
STATUTORY INSTRUMENTS

1999 No. 2325

The Feeding Stuffs (Enforcement) Regulations 1999

Modification of section 76 of the Agriculture Act 1970

10. Section 76 of the Act (inspector's power to enter premises and take samples) shall (as specified in regulation 7) have effect as if, for the provisions of that section, there were substituted the following provisions:

“Powers of inspectors

76.—(1) An inspector may at all reasonable times, and on producing, if requested to do so, some duly authenticated document showing his authority, enter—

- (a) any premises on which he has reasonable cause to believe that a controlled product has been, or is being, manufactured or produced, or is being kept for the purpose of being put into circulation, incorporated in another product or used, or
- (b) any premises (not being premises used only as a dwelling) on which he has reasonable cause to believe that there is any controlled product which the occupier of the premises has in his possession or under his control.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any such premises as are mentioned in subsection (1) of this section, and either—

- (a) 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
- (b) 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 signed by him authorise the inspector to enter the premises, if need be by reasonable force.

(3) Every warrant granted under this section shall continue in force for a period of one month.

(4) In the application of subsection (2) of this section to—

- (a) Scotland, any reference to a justice of the peace includes a reference to the sheriff and to a magistrate, and
- (b) Northern Ireland, the reference to a sworn information in writing includes reference to a sworn complaint in writing.

(5) An inspector entering premises by virtue of this section, or of a warrant issued under it, may take with him such other persons and such equipment as may appear to him to 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 unauthorised entry as he found them.

(6) An inspector entering premises by virtue of this section, or of a warrant issued under it, shall have the right to inspect—

- (a) any material appearing to him to be a controlled product,

- (b) any article appearing to him to be a container or package used or intended to be used to wrap or package any such product, or to be a label used or intended to be used in connection with any such product, or
- (c) any plant or equipment appearing to him to be used, or intended to be used, in connection with the manufacture or production of a controlled product, and any process of manufacture or production of such a product.

(7) Subject to subsection (12) of this section, an inspector entering premises by virtue of this section, or of a warrant issued under it, shall have the right to take on those premises, in the prescribed manner, a sample of any relevant material (that is to say material appearing to him to be a feeding stuff manufactured, produced, put into circulation or intended to be put into circulation, or to be material used, or intended to be used, as a feeding stuff).

(8) Subject to subsections (9), (10) and (12) of this section, an inspector entering premises by virtue of this section, or of a warrant issued under it, shall have the right to take on those premises a sample of any material appearing to him to be a controlled product other than relevant material as described in subsection (7) of this section, in the like manner as that prescribed—

- (a) in the case of Great Britain, in Part II of Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999, or
- (b) in the case of Northern Ireland, in Part II of Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999.

(9) For the purposes of subsection (8) of this section, the provisions of Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 or, as the case may be, Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999, shall have effect as if, for all references in those provisions to “feeding stuff” or to “feeding stuffs”, there were substituted references to “controlled product other than a feeding stuff” or “controlled products other than feeding stuffs” respectively.

(10) The requirements specified in Part II (as regards preparation of samples) and in Part III, of Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 or, as the case may be, specified in the corresponding provisions in the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999, shall apply in relation to samples taken pursuant to subsection (8) of this section.

(11) Without prejudice to his powers and duties as to the taking of samples in the prescribed manner, an inspector may for the purposes of this Part of this Act take a sample in a manner other than that prescribed, of any material which has been sold for use as a feeding stuff or which he has reasonable cause to believe to be intended for sale as such.

(12) Where, for the purpose of taking a sample pursuant to subsection (7), (8) or (11) of this section, an inspector takes some of it from each of one or more containers, which are exposed for sale by retail, and none of which weighs more than six kilograms, the owner of the container or containers may require the inspector to purchase the container or containers on behalf of—

- (a) in Great Britain, the authority for whom he acts, and
- (b) in Northern Ireland, the Department of Agriculture for Northern Ireland.

(13) An inspector entering premises by virtue of this section, or of a warrant issued under it, shall have the right—

- (a) to require any person carrying on, or appearing to be carrying on, a business which consists of or includes the manufacture, production, putting into circulation, or use of a controlled product, or any person employed in connection with such a business, to produce any record (in whatever form it is held) relating to or arising

out of the exercise in the course of that business of any such activity, and which is in his possession or under his control, and

(b) to inspect and take copies of any record, or of any entry in any record, produced in pursuance of the preceding paragraph.

(14) An inspector exercising the power conferred by subsection (13) of this section in respect of a record held by means of a computer—

(a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been, or which it appears is or has been, in use in connection with the record in question;

(b) may require—

(i) the person by whom or on whose behalf the computer is or has been so used, or

(ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford the authorised person such reasonable assistance as he may require for that purpose; and

(c) may require the record, or an extract from the record, to be produced in a form in which it may be taken away.

(15) Where, (in the case of a person carrying on, or appearing to carry on, a business which consists of or includes the manufacture of a compound feeding stuff)—

(a) a requirement is made under subsection (13)(a) of this section in relation to any feeding stuff which is, or appears to be, intended for a particular nutritional purpose, and

(b) at the time the requirement is made, the record in respect of which it is made has been published and is available in accessible form for public use,

the person of whom the requirement is made shall be deemed to comply with it if, at the time it is made, he supplies the inspector making it with correct and adequate details of the publication concerned, and of where a copy of it may be obtained.

(16) An inspector entering premises by virtue of this section, or of a warrant issued under it, shall have the right to seize and detain any product which he has reasonable cause to believe to be a controlled product in relation to which, or by means of which, it appears that an offence under this Part of this Act is being or has been committed, and any record which he has reasonable cause to believe to be a record which may be required as evidence in proceedings under this Part of this Act.

(17) In this section—

“compound feeding stuff” has the meaning given in regulation 2(1) of the Feeding Stuffs Regulations 1995 or, as the case may be, in regulation 2(1) of the Feeding Stuffs Regulations (Northern Ireland) 1995;

“controlled product” means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs Regulations 1995 or the Feeding Stuffs Regulations (Northern Ireland) 1995, as read with this Part of this Act, or in sections 73 or 73A of this Act;

“feeding stuff which is intended for a particular nutritional purpose” shall be construed in accordance with the definitions of “feeding stuff intended for a particular nutritional purpose” and “particular nutritional purpose” in regulation 2(1) of the Feeding Stuffs

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations 1995 or, as the case may be, in regulation 2(1) of the Feeding Stuffs Regulations (Northern Ireland) 1995;

“premises” include any land, vehicle, vessel, aircraft or hovercraft; and

“put into circulation” means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying..”