



Prevention of Damage by Pests Act 1949

1949 CHAPTER 55

PART II

INFESTATION OF FOOD

13 Obligation of certain undertakers to give notice of occurrence of infestation

- (1) Subject to the provisions of this section, every person whose business consists of or includes the manufacture, storage, transport or sale of food, shall give to the Minister forthwith notice in writing if it comes to his knowledge that any infestation is present—
 - (a) in any premises or vehicle, or any equipment belonging to any premises or vehicle, used or likely to be used in the course of that business for the manufacture, storage, transport or sale of food ;
 - (b) in any food manufactured, stored, transported or sold in the course of that business, or in any other goods for the time being in his possession which are in contact or likely to come into contact with food so manufactured, stored, transported or sold.
- (2) Subject to the provisions of this section, every person whose business consists of or includes the manufacture, sale, repair or cleaning of containers shall forthwith give notice in writing to the Minister if it comes to his knowledge that any infestation is present in any container for the time being in his possession which is to be used for the reception of food in the course of any such business as is mentioned in subsection (1) of this section.
- (3) The Minister may after consultation with such associations or bodies (if any) as appear to him to be representative of persons affected, make regulations—
 - (a) for relaxing or excluding the requirements of this section in such cases and subject to such conditions (if any) as may be prescribed by or under the regulations ;
 - (b) for prohibiting or restricting the delivery in the course of business of any food or other goods in respect of which notice is or is required to be given to the Minister under this section.

14 Power of Minister to give directions to certain undertakers for preventing or mitigating infestation

- (1) Without prejudice to the provisions of any regulations made under the last foregoing section, the Minister may, if he is satisfied, whether in consequence of a notice under the last foregoing section or otherwise, that it is necessary to do so for the purpose of preventing or mitigating damage to food, give such directions under the following provisions of this section as he thinks expedient.
- (2) Directions may be given under this section to any person whose business consists of or includes the manufacture, storage, transport or sale of food—
 - (a) prohibiting or restricting the use for the manufacture, storage, transport or sale of food in the course of that business of any premises or vehicle, or any equipment belonging to any premises or vehicle, which is or is likely to become infested;
 - (b) prohibiting or restricting the acceptance, delivery, retention or removal in the course of that business of any infested food or of any other infested goods which are likely to come into contact with food manufactured, stored, transported or sold as aforesaid;
 - (c) requiring the carrying out, within such time as may be specified in the directions, of any structural works, or the application of any form of treatment, being works or treatment appearing to the Minister to be necessary for preventing or remedying infestation in any such premises, vehicle, equipment, food or other goods as aforesaid.
- (3) Directions may be given under this section to any person whose business consists of or includes the manufacture, sale, repair or cleaning of containers, requiring the treatment of any infested container, or of any infested premises in which the business is carried on, in such manner as may be specified in the directions, and prohibiting the removal of any such container until it has been so treated.
- (4) Where the Minister is satisfied that any food or container in the possession of a person carrying on any such business as is mentioned in subsection (2) or subsection (3) of this section is so infested that the infestation cannot reasonably be remedied by any form of treatment, he may give directions under this section to that person requiring him to destroy it within such time and by such means as may be specified in the directions.

15 Appeal against directions under s. 14

- (1) Where directions are given under the last foregoing section requiring the carrying out of any structural works, or the destruction of any food or container, any person who is aggrieved thereby may—
 - (a) in the case of directions requiring the carrying out of any structural works, within twenty-one days from the service of the directions ;
 - (b) in the case of directions requiring the destruction of any food or container, within seven days from the service of the directions,appeal to a court of summary jurisdiction for the petty sessional division or place in which the works are required to be carried out or, as the case may be, in which the food or container is for the time being situated.
- (2) Upon any such appeal the court, if satisfied that the directions are for any reason invalid, or that any requirement thereof is excessive or unreasonable, may quash or amend the directions, as the case may be, but in any other case shall dismiss the appeal:

Provided that if and so far as the appeal is based on the ground of some informality, defect or error in or in connection with the directions, the court shall dismiss the appeal if satisfied that the informality, defect or error was not a material one.

- (3) Any directions given under the last foregoing section requiring the carrying out of any structural works, or the destruction of any food or container, shall include a statement of the right of appeal under this section, and of the_ time within which such an appeal may be brought.
- (4) An appeal shall lie to quarter sessions from the decision of a court of summary jurisdiction under this section in respect of directions requiring the carrying out of any structural works.
- (5) In the application of this section to Scotland—
 - (a) in subsection (1), for the words from " to a court " to the end of the subsection there shall be substituted the words " by way of an application to the sheriff in whose jurisdiction the works are required to be carried out or, as the case may be, in which the food or container is for the time being " ;
 - (b) subsection (4) shall not apply.

16 Powers of Minister in case of failure to comply with directions

- (1) Subject to the provisions of the last foregoing section with respect to appeals, if any person to whom directions are given" by the Minister under section fourteen of this Act fails to comply with any requirement of the directions within the period prescribed thereby, then, without prejudice to any proceedings which may be taken against him in respect of an offence under this Part of this Act, the Minister may by order authorise any person named in the order to take, on behalf of the person in default, such steps as the Minister considers necessary for securing compliance with that requirement.
- (2) The amount of any expenses reasonably incurred by a person authorised as aforesaid in carrying out works under this section may be recovered by the Minister from the person in default.
- (3) In proceedings for the recovery of any expenses under this section, it shall not be open to the defendant to raise by way of defence any question which he could have raised on an appeal under the last foregoing section.

17 Offences against Part II

Subject to the provisions of this Part of this Act with respect to appeals, any person who contravenes or fails to comply with this Part of this Act or any directions given thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding in the case of a first offence one hundred pounds, and in the case of a second or any subsequent offence two hundred pounds.

18 Power of Minister to delegate to local authorities

- (1) The Minister may with the consent of any local authority for the purposes of Part I of this Act by order delegate to that authority any of his functions under this Part of this Act (except subsection (3) of section thirteen of this Act), subject to such restrictions and conditions as may be specified in the order.

Status: This is the original version (as it was originally enacted).

- (2) An order made under this section delegating functions to a local authority may direct that in such cases as may be prescribed by the order any notice of infestation required to be given under section thirteen of this Act shall be given to the local authority instead of being given to the Minister.
- (3) Any order under this section shall provide for the repayment by the Minister to the local authority of any expenses incurred by them in the performance of functions delegated by the order so far as those expenses are not otherwise recoverable under this Act.
- (4) An order under this section may be revoked or varied by a subsequent order.