



Agriculture Act 1970

1970 CHAPTER 40

PART IV

FERTILISERS AND FEEDING STUFFS

Supplementary provisions

83 Exercise of powers by inspectors.

- (1) An inspector exercising his powers under this Part of this Act shall, if so required, produce written evidence of his authority.
- (2) Any person who wilfully obstructs an inspector in the exercise of his powers under this Part of this Act shall be liable on summary conviction to a fine not exceeding [^{F1}level 3 on the standard scale].
- (3) Any person who, not being an inspector, purports to act as such under this Part of this Act shall be liable on summary conviction to a fine not exceeding [^{F2}level 4 on the standard scale] or, on a second or subsequent conviction under this subsection, to a fine not exceeding [^{F2}level 4 on the standard scale] or imprisonment for a term not exceeding three months or both.
- (4) Subject to subsection (5) of this section, if any person discloses to any other person—
 - (a) any information with respect to any manufacturing process or trade secret obtained by him in premises which he has entered by virtue of this Part of this Act; or
 - (b) any information obtained by him in pursuance of this Part of this Act,then, unless the disclosure was made in and for the purpose of the performance by him or any other person of functions under this Part of this Act, he shall be liable on summary conviction to a fine not exceeding [^{F3}level 5 on the standard scale].
- (5) Subsection (4) of this section shall not prevent an inspector who has taken a sample of any material under section 76(4) of this Act from disclosing to the manufacturer or to the last seller of the material information as to the place where and the person from

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whom the sample was taken or from disclosing to that manufacturer or last seller or to any person who had the material on his premises for the purpose of sale information as to the results of any analysis of that sample.

Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F2** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**
- F3** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

Modifications etc. (not altering text)

- C1** S. 83 modified (8.9.1999) by [S.I. 1999/2325](#), **regs. 7(1)(2), 12**
- C2** S. 83 applied (22.1.1992) by [S.I. 1991/2840](#), **reg. 21(4)** (with [reg. 22](#)) (which was revoked (30.6.1995) by [S.I. 1995/1412](#), **reg. 25** (with [reg. 23](#))); (N.I.) by [S.R. 1992/270](#), **reg. 21(4)** (with [reg. 22](#)) (which was revoked (15.1.1996) by [S.R. 1995/451](#), **reg. 25** (with [reg. 23](#)))
- C3** S. 83 applied (30.6.1995) by [S.I. 1995/1412](#), **reg. 22(5)** and expressed to be applied (15.1.1996) (N.I.) by [S.R. 1995/451](#), **reg. 22(5)**
- C4** S. 83 amendment to earlier affecting provision [SI 1999/2325 reg. 12 \(E.\) \(9.6.2003\)](#) by [Feeding Stuffs \(Sampling and Analysis\), the Feeding Stuffs \(Enforcement\) and the Feeding Stuffs \(Establishments and Intermediaries\) \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/1296\)](#), **regs. 1, 13**
- C5** S. 83 amendment to earlier affecting provision [S.I. 1999/2325 reg. 12 \(S.\) \(26.6.2003\)](#) by [The Feeding Stuffs \(Miscellaneous Amendments\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/277\)](#), **regs. 1(1), 14**
- C6** S. 83 amendment to earlier affecting provision [SI 1999/2325 reg. 12 \(W.\) \(14.7.2003\)](#) by [Feeding Stuffs \(Sampling and Analysis\), the Feeding Stuffs \(Enforcement\) and the Feeding Stuffs \(Establishments and Intermediaries\) \(Amendment\) \(Wales\) Regulations 2003 \(S.I. 2003/1677\)](#), **regs. 1, 13**
- C7** S. 83 applied (with modifications) (E.) (4.10.2004) by [Genetically Modified Animal Feed \(England\) Regulations 2004 \(S.I. 2004/2334\)](#), **regs. 1(b), 6(2)(h)**
- C8** S. 83 applied (with modifications) (N.I.) (8.10.2004) by [The Genetically Modified Animal Feed Regulations \(Northern Ireland\) 2004 \(S.R. 2004/386\)](#), **regs. 1, 6**
- C9** S. 83 applied (with modifications) (S.) (15.11.2004) by [Genetically Modified Animal Feed \(Scotland\) Regulations 2004 \(S.S.I. 2004/433\)](#), **regs. 1(1), 6(1)(a)(vii)**
- C10** S. 83 applied (with modifications) (W.) (17.12.2004) by [The Genetically Modified Animal Feed \(Wales\) Regulations 2004 \(S.I. 2004/3221\)](#), **regs. 1(b), 6(2)(h)**
- C11** S. 83 applied (with modifications) (N.I.) (1.1.2005) by [The Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/506\)](#), **regs. 1(1), 4(1), 4(2)**
- C12** S. 83 applied (with modifications) (E.W.S.) (1.1.2005) by [Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations 2004 \(S.I. 2004/3254\)](#), **regs. 1, 4(2)(i)**
- C13** S. 83 applied (with modifications) (E.) (30.4.2005) by [Feed \(Corn Gluten Feed and Brewers Grains\) \(Emergency Control\) \(England\) Regulations 2005 \(S.I. 2005/1265\)](#), **regs. 1(1), 5**
- C14** S. 83 applied (with modifications) (S.) (6.5.2005) by [Feed \(Corn Gluten Feed and Brewers Grains\) \(Emergency Control\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/246\)](#), **regs. 1(1), 5**
- C15** S. 83 applied (with modifications) (W.) (13.5.2005) by [The Feed \(Corn Gluten Feed and Brewers Grains\) \(Emergency Control\) \(Wales\) Regulations 2005 \(S.I. 2005/1323\)](#), **regs. 1(1), 5(1), 5(2)(h)**

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- C16** S. 83 amendment to earlier affecting provision S.R. 2004/386 reg. 6 (N.I.) (11.10.2010) by [The Feed \(Sampling and Analysis and Specified Undesirable Substances\) Regulations \(Northern Ireland\) 2010](#) (S.R. 2010/323), regs. 1, **21(2)**
- C17** S. 83(3): [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), s. **35** (in relation to liability on first and subsequent convictions) and [S.I. 1984/703](#) (N.I. 3) art. 9 (in relation to liability on first and subsequent convictions) applies (N.I.)
- C18** S. 83(3): [Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), s. **289E**, (in relation to liability on first and subsequent convictions), applies (S.)

84 Regulations.

- (1) Any regulations authorised to be made under this Part of this Act shall be made by the Ministers after consultation with such persons or organisations as appear to them to represent the interests concerned, and anything which under this Part of this Act is authorised to be prescribed shall be prescribed by regulations made as aforesaid.
- (2) Any regulations under this Part of this Act shall be made by statutory instrument, and—
- may make different provision for different circumstances; and
 - shall be subject to annulment in pursuance of a resolution of either House of Parliament [^{F4}(unless any of subsections (2A) to (2C) applies)].
- [^{F5}(2A) The following regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament—
- the first regulations made by the Secretary of State under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - any other regulations made by the Secretary of State under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2B) The following regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru—
- the first regulations made by the Welsh Ministers under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - any other regulations made by the Welsh Ministers under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2C) The following regulations made by the Scottish Ministers are subject to the affirmative procedure (as to which, see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010)—
- the first regulations made by the Scottish Ministers under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - any other regulations made by the Scottish Ministers under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2D) The following regulations may not be made unless a draft of them has been laid before, and approved by a resolution of, the Northern Ireland Assembly—

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- (a) the first regulations made by a Northern Ireland department under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
- (b) any other regulations made by a Northern Ireland department under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a) (i) or (ii).]

[^{F6}(3) Subsection (1) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002 .]

[^{F7}(3) Subsection (1) shall not apply in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002 applies.]

Subordinate Legislation Made

- P1** S. 84: s. 74A (with ss. 66(1), 67(5), 75(1), 76(1), 77, 78(2)(4)(6), 79(1)(2)(9) and 84) power exercised by [S.I. 1991/973](#)
 S. 84: s. 74A (with ss. 66(1), 68(1)(1A)(3), 69(1)(3)(6)(7), 70(1), 73(3), 74(1) and 84) power exercised by [S.I. 1991/1475](#)
- P2** S. 84: for previous exercises of power see Index to Government Orders
- P3** S. 84: s. 84 (with ss. 66(1), 68(1)(2)(3), 69(1)(3)(6)(7), 70(1), 74(1) and 74A(1)(2)(4)) power exercised by [S.I.1991/2197](#).
- P4** S. 84: S. 74A (with ss. 66(1), 75(1), 76(1), 77, 78(2), (4) and (6), 79(1), (2) and (9), 84 and 86(1), (2), (3) and (9)) power exercised by [S.R. 1991/540](#)
- P5** S. 84: S. 74A (with ss. 66(1), 68(1)(1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84) power exercised by [S.I.1991/2840](#)

Textual Amendments

- F4** Words in s. 84(2)(b) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), **ss. 33(5)(a)**, [57\(1\)\(b\)\(c\)\(6\)](#)
- F5** S. 84(2A)-(2D) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), **ss. 33(5)(b)**, [57\(1\)\(b\)\(c\)\(6\)](#)
- F6** S. 84(3) added (E.W.S.) (1.1.2005) by [Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations 2004 \(S.I. 2004/3254\)](#), regs. 1, **12**
- F7** S. 84(3) added (N.I.) (1.1.2005) by [The Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/506\)](#), regs. 1(1), **12**

Modifications etc. (not altering text)

- C19** S. 84 transfer of functions (15.2.2006) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2006 \(S.I. 2006/304\)](#), art. 1(1), **Sch.** (with art. 5)

85 Exemption for certain sales.

This Part of this Act shall not apply—

- (a) to the sale of any material in the case of which, at the time when apart from section 66(3) of this Act the material would fall to be treated as delivered to the purchaser in pursuance of the contract of sale, the material is not in the United Kingdom or, having been imported, has not been released from customs control;
- (b) to the sale of any material which is to be delivered to the purchaser outside the United Kingdom;

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- (c) to the sale of any material in the exercise of a statutory power to enforce a right or to satisfy a claim or lien; or
- (d) where the sale is made by a sheriff, bailiff or other officer to satisfy a writ of execution or warrant or decree of any court, or a distress for rent or warrant of distress [^{F8} or warrant of control] .

Textual Amendments

F8 Words in s. 85(d) inserted (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 14 para. 30 (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C20** S. 85 modified: (S.) (31.1.2001) by S.S.I. 2000/453, reg. 20(3); (E.) (29.10.2000) by S.I. 2000/2481, reg. 20(4)
s. 85 modified (W.) (1.3.2001) by S.I. 2001/343, reg. 18(4)
- C21** S. 85 modified (N.I.) (1.1.2006) by The Feeding Stuffs Regulations (Northern Ireland) 2005 (S.R. 2005/545), regs. 1, 3(4)
- C22** S. 85 modified (S.) (1.1.2006) by The Feeding Stuffs (Scotland) Regulations 2005 (S.S.I. 2005/605), regs. 1(1), 3(4)
- C23** Pt. IV modified (S.) (1.1.2006) by The Feeding Stuffs (Scotland) Regulations 2005 (S.S.I. 2005/605), regs. 1(1), 10(3)
- C24** S. 85 modified (E.) (1.1.2006) by The Feeding Stuffs (England) Regulations 2005 (S.I. 2005/3281), regs. 1, 3(4)

86 Modifications of Part IV in application to Northern Ireland.

- (1) In its application to Northern Ireland, this Part of this Act shall have effect subject to the modifications specified in the following provisions of this section.
- (2) In section 66(1)—
 - (a) there shall be inserted the following definition, namely—

““chief agricultural analyst” means the chief agricultural analyst for Northern Ireland”
 - (b) the definitions of “enforcement authority”, “the Minister” and “the Ministers” shall be omitted.
- (3) For section 67 there shall be substituted the following—
 - (1) [^{F9}The Department of Agriculture for Northern Ireland] (in this Part of this Act referred to as “the Ministry”) shall enforce the provisions of this Part of this Act.
 - (2) For the purpose of enforcing this Part of this Act the Ministry may appoint such agricultural analysts, deputy agricultural analysts and inspectors as appear to the Ministry to be necessary.”
- (4) In section 76(5), for the words “the authority for whom he acts” there shall be substituted the words “the Ministry”.
- (5) In sections 75 and 77, for any reference to the agricultural analyst for an inspector’s area there shall be substituted a reference to an agricultural analyst in Northern Ireland,

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and the expression “agricultural analyst” shall not include the chief agricultural analyst.

(6) In section 78, for any reference to the Government Chemist there shall be substituted a reference to the chief agricultural analyst; and in subsection (10) of that section for the words “ [F10the Secretary of State] with the approval of the Treasury” there shall be substituted the words “the Ministry with the approval of [F9the Department of Finance for Northern Ireland]”.

(7) In section 79, for any reference to the Government Chemist there shall be substituted a reference to the chief agricultural analyst, and in subsection (5) the words “(3)(b)” shall be omitted.

F11(8)

(9) In section 84, for any reference to the Ministers there shall be substituted a reference to the Ministry, and in subsection (2) thereof the words “shall be made by statutory instrument, and” shall be omitted and for paragraph (b) there shall be substituted the following:—

“(b) shall be subject to negative resolution within the meaning of section 41(6) of the M1Interpretation Act (Northern Ireland) 1954 [F12(unless subsection (2D) applies)].”

(10) Section 87(1) shall have effect with the substitution for the word “Ministers” of the word “Ministry” and with the omission of the words “made by statutory instrument”.

Subordinate Legislation Made

P6 S. 86: S. 74A (with ss. 66(1), 75(1), 76(1), 77, 78(2), (4) and (6), 79(1), (2) and (9), 84 and 86(1), (2), (3) and (9)) power exercised by [S.R.1991/540](#)

Textual Amendments

- F9** Words substituted by virtue of [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#)
- F10** Words substituted by virtue of [S.I. 1970/1537](#), [arts. 2\(2\)](#), 7(4)
- F11** Ss. 67(7), 80(2)–(4), 86(8) repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 1(1), [Sch. 1](#), [Sch. 34 Pt. I](#)
- F12** Words in s. 86(9) inserted (11.11.2020 for specified purposes, 11.1.2021 in so far as not already in force) by [Agriculture Act 2020 \(c. 21\)](#), [ss. 33\(6\)](#), 57(1)(b)(c)(6)

Modifications etc. (not altering text)

- C25** S. 86 modified (8.9.1999) by [S.I. 1999/2325](#), [regs. 7\(1\)\(2\)](#), 13
- C26** S. 86: amendment to earlier affecting provision [S.I. 1999/2325](#), reg. 13 (S.) (26.6.2003) by [The Feeding Stuffs \(Miscellaneous Amendments\) \(Scotland\) Regulations 2003 \(S.S.I. 2003/277\)](#), [regs. 1\(1\)](#), 15

Marginal Citations

M1 1954 c. 33 (N.I.)

87 Commencement of Part IV, savings and amendments.

F13(1)

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- (2) The appointment of any person under the said Act of 1926 as an inspector, agricultural analyst or deputy agricultural analyst shall continue to have effect as if made under the corresponding provision of this Part of this Act.
- ^{X1}(3) In section 2(4) of the ^{M2}Trade Descriptions Act 1968 (which contains an exemption for descriptions applied to certain articles in pursuance of the said Act of 1926) for the words “any description applied in pursuance of the Fertilisers and Feeding Stuffs Act 1926 to an article included in the first column of Schedule 1 to that Act” there shall be substituted the words “any statement made in respect of, or mark applied to, any material in pursuance of Part IV of the Agriculture Act 1970, any name or expression to which a meaning has been assigned under section 70 of that Act when applied to any material in the circumstances specified in that section”.
- ^{X1}(4) In section 90(3) of the ^{M3}Medicines Act 1968 (which contains an exemption for marks and statements made in pursuance of the said Act of 1926) for paragraphs (a) and (b) there shall be substituted the following—
- “(a) of any mark which is made on a container or package in pursuance of Part IV of the Agriculture Act 1970; or
 - (b) of any statement which, in pursuance of that Part, is made in any leaflet supplied, or intended to be supplied, with any material.”

Editorial Information

- X1** The text of ss. 30(5), 31(1)(2), 32(4)(a), 33(1), 34(3), 87(3)(4) and 106(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F13** S. 87(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 2** Group 1

Modifications etc. (not altering text)

- C27** 1.1.1974 appointed under s. 87(1) by [S.I. 1973/1520](#), **art. 2**

Marginal Citations

- M2** 1968 c. 29.
M3 1968 c. 67.

Changes to legislation:

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