



Food Act 1984

1984 CHAPTER 30

PART VI

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

Enforcement

87 Power to enter premises

- (1) 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 Act or of any regulations or 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 Act or any such regulations or byelaws,
- but admission to any premises used only as a private dwellinghouse 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 is mentioned above, and
 - (b) is also satisfied either—
 - (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,

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the justice may by warrant signed by him 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) Every warrant granted under this section shall continue in force for a period of one month.
- (5) If any person who, in compliance with 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 level 3 on the standard scale or to imprisonment for a term not exceeding three months.
- (6) Nothing in this section authorises any person, except with the permission of the local authority under the Animal Health Act 1981, to enter any cowshed or other place—
 - (a) in which an animal affected with any disease to which that Act applies is kept; and
 - (b) which is situated in a place declared under that Act to be infected with such a disease.

88 Additional power of entry

- (1) An authorised officer of a council shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—
 - (a) to enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part I, being provisions which the council are required or empowered to enforce ; and
 - (b) to enter any vehicle, stall or place other than premises, or any home-going ship, for any purpose for which he is empowered under section 87 to enter premises.
- (2) Subsections (2), (3) and (4) of section 87 apply in relation to any ship, aircraft, vehicle, stall or place which may be entered under the powers conferred by subsection (1) of this section as they apply in relation to premises, and as if any reference to the occupier of premises were a reference to the master, commander or other person in charge of the ship, aircraft, vehicle, stall or place.

89 Powers of entry of Ministers' officers

- (1) An inspector or authorised officer of the Minister and an authorised officer of the Secretary of State, for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act or of any regulations or order made under it, being provisions which the Minister in question is required or empowered to enforce—
 - (a) shall have the powers of entry specified in subsection (2); and
 - (b) an inspector or authorised officer of the Minister shall have those powers for the purpose of taking any sample of milk under section 82.

- (2) The powers of entry referred to in subsection (1) are the like powers of entry as are exercisable under section 87 or section 88 by an authorised officer of a council; and in relation to an inspector or officer to whom the subsection applies, the reference in section 87(2) to the council shall be construed as a reference to the Minister or the Secretary of State, as the case may be.
- (3) For the purposes of any regulations made under section 13, this section and section 91(1) and (3) have effect as if the Minister as well as the local authority were empowered to enforce those regulations so far as they apply to slaughterhouses and knackers' yards.

90 Movement of imported food

- (1) Without prejudice to any power of examining food which may be conferred by regulations made under Part I, an authorised officer of a port health authority into whose district any food has been imported with a view to sale for human consumption may give directions to the person in possession of the food prohibiting or restricting its removal or delivery—
 - (a) during any period not exceeding 48 hours; and
 - (b) if within that period the officer so requires, until that person has notified the officer of the name of the person to whom, and the address to or at which, he proposes to send or deliver the food.
- (2) The power conferred by subsection (1) on an authorised officer of a port health authority is exercisable also, in relation to an area not forming part of a port health district, by an authorised officer of a local authority or county council.
- (3) A person who fails to comply with any direction given under subsection (1), or who in a notification under it knowingly makes any misstatement, is guilty of an offence.

91 Obstruction

- (1) A person who wilfully obstructs any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued under it, is liable to a fine not exceeding level 5 on the standard scale.
- (2) If—
 - (a) a sampling officer applies to purchase, any food or substance exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food or substance for sale, or having it for sale, refuses to bring the officer such quantity of it as mentioned above ; or
 - (b) the seller or consignor of any article or substance of which an officer has power to take a sample, or a person having the charge for the time being of such an article or substance, refuses to allow the officer to take the quantity which he requires as a sample,

then, in any of the cases mentioned in those paragraphs, the person concerned shall be treated for the purposes of subsection (1) as having wilfully obstructed the officer; but where any food or substance is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.

- (3) A person who—

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- (a) fails to give to any person acting in the execution of this Act, or of any regulation, byelaw, order or warrant made or issued under it, any assistance which that person may reasonably request him to give, or
- (b) fails to give any information which that person is expressly authorised by this Act to call for or may reasonably require, or
- (c) when required to give any such information, knowingly makes any misstatement in respect of it,

is liable to a fine not exceeding level 5 on the standard scale, except that nothing in this subsection shall—

- (i) apply to section 90(3);
 - (ii) be construed as requiring a person to answer any question or give any information if to do so might incriminate him.
- (4) Subsection (3) is without prejudice to so much of section 118 as enables regulations made under this Act, or an order made under section 5, to contain provisions for imposing penalties on persons offending against the regulations or order.