



# 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 [F1section 35(2)][F1 section 35(A1), (A2) or (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.

#### Textual Amendments

- F1** Words in s. 34 substituted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), [sch. para. 3\(5\)](#) (with s. 62); [S.S.I. 2015/99](#), [art. 2](#)

#### 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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3163](#), [regs. 1](#), [18\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994](#), [reg. 59\(1\)](#), [Sch. 5](#))  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(1.1.1993 for certain purposes and 15.1.1993 otherwise) by [S.I. 1992/3164](#), [regs. 1](#), [19\(1\)](#) (which S.I. was revoked (29.4.1998) by [S.I. 1998/994](#), [reg. 59\(1\)](#), [Sch. 5](#))  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\(2\)](#)

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- 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)**
- 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)
- C8 S. 34 applied (with modifications) (20.5.2006) by Ceramic Articles In Contact With Food (England) Regulations 2006 (S.I. 2006/1179), regs. 1(1), **7(d)**
- C9 S. 34 applied (with modifications) (20.5.2006) by Ceramic Articles in Contact with Food (Scotland) Regulations 2006 (S.S.I. 2006/230), regs. 1(2), **7**
- C10 S. 34 applied (with modifications) (30.6.2006) by Ceramic Articles in Contact with Food (Wales) Regulations 2006 (S.I. 2006/1704), regs. 1(1), **7(1)(d)**
- C11 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (England) Regulations 2007 (S.I. 2007/1631), regs. 1, **5(g)**
- C12 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007 (S.I. 2007/1984), regs. 1, **5(g)**
- C13 S. 34 applied (with modifications) (7.8.2007) by Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007 (S.S.I. 2007/325), regs. 1(1), **5(g)**
- C14 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (Scotland) Regulations 2007 (S.S.I. 2007/383), regs. 1(1), **6(g)**
- C15 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (Wales) Regulations 2007 (S.I. 2007/2611), regs. 1, **6(g)**
- C16 S. 34 applied (with modifications) (1.10.2007) by Nutrition and Health Claims (England) Regulations 2007 (S.I. 2007/2080), regs. 1, **6(g)**
- C17 S. 34 applied (31.7.2009) by The Food Irradiation (Wales) Regulations 2009 (S.I. 2009/1795), regs. 1(1), **11(3)** (with reg. 2)
- C18 S. 34 applied (31.7.2009) by The Food Irradiation (England) Regulations 2009 (S.I. 2009/1584), regs. 1, **11(3)** (with reg. 2)
- C19 S. 34 applied (20.1.2010) by Food Additives (Scotland) Regulations 2009 (S.S.I. 2009/436), regs. 1(1), **16(4)**
- C20 S. 34 applied (20.1.2010) by Food Additives (England) Regulations 2009 (S.I. 2009/3238), regs. 1, **16(4)**
- C21 S. 34 applied (20.1.2010) by Food Enzymes (Scotland) Regulations 2009 (S.S.I. 2009/435), regs. 1, **5(4)**
- C22 S. 34 applied (20.1.2010) by Food Enzymes Regulations 2009 (S.I. 2009/3235), regs. 1(1), **5(4)**
- C23 S. 34 applied (with modifications) (20.1.2011) by The Flavourings in Food (Wales) Regulations 2010 (S.I. 2010/2922), regs. 1, **5(4)**
- C24 S. 34 applied (20.1.2011) by The Flavourings in Food (England) Regulations 2010 (S.I. 2010/2817), regs. 1(c), **5(4)**
- C25 S. 34 applied (S.) (20.1.2011) by The Flavourings in Food (Scotland) Regulations 2010 (S.S.I. 2010/439), regs. 1, **5(4)**
- C26 S. 34 applied (with modifications) (W.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 (S.I. 2011/1605), regs. 1(2), **11(4)**
- C27 S. 34 applied (E.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011 (S.I. 2011/1517), regs. 1, **11(4)**
- C28 S. 34 applied (S.) (1.7.2011) by The Plastic Kitchenware (Conditions on Imports from China) (Scotland) Regulations 2011 (S.S.I. 2011/282), regs. 1, **11(4)**
- C29 S. 34 applied (5.10.2013) by The Fish Labelling (Scotland) Regulations 2013 (S.S.I. 2013/256), regs. 1, **7(3)**

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- C30** S. 34 applied (with modifications) (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 (S.I. 2013/2210), regs. 1, **19(3)**
- C31** S. 34 applied (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 (S.I. 2013/2591), regs. 1, **19(3)**
- C32** S. 34 applied (31.10.2013) by The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013 (S.S.I. 2013/266), regs. 1, **17(3)**
- C33** S. 34 power to apply in part for certain purposes conferred (1.4.2015) by Food (Scotland) Act 2015 (asp 1), **ss. 49(2)(c)(vi), 63(2)** (with s. 62); S.S.I. 2015/99, art. 2
- C34** S. 34 applied (with modifications) (E.) (1.10.2022) by The Food (Promotion and Placement) (England) Regulations 2021 (S.I. 2021/1368), regs. 1(1), **16(1)(2)(h)**
- C35** S. 34 applied (with modifications) (S.) (30.6.2023) by The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023 (S.S.I. 2023/161), regs. 1(2), **3(b)**

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**Changes and effects yet to be applied to :**

- s. 34 applied by [S.I. 2009/3378 reg. 16\(4\)](#)

**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](#)