



Slaughterhouses Act 1974

1974 CHAPTER 3

PART I

SLAUGHTERHOUSES AND KNACKERS' YARDS

Enforcement and legal proceedings

19 Execution and enforcement of Part I

It shall be the duty of every local authority to execute and enforce in their district the provisions of any section of this Part of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.

20 Powers of entry

(1) Subject to the provisions of this section, an authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Part of this Act or of any byelaws made under it, being provisions which the council are required or empowered to enforce, and
- (b) generally for the purpose of the performance by the council of their functions under this Part of this Act or under any such byelaws ;

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(2) If a justice of the peace, on sworn information in writing,—

- (a) is satisfied that there is reasonable ground for entry into any premises for any such purpose as mentioned in subsection (1) above, and
- (b) is also satisfied either—

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- (i) 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
 - (ii) 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 under his hand, which shall continue in force for a period of one month, authorise the council by any authorised officer to enter the premises, if need be by force.
- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued under it, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.
 - (4) If any person who, in compliance with the provisions of this section, or of a warrant issued under it, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding three months.
 - (5) Nothing in this section shall authorise any person, except with the permission of the local authority under the Diseases of Animals Act 1950, to enter any cowshed or other place in which an animal affected with any disease to which that Act applies is kept and which is situated in a place declared under that Act to be infected with such a disease.
 - (6) In this section " authorised officer", in relation to a council, means an officer of the council authorised by them in writing, either generally or specially, to act in matters of any specified kind or in any specified matter.

21 Obstruction

- (1) A person who wilfully obstructs any person acting in the execution of this Part of this Act, or of any byelaw or warrant made or issued under it, shall be liable—
 - (a) if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Part of this Act, or if he has within the previous 12 months been convicted of an offence under this subsection, to a fine not exceeding £50 or to imprisonment for a term not exceeding one month;
 - (b) in any other case, to a fine not exceeding £20.
- (2) A person who—
 - (a) fails to give to any person acting in the execution of this Part of this Act, or of any byelaw or warrant made or issued under it, any assistance which that person may reasonably request him to give ;
 - (b) fails to give to any such person any information which that person is expressly authorised by this Part of this Act to call for or may reasonably require; or
 - (c) when required to give any such information, knowingly makes any misstatement in respect thereof,

shall be liable to a fine not exceeding £20; but nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.

22 Institution of proceedings by local authorities

A local authority may institute proceedings under any section of this Part of this Act if, and only if, they are the authority charged with its execution and enforcement.

23 Prosecution and punishment of offences

- (1) All offences under this Part of this Act and byelaws made under it shall be punishable on summary conviction.
- (2) A person guilty of an offence under this Part of this Act shall, unless a special punishment for that offence is provided by this Part, be liable—
 - (a) to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or to both, and
 - (b) in the case of a continuing offence, to a further fine not exceeding £5 for each day during which the offence continues after conviction.

24 Offences by corporations

- (1) Where an offence under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In subsection (1) above "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

25 Contravention due to default of some other person

- (1) A person against whom proceedings are brought under this Part of this Act shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings ; and if, after the contravention has been proved,—
 - (a) the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence;
 - (b) the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.
- (2) Where a defendant seeks to avail himself of the provisions of subsection (1) above—
 - (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ;
 - (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

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- (3) Where it appears to the authority concerned that an offence has been committed in respect of which proceedings might be taken under this Part of this Act against some person and the authority are reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under subsection (1) above, they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.
- (4) In any proceedings taken by virtue of subsection (3) above the defendant may be charged with, and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the person first mentioned in that subsection might have been charged.

26 Appeals to Crown Court

Where a person aggrieved by an order, determination or other decision of a magistrates' court under this Part of this Act is not by any other enactment authorised to appeal to the Crown Court, he may appeal to that court.