



# Horticulture Act (Northern Ireland) 1966

## 1966 CHAPTER 15

### PART IV

#### SUPPLEMENTAL

##### AUTHORISED OFFICERS, ETC.

#### **24<sup>F1</sup> Power to enter premises, etc., and examine horticultural produce.**

- (1) Any person authorised by the Ministry in writing to exercise functions under this Act (in this Act referred to as an “authorised officer” ) shall for the purposes of this Act have power (on production, if demanded, of his authority to act as such officer)—
  - (a) to enter, at any reasonable time, any premises (other than a building used only as a private dwelling-house) or any place which he has reasonable cause to believe to be premises or, as the case may be, a place where horticultural produce is grown for sale, graded, processed or packed, or on which horticultural produce intended for sale is to be found;
  - (b) to enter, at any reasonable time, the premises of, or used by, any person engaged in the business of carrying goods for reward, any pier, quay, wharf, jetty, dock, dock premises or aerodrome and any ship, boat, aircraft, railway wagon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods, and to open, for the purpose of inspection, any package of horticultural produce which may be found in or upon any premises, place, vessel, vehicle or aircraft which he is entitled to enter under this paragraph;
  - (c) to inspect and, without payment, take reasonable samples of any horticultural produce found in or upon any such premises, place, vessel, aircraft or vehicle and to seize and detain any label, package or container used in connection with such produce.
- (2) An authorised officer entering any premises, place, vessel, aircraft or vehicle by virtue of this section may take with him such other persons and such equipment as may appear to him necessary.

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*Changes to legislation: There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, PART IV. (See end of Document for details)*

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- (3) If any authorised officer or other person who enters any premises by virtue of this section discloses to any person any information obtained by him in the premises with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

F1 SI 1972/971

## 25 Power to give directions as to horticultural produce in transit.

- (1) Where an inspection of horticultural produce of any description is made under this Act whilst the produce is in transit and an authorised officer is satisfied that the produce does not conform to any standard of quality prescribed under this Act for produce of that description, or is not graded, packed and labelled in the manner so prescribed, the Ministry or the authorised officer may direct that the produce shall be returned to the consignor at the place from which it was consigned or, if the Ministry or the authorised officer approves, at such other place within Northern Ireland as the consignor may elect, and thereupon the carrier or the consignor, as the case may require, shall, at the expense of the consignor, proceed to execute such direction with all reasonable speed.
- (2) Nothing in this section shall be construed as authorising anything to be done to the prejudice of any powers of a carrier to secure payment of freight charges in respect of any consignment carried by him.

## 26<sup>F2</sup> Power of authorised officer to regrade produce.

Where, in or upon any premises, place, vessel, aircraft or vehicle which he has a right to enter under section 24, an authorised officer finds any horticultural produce, being produce of a description for which grades of quality are defined under any provision of this Act,—

- <sup>F3</sup>(a) which has affixed to it a label or which is accompanied by a certificate which is in the form prescribed for any produce under section 1<sup>F4</sup>. . . , for any grade designated or defined under section 1<sup>F4</sup>. . . as the case may be or is in a container or package or freight container to which such a label is affixed or which is accompanied by a certificate, but
- (b) which he has reasonable cause to believe to be of a quality inferior to the quality required for that grade,

he may—

- (i) in such manner as may be prescribed, cancel that label or certificate and affix to the produce or to the container or package or freight container a label in such form as may be prescribed, indicating what appears to him to be the correct grade or, where it appears to him that the quality of the produce is inferior to that required for the lowest grade defined for produce of that description indicating that fact; or]
- (ii) require any person who has custody or possession of the produce, or authorise any other person, to do in the like manner anything referred to in paragraph (i).

F2 SI 1972/971

F3 SRO (NI) 1973/19

F4 [1996 NI 11](#)

## 27 Offences.

- (1) A person shall be guilty of an offence if—
- (a) he wilfully obstructs or impedes an authorised officer or a constable acting under this Act; or
  - (b) without reasonable cause he fails to give to any authorised officer or any constable acting as aforesaid any assistance or information which the authorised officer or constable (as the case may be) may reasonably require of him for the purposes of the performance by the authorised officer or constable of his functions under this Act.
- (2) A person shall be guilty of an offence if, in giving to an authorised officer or a constable any such information as is mentioned in subsection (1), he knowingly or recklessly gives any information which is false in a material particular.
- <sup>F5</sup>(3) A person shall be guilty of an offence if—
- (a) without lawful authority he affixes to a container or package or freight container containing any horticultural produce, or to the produce itself, or to the certificate accompanying the produce a label in the form prescribed for the purposes of section 26 or for the purposes of any corresponding provision of an enactment of the Parliament of the United Kingdom for the time being in force; or
  - (b) having been lawfully required, in pursuance of section 26, to affix to any container or package, or freight container or produce or to the produce itself, or to the certificate accompanying the produce such as is described in paragraph (a) any label in the form prescribed for the purposes of section 26, he fails to do so within any reasonable period of time specified to him by the person issuing the requirement, or, having been so required or in like manner authorised to so affix such label, he does so otherwise than in accordance with the terms of the requirement or authorisation; or
  - (c) where under section 26 or any such corresponding provision as is mentioned in paragraph (a) a label has been affixed to a container or package or freight container containing any fresh horticultural produce, or to the produce itself or to the certificate accompanying such produce, he with intent to deceive, removes, alters, defaces or conceals the label.]
- (4) Nothing in this section shall be construed as requiring a person to answer any question or give any information (other than his name and address) if to do so might incriminate him.

<b>F5</b> SRO (NI) 1973/19
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*Ss. 28#30 rep. by 1996 NI 11*

## LEGAL PROCEEDINGS

### 31 Punishment of offences under this Act.

- (1) A person guilty of an offence under<sup>F6</sup> . . . section 27(1)<sup>F7</sup> . . . ,<sup>F6</sup> . . . shall be liable on summary conviction to a fine not exceeding<sup>F7</sup> level 2 on standard scale].

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- (2) A person guilty of an offence under any of the provisions of this Act, other than the provisions mentioned in subsection (1), shall be liable on summary conviction<sup>F7</sup>. . . , to a fine not exceeding<sup>F7</sup> £1,000], or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

F6 1996 NI 11

F7 1984 NI 3

### 32 Prosecution of offences.

- (1) No proceedings for an offence under any of the provisions of this Act may be instituted except—
- (a) by the Ministry; or
  - (b) by, or with the consent of, the Attorney-General.
- (2) Subsection (1) shall not operate so as to affect a prosecution for an offence committed by an authorised officer or other officer of the Ministry.

## GENERAL

### 33 Regulations and orders.

- (1) All regulations made under this Act, and any orders made under section 2(3), shall be subject to negative resolution.
- (2) Before making any regulations under this Act the Ministry shall consult with such organisations as appear to the Ministry to be representative of interests affected by the regulations.
- (3) Before making any regulations under this Act, in a case where the regulations relate to matters which may be dealt with by regulations made under the<sup>F8</sup> Food Safety (Northern Ireland) Order 1991], the Ministry shall consult with the Ministry of Health and Social Services.

F8 1991 NI 7

*S.34 rep. by SLR 1976*

### 35 Interpretation.

- (1) In this Act—
- “authorised officer” has the meaning assigned to it by section 24(1);
- <sup>F9</sup> “Community grading rules” means any directly applicable Community provisions establishing standards of quality for fresh horticultural produce;]
- <sup>F10</sup> “certificate” includes any document other than a label which accompanies any produce and which contains information relating to the standard of quality to which it refers;

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“standards of quality” means in relation to produce a common standard imposed by Community grading rules relating to quality, size and packaging;

“freight container” means any returnable container especially designed for the carriage of freight in transport.]

“container” means a can, bottle, carton or other vessel or receptacle used in the processing of horticultural produce or in which processed horticultural produce is packed;

“label” includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to a package or container or, as the case may be, the produce, and references to the affixing of a label shall be construed accordingly;

“the Ministry” has the meaning assigned to it by section 1(1);

“package” includes any wrapper, bag, basket, pail, punnet, tray, case, carton, parcel, cask, box, crate or other receptacle;

“premises” includes any stall;

“prescribed” means prescribed by regulations made by the Ministry;

“processed horticultural produce” means horticultural produce to which Part II applies which has been processed (within the meaning of that Part) in Northern Ireland.

(2) In sections<sup>F11</sup> 24 to 27] “horticultural produce” means produce being—

(a) regulated fresh produce within the meaning of Part I;

*Paras. (b), (c) rep. by 1996 NI 11*

**F9** SRO (NI) 1972/351

**F10** SRO (NI) 1973/19

**F11** 1996 NI 11

### 36 Savings.

Nothing in this Act shall affect the operation of—

(a) the<sup>F12</sup> Plant Health Act (Northern Ireland) 1967]; or

[<sup>F13</sup>(b) the<sup>F12</sup> Food Safety (Northern Ireland) Order 1991.]

**F12** 1996 NI 11

**F13** 1991 NI 7

*S. 37 rep. by 1996 NI 11*

### 38 Short title and commencement.

(1) This Act may be cited as the Horticulture Act (Northern Ireland) 1966.

(2) *Commencement*

**Changes to legislation:**

There are currently no known outstanding effects for the Horticulture Act (Northern Ireland) 1966, PART IV.