
STATUTORY INSTRUMENTS

2003 No. 1478

The Contaminants in Food (England) Regulations 2003

Re-dispatch or destruction of food imported into England that does not comply with these Regulations

8.—(1) If it appears to an authorised officer of a port health authority or as the case may be food authority that any food contravenes regulation 3(1)(a)(i) or (b)(i) and has been imported into England, he may, after appropriate consultation with a person appearing to him to be the importer, serve on that person a notice requiring—

- (a) the re-dispatch of the food to a country outside the European Economic Area within such reasonable period as shall be specified in the notice; or
- (b) (where such re-dispatch would in his opinion involve serious risk to human health) the destruction of the food within such reasonable period as shall be so specified.

(2) In any case where such an appeal as is mentioned in paragraph (3) may be brought the notice served under paragraph (1) shall state—

- (a) the right of appeal to a magistrates' court; and
- (b) the period within which such an appeal may be brought.

(3) Any person who is aggrieved by the decision of an authorised officer to serve a notice under paragraph (1) may appeal to a magistrates' court, which shall be determine whether or not the notice was lawfully served.

(4) The period within which such an appeal as is mentioned in paragraph (3) may be brought shall be 6 days from the date on which the notice was served exclusive of Saturdays, Sundays and Public Holidays and the making of the complaint shall be deemed for the purpose of this paragraph to be the bringing of the appeal.

(5) The procedure on an appeal to a magistrates' court under paragraph (3) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980(1) shall apply to the proceedings.

(6) If the court allows an appeal brought under paragraph (3) the authority concerned shall compensate the owner of the food concerned for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under paragraph (6) shall be determined by arbitration.

(8) Any person who breaches the terms of a notice served under paragraph (1) shall be guilty of an offence and 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.

Commencement Information

II Reg. 8 in force at 30.6.2003, see [reg. 1](#)

Changes to legislation: *The Contaminants in Food (England) Regulations 2003, Section 8 is up to date with all changes known to be in force on or before 23 September 2023. 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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Changes and effects yet to be applied to :

- [Instrument rev by S.I. 2004/3062 reg 13](#)