



Food and Environment Protection Act 1985

1985 CHAPTER 48

PART I

CONTAMINATION OF FOOD

Investigation and enforcement

3 Authorisation of investigating officers and enforcement officers.

- (1) [^{F1}A designating authority] may authorise—
 - (a) persons (in this Act referred to as “investigating officers”) to conduct investigations for the purpose of determining—
 - (i) whether any of the powers conferred by this Part of this Act should be exercised ; and
 - (ii) the manner in which any such power should be exercised ;
 - (b) persons (in this Act referred to as “enforcement officers”) to enforce—
 - (i) emergency orders ; and
 - (ii) directions under section 2 above.
- (2) [^{F1}A designating authority] may authorise an investigating officer or an enforcement officer who is not an officer of his department to perform any [^{F2}the designating authority’s] functions under this Part of this Act which he could perform if it were an officer of the department ; and an officer performing such functions in pursuance of such an authorisation is to be treated in relation to their performance as if he were an officer of the department.
- (3) An authorisation under subsection (1) or (2) above may be given subject to such limitations as may be specified in the instrument containing it ; and this Act shall be construed, in reference to a person whose authorisation has been given subject to limitations, as subject to those limitations.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985, Cross Heading: Investigation and enforcement. (See end of Document for details)

- (4) The functions of an investigating officer and of an enforcement officer may also be performed by a British sea-fishery officer, and accordingly any reference to an investigating officer or an enforcement officer in the following provisions of this Act includes a reference to a British sea-fishery officer.

Textual Amendments

- F1** Words in s. 3 substituted (30.6.1999) by [S.I. 1999/1756, art. 2, Sch. para. 10\(6\)](#) (with [art. 8](#)); [S.I. 1998/3178](#)
- F2** Words in s. 3 substituted (30.6.1999) by [S.I. 1999/1756, art. 2, Sch. para. 10\(6\)](#) (with [art. 8](#)); [S.I. 1998/3178](#)

Modifications etc. (not altering text)

- C1** S. 3(1)(2) functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), s. 71\(4\), Sch. 4 para. 1](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(p\)](#))

4 Powers of officers.

- (1) An investigating officer may enter land, vehicle, vessel, aircraft, hovercraft or marine structure—
- (a) if he has reasonable grounds to suspect that food—
 - (i) which is in or in it ; or
 - (ii) which is derived from anything on or in it, is, or may be, or may become, unsuitable for human consumption in consequence of [^{F3}such circumstances as are mentioned in section 1(1) above]; or
 - (b) if he has reasonable grounds to suspect that there is present on or in it any food—
 - (i) which has been in an designated area at any time before at after the making of the emergency order that designated the area ; and
 - (ii) which is, or may be, or may become, do affected by [^{F4}designated circumstances] as to be unsuitable for human consumption; or
 - (c) if he has reasonable grounds to suspect that there is present on or in it anything from which food could be derived—
 - (i) which has been in a designated area at any such time ; and
 - (ii) which is, or may be, or may become, so affected by [^{F4}designated circumstances] as to cause any food derived from it to be unsuitable for human consumption.
- (2) An enforcement officer may enter any land, vehicle, vessel, aircraft, hovercraft or marine structure—
- (a) if a direction under section 2 above has been given in relation to it or in relation to anything that he has reasonable grounds to suspect to be present on or in it ; or
 - (b) if he has reasonable grounds to suspect that there is anything on or in it any document, book or other record that may assist him in ascertaining the whereabouts of anything in relation to which such a direction has been given ; or

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- (c) if he has reasonable grounds to suspect that it is for any other reason necessary for him to enter it for the purposes of performing his functions under this Part of this Act.
- (3) An investigating officer or an enforcement officer may seize things for the purpose of performing his functions under this Part of this Act.
- (4) While an emergency order is in force, an investigating officer or an enforcement officer may enter—
- (a) any land, vehicle, vessel, aircraft, hovercraft or marine structure in the designated area ; and
 - (b) any land, vehicle, vessel, aircraft, hovercraft or marine structure not in that area but on or in which he has reasonable grounds to suspect that there is present—
 - (i) any food, or anything from which food could be derived, which has been in that area for at any time either before or after the making of the emergency order ; or
 - (ii) any document, book or other record that may assist him in ascertaining the whereabouts of any such food or thing.
- (5) An investigating officer or an enforcement officer may exercise any powers conferred on him for the purposes of this Part of this Act—
- (a) in relation to a British vessel, British aircraft, British hovercraft or British marine structure, wherever it may be ;
 - (b) in relation to a foreign fishing boat, only if it is within British fishery limits ; and
 - (c) in relation to a foreign vessel other than a fishing boat, or to a foreign aircraft, foreign hovercraft or foreign marine structure, only if—
 - (i) it is in the United Kingdom or United Kingdom waters ; and
 - (ii) the officer has reasonable grounds to suspect that something to which an emergency prohibition contained in an emergency order by virtue of paragraph 2 or 3 Schedule 1 to this Act relates has been or is being landed from it in the United Kingdom.
- (6) Schedule 2 to this Act shall have effect with respect to investigating officers and enforcement officers.

Textual Amendments

F3 Words substituted (*retrosp.*) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), **ss. 51(1)(2)(e)**, 54

F4 Words substituted (*retrosp.*) by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), **ss. 51(1)(2)(f)**, 54

Changes to legislation:

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