
STATUTORY INSTRUMENTS

1991 No. 762

The Food Safety(Northern Ireland) Order 1991

PART III

ADMINISTRATION AND ENFORCEMENT

Powers of entry and obstruction, etc.

Powers of entry

33.—(1) An authorised officer shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

- (a) to enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Order, or of regulations or orders made under it; and
- (b) to enter any premises for the purpose of the performance by the district council or, as the case may be, the Department of Agriculture of its functions under this Order; and
- (c) in the case of an authorised officer of a district council, to enter any business premises outside the council's district for the purpose of ascertaining whether there is on the premises any evidence of any contravention within that district of any of the provisions of this Order or of regulations or orders made under it.

(2) Admission to any premises used only as a private dwelling-house shall not be demanded under paragraph (1) as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn complaint in writing, is satisfied that there is reasonable ground for entry into any premises for any purpose mentioned in paragraph (1) and either—

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice may by warrant signed by him authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this Article shall continue in force for a period of one month.

(5) An authorised officer entering any premises by virtue of this Article, or of a warrant issued under it, may take with him such other persons as he considers necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) An authorised officer entering premises by virtue of this Article, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are kept by means of a computer—

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
 - (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.
- (7) Any officer exercising any power conferred by paragraph (6) may—
- (a) seize and detain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Order or of regulations or orders made under it; and
 - (b) where the records are kept by means of a computer, may require the records to be produced in a form in which they may be taken away.
- (8) If any person who enters any premises by virtue of this Article, or of a warrant issued under it, discloses to any person any information obtained by him in the premises with regard to any trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.
- (9) Nothing in this Order authorises any person, except with the permission of the Department of Agriculture under the Diseases of Animals (Northern Ireland) Order 1981(1), to enter any premises—
- (a) in which there is kept an animal or bird affected or, with good reason, suspected of being affected with any disease to which that Order of 1981 applies; and
 - (b) which is situated in a place declared under that Order of 1981 to be infected with such a disease.

Obstruction, etc., of officers

34.—(1) Any person who—

- (a) intentionally obstructs any person acting in the execution of this Order; or
- (b) without reasonable cause, fails to give to any person acting in the execution of this Order any assistance or information which that person may reasonably require of him for the performance of his functions under this Order,

shall be guilty of an offence.

(2) Any person who, in purported compliance with any such requirement as is mentioned in paragraph (1)(b)—

- (a) furnishes information which he knows to be false or misleading in a material particular; or
- (b) recklessly furnishes information which is false or misleading in a material particular,

shall be guilty of an offence.

(3) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.