
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 482

**The Official Feed and Food Controls
Regulations (Northern Ireland) 2007**

PART 5

ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

Offences due to fault of another person

41. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Defence of due diligence

42.—(1) In any proceedings for an offence under these Regulations, it shall, subject to paragraph (2), be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the accused shall not, without leave of the court, be entitled to rely on that defence unless —

- (a) at least seven clear days before the hearing; and
- (b) where he has previously appeared before a court in connection with the alleged offence before the expiration of one month from his first such appearance,
- (c) he has served on the prosecution a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Protection of officers acting in good faith

43.—(1) An officer of a relevant body is not personally liable in respect of any act done by him —

- (a) in the execution or purported execution of the Official Control Regulations; and
- (b) within the scope of his employment,

if he did that act in the honest belief that his duty under the Official Control Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) shall be construed as relieving any relevant body of any liability in respect of the acts of its officers.

(3) Where an action has been brought against an officer of a relevant body in respect of an act done by him —

- (a) in the execution or purported execution of the Official Control Regulations; but
- (b) outside the scope of his employment,

the body may indemnify him against the whole or a part of any damages which he has been ordered to pay or any costs which he may have incurred if it is satisfied that he honestly believed that the act complained of was within the scope of his employment.

(4) In so far as a district council is a relevant body for the purposes of this regulation, a public analyst appointed by a district council shall be treated for the purposes of section 48 of the Local Government Act (Northern Ireland) 1972⁽¹⁾ as being an officer of the council, whether or not his appointment is a whole-time one.

- (5) In this regulation “relevant body” means a body acting as —
- (a) a competent authority;
 - (b) an enforcement authority as defined in regulation 21; or
 - (c) a relevant enforcement authority.

Revocation

44. The Official Feed and Food Controls Regulations (Northern Ireland) 2006⁽²⁾ are revoked.

(1) 1972 c.9 (N.I.)
(2) S.R. 2006 No.2