England\) Regulations 2005 \(S.I. 2005/898\)](#), regs. 1, **14(1)(f)**
- C120** S. 35(2)(3) applied (with modifications) (30.4.2005) by [Food with Added Phytosterols or Phytosteranols \(Labelling\) \(Wales\) Regulations 2005 \(S.I. 2005/1224\)](#), regs. 1, **10(1)(g)**
- C121** S. 35(2)(3) applied (with modifications) (1.6.2005) by [Production of Bovine Collagen Intended for Human Consumption in the United Kingdom \(Wales\) Regulations 2005 \(S.I. 2005/1397\)](#), art. **1reg. 8(g)**
- C122** S. 35(2)(3) applied (with modifications) (2.6.2005) by [Food \(Chilli, Chilli Products, Curcuma and Palm Oil\) \(Emergency Control\) \(England\) Regulations 2005 \(S.I. 2005/1442\)](#), regs. 1(1), **5(1)(e)**
- C123** S. 35(2)(3) applied (with modifications) (10.6.2005) by [The Food \(Chilli, Chilli Products, Curcuma and Palm Oil\) \(Emergency Control\) \(Wales\) Regulations 2005 \(S.I. 2005/1540\)](#), regs. 1(1), **5(1)(e)**
- C124** S. 35(2)(3) applied (16.6.2005) by [Smoke Flavourings \(Wales\) Regulations 2005 \(S.I. 2005/1350\)](#), regs. 1(b)(ii), **6(i)**
- C125** S. 35(2)(3) applied (16.6.2005) by [Smoke Flavourings \(England\) Regulations 2005 \(S.I. 2005/464\)](#), regs. 1(b)(ii), **6**
- C126** S. 35(2)(3) applied (with modifications) (24.6.2005) by [The Materials and Articles in Contact with Food \(Wales\) Regulations 2005 \(S.I. 2005/1647\)](#), regs. 1, **14(1)(f)** (with reg. 3)

Marginal Citations

M1 1974 c. 3.

36 Offences by bodies corporate.

- (1) 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) any director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,
- he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) above “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

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Modifications etc. (not altering text)

- C127** S. 36 applied by S.I. 1991/370, **reg. 3** (1)
S. 36 applied: (9.4.1992) by S.I. 1992/496, **reg. 7(1)(f)**; (29.5.1992) by S.I. 1992/1122, **reg. 4** (which S.I. was revoked (24.7.1992) by S.I. 1992/1601, **reg. 6**); (24.7.1992) by S.I. 1992/1601, **reg. 4**; (13.9.1992) by S.I. 1992/1971, **reg. 9(g)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(g)**; (1.10.1992) by S.I. 1992/2037, **reg. 23(e)** (which S.I. was revoked (1.4.1995) by S.I. 1995/539, **reg. 25**, **Sch. 22** (with **regs. 3(2)**, **25**, **Sch. 22**))
S. 36 applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(h)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(g)**
S. 36 applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(f)**
- C128** S. 36 applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**
S. 36 applied (with modifications): (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1**, **18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1**, **19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (18.12.1992 for certain purposes and 1.1.1993 otherwise) by S.I. 1992/3165, **regs. 1**, **7(2)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, **reg. 59(1)**, **Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**
S. 36 applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(g)**; (1.5.1994) by S.I. 1994/1029, **reg. 25(e)** (which S.I. was revoked (1.4.1995) by S.I. 1995/540, **reg. 26** (with **reg. 3(5)**)); (2.9.1994) by S.I. 1994/2127, **reg. 5**; (1.1.1995) by S.I. 1994/3082, **reg. 21**
S. 36 applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (1.4.1995) by S.I. 1995/539, **reg. 22** and S.I. 1995/540, **reg. 24**; (1.4.1995) by S.I. 1995/614, **reg. 11**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(g)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(g)**; (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(h)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (20.9.1995) by S.I. 1995/2148, **reg. 17**
S. 36 applied (with modifications): (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(h)** and S.I. 1995/3124, **reg. 11(h)**; (1.1.1996) by S.I. 1995/3240, **reg. 10(g)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, **reg. 49**, **Sch. 9**); (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**; (1.1.1996) by S.I. 1995/3205, **reg. 14**; (29.3.1996) by S.I. 1996/961, **art. 4(a)**; (1.7.1996) by S.I. 1996/1499, **reg. 48** and S.I. 1996/1502, **reg. 6**; (5.7.1996) by S.I. 1996/1743, **reg. 5**; (1.9.1996) by S.I. 1996/2097, **reg. 6**
S. 36 applied (with modifications): (16.6.1997) by S.I. 1997/1335, **reg. 6(g)**; (30.6.1997) by S.I. 1995/1544, **reg. 10(1)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (4.7.1997) by S.I. 1997/1499, **reg. 6(1)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, **reg. 11**, **Sch.**; S.S.I. 2002/267, **reg. 11**, **Sch.**; S.I. 2002/1886, **reg. 11**, **Sch.**); (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(h)**; (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**; (17.11.1997) by S.I. 1997/2537, **reg. 9**; (16.12.1997) by S.I. 1997/2959, **reg. 11**; (1.1.1998) by S.I. 1997/2965, **reg. 30**
S. 36 applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(i)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(f)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(g)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(h)**
S. 36 applied (with modifications): (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**; (17.12.1999) by S.S.I. 1999/186, **art. 9**; (19.3.1999) by S.I. 1996/1499, **reg. 48** (as inserted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(i)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
S. 36 applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(i)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(i)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(i)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(i)**
S. 36 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)** and S.I. 2001/1440, **reg. 10(i)**
S. 36 applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(i)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(i)**; (E.) (20.3.2002) by S.I. 2002/334, **art. 5(1)(e)** (as substituted (20.3.2002)

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- by S.I. 2002/602, **art. 4**); (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(1)(f)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(1)(f)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(1), 5(1)(f)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(1), 5(1)(f)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(1)(f)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(1)(f)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(h)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(g)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(h)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(i)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(1)(f)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(e)**; (S.) (1.7.2002) by S.I. 2002/267, **reg. 7(1)(g)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(1)(f)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(i)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, **regs. 1(2)(3), 9(k)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(1)(f)** and S.I. 2002/2296, **reg. 5(1)(f)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(1)(f)** and S.I. 2002/2351, **reg. 5(1)(f)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(1)(d)** and S.S.I. 2002/425, **reg. 5(1)(d)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(i)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, **regs. 1(2)(3), 9(k)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(i)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(k)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(k)**
- C129** S. 36 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(1)(d)**
- C130** S. 36 applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), **regs. 1, 10(j)**
- C131** S. 36 applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs. 1(1), 10(h)**
- C132** S. 36 applied (with modifications) (W.) (17.4.2003) by Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/1119), **regs. 1(1), 5(1)(f)**
- C133** S. 36 applied (with modifications) (30.6.2003) by Contaminants in Food (England) Regulations 2003 (S.I. 2003/1478), **regs. 1, 7(1)(i)**
- C134** S. 36 applied (with modifications) (30.6.2003) by Fish Labelling (Wales) Regulations 2003 (S.I. 2003/1635), **regs. 1, 10**
- C135** S. 36 applied (with modifications) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), **regs. 1(1), 7(1)(g)**
- C136** S. 36 applied (with modifications) (11.7.2003) by Food (Brazil Nuts) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1722), **regs. 1(1), 5(1)(f)**
- C137** S. 36 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), **regs. 1, 9(k)**
- C138** S. 36 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), **regs. 1(1), 10(i)**
- C139** S. 36 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), **regs. 1(b), 9(k)**
- C140** S. 36 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), **regs. 1, 9(1)(k)** (with reg. 11)
- C141** S. 36 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), **regs. 1(1), 10(1)(i)** (with reg. 3)
- C142** S. 36 applied (with modifications) (30.7.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1940), **regs. 1(1), 5(1)(f)**
- C143** S. 36 applied (with modifications) (31.7.2003) by Food (Pistachios from Iran) (Emergency Control) (England) Regulations 2003 (S.I. 2003/1956), **regs. 1(1), 5(1)(f)**
- C144** S. 36 applied (with modifications) (31.7.2003) by The Contaminants in Food (Wales) Regulations 2003 (S.I. 2003/1721), **regs. 1, 7(1)(i)**
- C145** S. 36 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), **regs. 1, 11(i)** (with reg. 4)

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- C146 S. 36 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(k)**
- C147 S. 36 applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), regs. 1(1), **6(1)(d)**
- C148 S. 36 applied (with modifications) (14.8.2003) by Food (Peanuts from Egypt) (Emergency Control) (England) Regulations 2003 (S.I. 2003/2074), regs. 1(1), **5(1)(f)**
- C149 S. 36 applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), regs. 1(1), **5(1)(d)**
- C150 S. 36 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(k)** (with reg. 3)
- C151 S. 36 applied (with modifications) (5.9.2003) by Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2254), regs. 1(1), **5(1)(f)**
- C152 S. 36 applied (with modifications) (6.9.2003) by The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) Regulations 2003 (S.I. 2003/2288), regs. 1(1), **5(1)(f)**
- C153 S. 36 applied (with modifications) (25.9.2003) by Food (Hot Chilli And Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2455), regs. 1(1), **5(1)(f)**
- C154 S. 36 applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(k)**
- C155 S. 36 applied (with modifications) (30.9.2003) by Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/418), regs. 1(1), **5(1)(d)**
- C156 S. 36 applied (with modifications) (30.9.2003) by Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/414), regs. 1(1), **5(1)(d)**
- C157 S. 36 applied (with modifications) (14.11.2003) by Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003 (S.I. 2003/2910), regs. 1(1), **5(1)(f)**
- C158 S. 36 applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(k)**
- C159 S. 36 applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(k)** (with reg. 3)
- C160 S. 36 applied (with modifications) (28.11.2003) by Specified Sugar Products (Scotland) Regulations 2003 (S.S.I. 2003/527), regs. 1(1), **9** (with reg. 10)
- C161 S. 36 applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(k)**
- C162 S. 36 applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(k)**
- C163 S. 36 applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(k)**
- C164 S. 36 applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), regs. 1(1), **10(i)** (with regs. 3, 11)
- C165 S. 36 applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(k)** (with reg. 3)
- C166 S. 36 applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), regs. 1(1), **9(1)(i)**
- C167 S. 36 applied (with modifications) (14.2.2004) by Food (Chilli and Chilli Products) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/56), regs. 1(1), **6(1)(d)**
- C168 S. 36 applied (with modifications) (16.4.2004) by Food (Jelly Mimi-Cups) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/187), regs. 1(1), **6(g)**
- C169 S. 36 applied (with modifications) (28.4.2004) by Jam and Similar Products (Scotland) Regulations 2004 (S.S.I. 2004/133), regs. 1(1), **10(i)**
- C170 S. 36 applied (with modifications) (31.5.2004) by Meat Products (Wales) Regulations 2004 (S.I. 2004/1396), regs. 1(c), **8(k)** (with reg. 3)
- C171 S. 36 applied (4.10.2004) by Genetically Modified Food (England) Regulations 2004 (S.I. 2004/2335), regs. 1(b), **6(1)(j)**

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- C172 S. 36 applied (with modifications) (15.11.2004) by Genetically Modified Food (Scotland) Regulations 2004 (S.S.I. 2004/432), regs. 1(1), **6(1)(j)**
- C173 S. 36 applied (17.12.2004) by Genetically Modified Food (Wales) Regulations 2004 (S.I. 2004/3220), regs. 1(b), **6(1)(j)**
- C174 S. 36 applied (with modifications) (20.12.2004) by Contaminants in Food (England) Regulations 2004 (S.I. 2004/3062), regs. 1, **7(1)(i)**
- C175 S. 36 applied (with modifications) (25.12.2004) by Contaminants in Food (Scotland) Regulations 2004 (S.S.I. 2004/525), regs. 1(1), **7(1)(g)**
- C176 S. 36 applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(1)(g)**
- C177 S. 36 applied (with modifications) (12.1.2005) by Food with Added Phytosterols or Phytostanols (Labelling) (England) Regulations 2004 (S.I. 2004/3344), regs. 1, **10(1)(h)**
- C178 S. 36 applied (with modifications) (1.2.2005) by Food Labelling (Added Phytosterols or Phytostanols) (Scotland) Regulations 2005 (S.S.I. 2005/1), regs. 1(1), **10(1)(g)**
- C179 S. 36 applied (with modifications) (1.3.2005) by The Contaminants in Food (Wales) Regulations 2005 (S.I. 2005/364), regs. 1, **7(1)(i)**
- C180 S. 36 applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004 (S.I. 2004/314), regs. 1, **12(k)** (with reg. 3)
- C181 S. 36 applied (with modifications) (6.3.2005) by The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003 (S.I. 2003/3207), regs. 1, **12(k)** (with reg. 3)
- C182 S. 36 amendment to earlier affecting provision SI 1995/77 reg. 23 (6.3.2005) by The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004 (S.I. 2004/313), regs. 1, **9**
- C183 S. 36 applied (with modifications) (6.3.2005) by Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (S.S.I. 2004/8), regs. 1(1), **12(i)**
- C184 S. 36 amendment to earlier affecting provision SI 1995/77 reg. 23 (6.3.2005) by Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (S.S.I. 2004/7), regs. 1(1), **9**
- C185 S. 36 applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by Infant Formula and Follow-on Formula (Amendment) (England) Regulations 2003 (S.I. 2003/3208), regs. 1, **9**)
- C186 S. 36 applied (with modifications) (26.3.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (England) Regulations 2005 (S.I. 2005/404), regs. 1, **8(h)**
- C187 S. 36 applied (with modifications) (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(1)(g)**
- C188 S. 36 applied (with modifications) (30.4.2005) by Food with Added Phytosterols or Phytostanols (Labelling) (Wales) Regulations 2005 (S.I. 2005/1224), regs. 1, **10(1)(h)**
- C189 S. 36 applied (with modifications) (11.5.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Scotland) Regulations 2005 (S.S.I. 2005/218), regs. 1(1), **8(f)**
- C190 S. 36 applied (with modifications) (21.5.2005) by Materials and Articles in Contact with Food (Scotland) Regulations 2005 (S.S.I. 2005/243), regs. 1(1), **14(1)** (with reg. 3)
- C191 S. 36 applied (with modifications) (1.6.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Wales) Regulations 2005 (S.I. 2005/1397), art. 1 **reg. 8(h)**
- C192 S. 36 applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1442), regs. 1(1), **5(1)(f)**
- C193 S. 36 applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/294), regs. 1(1), **6(1)(d)**
- C194 S. 36 applied (with modifications) (10.6.2005) by The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005 (S.I. 2005/1540), regs. 1(1), **5(1)(f)**
- C195 S. 36 applied (16.6.2005) by Smoke Flavourings (England) Regulations 2005 (S.I. 2005/464), regs. 1(b)(ii), **6**
- C196 S. 36 applied (16.6.2005) by Smoke Flavourings (Wales) Regulations 2005 (S.I. 2005/1350), regs. 1(b)(ii), **6(j)**
- C197 S. 36 applied (with modifications) (24.6.2005) by The Materials and Articles in Contact with Food (Wales) Regulations 2005 (S.I. 2005/1647), regs. 1, **14(1)(g)** (with reg. 3)

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C198 S. 36 applied (with modifications) (1.7.2005) by Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005/332), regs. 1(1), **15(1)(f)**

[^{F5} 36A Offences by Scottish partnerships.

Where an offence under this Act which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he, as well as the partnership shall be deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.]

Textual Amendments

F5 S. 36A inserted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 16** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

Modifications etc. (not altering text)

- C199** S. 36A applied (with modifications) (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**
S. 36A applied (with modifications): (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(j)**; (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/148, **regs. 1(1), 5(1)(g)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002 at 1700 hours) by S.S.I. 2002/149, **regs. 1(1), 5(1)(g)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(h)**; (S.) (24.6.2002) by virtue of S.S.I. 2002/300, **reg. 5(1)(f)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(h)**; (S.) (13.9.2002) by S.I. 2002/424, **reg. 5(1)(e)** and S.I. 2002/425, **reg. 5(1)(e)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, **regs. 1(2)(3), 8(j)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(j)**
- C200** S. 36A applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), **regs.1(1), 10(i)**
- C201** S. 36A applied (with modifications) (S.) (1.7.2003) by Contaminants in Food (Scotland) Regulations 2003 (S.S.I. 2003/289), **regs. 1(1), 7(1)(h)**
- C202** S. 36A applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), **regs. 1(1), 10(j)**
- C203** S. 36A applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), **regs. 1(1), 10(1)(j)** (with reg. 3)
- C204** S. 36A applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), **regs. 1, 11(j)** (with reg. 4)
- C205** S. 36A applied (with modifications) (9.8.2003) by Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/382), **regs. 1(1), 6(1)(e)**
- C206** S. 36A applied (with modifications) (27.8.2003) by Food (Brazil Nuts) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/396), **regs. 1(1), 5(1)(e)**
- C207** S. 36A applied (with modifications) (30.9.2003) by Food (Pistachios from Iran) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/414), **regs. 1(1), 5(1)(e)**
- C208** S. 36A applied (with modifications) (30.9.2003) by Food (Peanuts from Egypt) (Emergency Control) (Scotland) Regulations 2003 (S.S.I. 2003/418), **regs. 1(1), 5(1)(e)**
- C209** S. 36A applied (with modifications) (28.11.2003) by Specified Sugar Products (Scotland) Regulations 2003 (S.S.I. 2003/527), **regs. 1(1), 9** (with reg. 10)
- C210** S. 36A applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), **regs. 1(1), 10(j)** (with regs. 3, 11)
- C211** S. 36A applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), **regs. 1(1), 9(1)(j)**
- C212** S. 36A applied (with modifications) (14.2.2004) by Food (Chilli and Chilli Products) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/56), **regs. 1(1), 6(1)(e)**

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- C213** S. 36A applied (with modifications) (16.4.2004) by Food (Jelly Mimi-Cups) (Emergency Control) (Scotland) Regulations 2004 (S.S.I. 2004/187), regs. 1(1), **6(h)**
- C214** S. 36A applied (with modifications) (28.4.2004) by Jam and Similar Products (Scotland) Regulations 2004 (S.S.I. 2004/133), regs. 1(1), **10(j)**
- C215** S. 36A applied (with modifications) (15.11.2004) by Genetically Modified Food (Scotland) Regulations 2004 (S.S.I. 2004/432), regs. 1(1), **6(1)(k)**
- C216** S. 36A applied (with modifications) (25.12.2004) by Contaminants in Food (Scotland) Regulations 2004 (S.S.I. 2004/525), regs. 1(1), **7(1)(h)**
- C217** S. 36A applied (with modifications) (1.1.2005) by General Food Regulations 2004 (S.I. 2004/3279), regs. 1, **7(1)(h)**
- C218** S. 36A applied (with modifications) (1.2.2005) by Food Labelling (Added Phytosterols or Phytostanols) (Scotland) Regulations 2005 (S.S.I. 2005/1), regs. 1(1), **10(1)(h)**
- C219** S. 36A amendment to earlier affecting provision SI 1995/77 reg. 23 (6.3.2005) by Infant Formula and Follow-on Formula Amendment (Scotland) Regulations 2004 (S.S.I. 2004/7), regs. 1(1), **9**
- C220** S. 36A applied (with modifications) (6.3.2005) by Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (S.S.I. 2004/8), regs. 1(1), **12(j)**
- C221** S. 36A applied (with modifications) (26.3.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (England) Regulations 2005 (S.I. 2005/404), regs. 1, **8(i)**
- C222** S. 36A applied (with modifications) (29.4.2005) by Materials and Articles in Contact with Food (England) Regulations 2005 (S.I. 2005/898), regs. 1, **14(1)(h)**
- C223** S. 36A applied (with modifications) (11.5.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Scotland) Regulations 2005 (S.S.I. 2005/218), regs. 1(1), **8(g)**
- C224** S. 36A applied (with modifications) (21.5.2005) by Materials and Articles in Contact with Food (Scotland) Regulations 2005 (S.S.I. 2005/243), regs. 1(1), **14(1)** (with reg. 3)
- C225** S. 36A applied (with modifications) (1.6.2005) by Production of Bovine Collagen Intended for Human Consumption in the United Kingdom (Wales) Regulations 2005 (S.I. 2005/1397), art. 1 reg. **8(i)**
- C226** S. 36A applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1442), regs. 1(1), **5(1)(g)**
- C227** S. 36A applied (with modifications) (2.6.2005) by Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/294), regs. 1(1), **6(1)(e)**
- C228** S. 36A applied (with modifications) (10.6.2005) by The Food (Chilli, Chilli Products, Curcuma and Palm Oil) (Emergency Control) (Wales) Regulations 2005 (S.I. 2005/1540), regs. 1(1), **5(1)(g)**
- C229** S. 36A applied (with modifications) (24.6.2005) by The Materials and Articles in Contact with Food (Wales) Regulations 2005 (S.I. 2005/1647), regs. 1, **14(1)(h)** (with reg. 3)
- C230** S. 36A applied (with modifications) (1.7.2005) by Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (S.S.I. 2005/332), regs. 1(1), **15(1)(g)**

Status:

Point in time view as at 01/07/2005.

Changes to legislation:

Food Safety Act 1990, Cross Heading: Offences is up to date with all changes known to be in force on or before 26 May 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.