



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART III

#### ADMINISTRATION AND ENFORCEMENT

##### *Appeals*

#### **37 Appeals to magistrates' court or sheriff**

- (1) Any person who is aggrieved by—
  - (a) a decision of an authorised officer of an enforcement authority to serve an improvement notice;
  - (b) a decision of an enforcement authority to refuse to issue such a certificate as is mentioned in section 11(6) or 12(8) above; or
  - (c) subject to subsection (2) below, a decision of such an authority to refuse, cancel, suspend or revoke a licence required by regulations under Part II of this Act,may appeal to a magistrates' court or, in Scotland, to the sheriff.
- (2) Subsection (1)(c) above shall not apply in relation to any decision as respects which regulations under Part II of this Act provide for an appeal to a tribunal constituted in accordance with the regulations.
- (3) The procedure on an appeal to a magistrates' court under subsection (1) above, or an appeal to such a court for which provision is made by regulations under Part II of this Act, shall be by way of complaint for an order, and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (4) An appeal to the sheriff under subsection (1) above, or an appeal to the sheriff for which provision is made by regulations under Part II of this Act, shall be by summary application.
- (5) The period within which such an appeal as is mentioned in subsection (3) or (4) above may be brought shall be—

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*Status: This is the original version (as it was originally enacted).*

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- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) in the case of an appeal under subsection (1)(a) above, that period or the period specified in the improvement notice, whichever ends the earlier;

and, in the case of such an appeal as is mentioned in subsection (3) above, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.

- (6) In any case where such an appeal as is mentioned in subsection (3) or (4) above lies, the document notifying the decision to the person concerned shall state—
  - (a) the right of appeal to a magistrates' court or to the sheriff; and
  - (b) the period within which such an appeal may be brought.