
STATUTORY INSTRUMENTS

2009 No. 842

The Organic Products Regulations 2009

PART 5

Offences and enforcement

Powers of entry

23.—(1) An authorised officer may, on producing (if so required) a duly authenticated document showing the officer’s authority, at all reasonable hours enter any premises for the purposes of enforcing the specified ^{F1}... provisions or these Regulations.

(2) The authorised officer may be accompanied by such other persons as the officer considers necessary. ^{F2}...

(3) If a justice of the peace is satisfied on sworn information or, in Northern Ireland, on a complaint on oath that there are reasonable grounds for believing—

(a) that an offence under these Regulations is being, or has been committed on any premises, and

(b) that any of the conditions in paragraph (4) is met in relation to the premises,

the justice of the peace may by signed warrant authorise an authorised person to enter the premises, if need be by force.

(4) The conditions referred to are—

(a) that entry to the premises has been, or is likely to be, refused and notice of the intention to apply for a warrant under this regulation has been given to the occupier;

(b) that the case is one of urgency and the premises are unoccupied or the occupier is temporarily absent;

(c) that an application for admission to the premises or the giving of notice of the intention to apply for a warrant would defeat the object of entry.

(5) A warrant under this regulation is valid for one month.

(6) An authorised officer who enters any premises that are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) It is an offence for a person who has entered premises under or by virtue of these Regulations to disclose any information obtained on the premises with regard to any trade secret, unless the disclosure is made in the performance of the person’s duty.

(8) In relation to Scotland—

(a) “justice of the peace” means a full justice as defined by section 9 of the District Courts (Scotland) Act 1975(1);

(1) 1975 c. 20; the definition of “full justice” was inserted by section 8 of the Bail, Judicial Appointments etc. (Scotland) Act 2000 (asp 9).

- (b) any reference in paragraph (3) to a justice of the peace includes a reference to a sheriff, and
- (c) the reference in that paragraph to “on sworn information” is read as a reference to “by evidence on oath”.

(9) In this regulation, “premises” includes any vehicle, stall or moveable structure but does not include any premises, or part of any premises, used only as a dwelling.

Textual Amendments

- F1** Word in reg. 23(1) omitted (31.12.2020) by virtue of The Organic Products (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/109), regs. 1, 2(7)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 23(2) omitted (31.12.2020) by virtue of The Organic Products (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/109), regs. 1, 2(7)(b); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Organic Products Regulations 2009, Section 23.