



Fertilisers and Feeding Stuffs Act 1926

1926 CHAPTER 45

Administrative Provisions, Sampling and Analysis

11 Enforcement of Act by councils of counties and county boroughs

- (1) It shall be the duty of the council of every county or county borough to enforce within their county or county borough the provisions of this Act, and for that purpose to appoint an official agricultural analyst (in this Act referred to as the agricultural analyst) and such inspectors and official samplers as may be necessary:

Provided that every such inspector shall be a whole-time officer of the council or in the case of a joint appointment of one or more of the councils concurring in the appointment.

- (2) Any such council may also appoint a deputy agricultural analyst, who shall in the case of the illness, incapacity, or absence of the agricultural analyst, or pending the appointment of the agricultural analyst, have all the powers and duties of the agricultural analyst; and where the deputy acts, this Act shall apply as if he were the agricultural analyst.
- (3) The appointment by a council of the agricultural analyst, or deputy agricultural analyst, inspectors, and official samplers, shall be subject to the approval of the Minister.
- (4) A person while holding the office of official sampler shall not engage in farming or any business connected with the manufacture, sale or importation of articles used as fertilisers of the soil or as food for cattle or poultry.
- (5) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are required or authorised to make under this section and as to the apportionment amongst the several councils of the expenses of any such joint appointment, but this power shall be in addition to and not in derogation of the power conferred on councils by the Local Government Act, 1888, to appoint joint committees for the purposes of this Act.

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12 Powers of entry and sampling

- (1) An inspector appointed by a council under this Act may at all reasonable times enter any premises in which he has reasonable cause to believe that there is any article included in the first column of the First Schedule to this Act which has been prepared for sale or consignment, or any article included in the first column of the First or Second Schedule to this Act which is stored for use and not for sale or manufacture, and may take samples in the prescribed manner of any article on such premises which he has reasonable cause to believe to be such an article as aforesaid :

Provided that an inspector shall not exercise such power as aforesaid in respect of any premises situate outside the county or county borough for which he acts without the consent of the council of the county or county borough in which the said premises are situate or of some officer of that council to whom powers of giving such consent may have been delegated by that council.

- (2) An inspector appointed by a council under this Act may for the purposes of this Act take a sample otherwise than in the prescribed manner of any article which has been sold for use as a fertiliser of the soil or as food for cattle or poultry, or which he has reasonable cause to believe to be intended for sale as such; but the name of the seller or purchaser or owner of the article of which a sample is so taken shall not be communicated to any person.
- (3) An inspector appointed by the Minister may, if specially authorised in that behalf, exercise in any county or county borough the powers conferred by this section on an inspector appointed by the council thereof.

If, in the opinion of the Minister, the council of a county or county borough have insufficiently exercised their powers under this Act, either generally or in any particular case, the inspector appointed by the Minister may submit to the agricultural analyst for the county or county borough the samples so taken by him within that county or county borough; and the amount of any expenses certified by the Minister to have been incurred by an inspector appointed by him in the exercise of such powers as aforesaid shall, on demand, be repaid to the Minister by the council in default, and shall be recoverable from the council either as a debt due to the Crown or summarily as a civil debt.

- (4) Where a sample of a parcel packed ready for retail sale which is of fourteen pounds weight or less and is exposed for sale by retail is taken under this section, the retailer may require the inspector to purchase the parcel on behalf of the local authority or of the Minister, as the case may be.
- (5) In the exercise at any railway station or upon any railway premises of the powers conferred upon him by this Act an inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of the traffic thereat being obstructed or interfered with.

13 Provisions as to analysis of samples

- (1) Where a sample has been taken by an inspector or official sampler in the prescribed manner he shall divide it into three parts and cause each part to be marked, sealed and fastened up and he shall send two of the parts to the agricultural analyst together with a signed statement that the sample was taken in the prescribed manner, and the third part he shall deliver or send to the owner or seller as may be prescribed.

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- (2) Where a sample submitted to the agricultural analyst has been so divided into parts, the agricultural analyst shall analyse one of the parts of the sample sent to him and shall retain the other for such period as may be prescribed.
- (3) If the person by or on whose behalf the sample of an article is taken and analysed, or the owner or seller of the article, objects to the certificate of the agricultural analyst, the person objecting thereto shall, on payment of such fee as may be fixed by the Treasury be entitled to have submitted to the Government Chemist the part of the sample retained by the agricultural analyst and to have that part analysed by him and to receive from him a certificate of the result of his analysis.
- (4) Where a sample or part of a sample is under this section sent for analysis to the agricultural analyst or the Government Chemist, there shall also be sent to him any statutory statement or warranty relating to the article sampled or a copy thereof, or a copy of the particulars marked on or indicated by a mark applied to the article.
- (5) A certificate of analysis shall be signed by the agricultural analyst or the Government Chemist as the case may be; but the analysis may be made by any person acting under the direction of the agricultural analyst or the Government Chemist.
- (6) Where a sample taken in the prescribed manner has been analysed by the agricultural analyst, he shall furnish to the person who submitted the sample for analysis and, where that person is not the purchaser, also to the purchaser and in every case to the owner or seller of the article his certificate of analysis :

Provided that, if the agricultural analyst does not know the name and address of the owner or seller, he shall send his certificate intended for the owner or seller to the person who submitted the sample, who shall forward it to the owner or seller.

- (7) Where the sample has not been taken in the prescribed manner, the agricultural analyst shall send the certificate to the person who submitted the sample to him.

14 Tampering with samples

If any person fraudulently—

- (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Act does not correctly represent the article; or
- (b) tampers or interferes with any sample taken or submitted for analysis under this Act;

he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

15 Obstruction of inspectors

If the owner or person entrusted for the time being with the charge and custody of any article refuses to allow an inspector to take a sample of the article on any premises on which he is authorised under this Act to take a sample, or if any person otherwise wilfully delays or obstructs any inspector in the execution of his duties under this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that an inspector seeking to exercise his powers under this Act shall, if so required, produce evidence of his appointment or authority.

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16 Prohibition against disclosures

If any inspector discloses any information obtained by him in or in connection with the exercise of his powers under this Act, except to persons acting in the execution of this Act and so far as such information may be necessary for the execution thereof, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

17 Financial provisions relating to the councils of counties and county boroughs

- (1) The council of any county or county borough may contribute towards the expenses incurred by any agricultural body or association in causing samples to be taken by an official sampler in the prescribed manner for analysis by the agricultural analyst.
- (2) The council of any county or county borough may fix the fees to be payable in respect of the making of any analysis by the agricultural analyst and the taking of samples at the request of purchasers, and the council may fix different fees for different articles and for different quantities of the same article or for different analyses of the same article.
- (3) The expenses of a council incurred in the execution of this Act (including any expenditure on the purchase by the council of articles for the purpose of enforcing the provisions of this Act) shall be defrayed in the case of a county council as part of their expenses for general county purposes, and in the case of a county borough council, out of the borough fund or borough rate.

18 Returns of results of analysis

The council of each county or county borough shall, as soon as practicable after the first day of January, the first day of April, the first day of July, and the first day of October in each year, make a return to the Minister of the results of the analysis of the samples submitted to the agricultural analyst for the county or the county borough during the preceding three months in such form as may be prescribed, and the agricultural analyst shall furnish to the council such information as may be necessary for the purpose.