

Status: Point in time view as at 09/09/1998.

Changes to legislation: There are currently no known outstanding effects for the Food and Environment Protection Act 1985. (See end of Document for details)

SCHEDULES

SCHEDULE 1 U.K.

Section 1.

EMERGENCY PROHIBITIONS

PART I U.K.

ACTIVITIES THAT MAY BE PROHIBITED IN A DESIGNATED AREA

- 1 An emergency order may prohibit any of the following in the designated area—
- (a) agricultural activities;
 - (b) the gathering or picking of wild plants;
 - (c) the slaughter of creatures;
 - (d) fishing for and taking fish; and
 - (e) the preparation and processing for supply to purchasers or others of food and anything from which food could be derived.

PART II U.K.

MOVEMENTS OF FOOD ETC. THAT MAY BE PROHIBITED

- 2 An emergency order may prohibit the movement of food or anything from which food could be derived—
- (a) into or out of the designated area; or
 - (b) from one place to another within that area.

PART III U.K.

ACTIVITIES THAT MAY BE PROHIBITED THROUGHOUT THE UNITED KINGDOM

- 3 An emergency order may prohibit any of the following anywhere in the United Kingdom or in United Kingdom waters—
- (a) the use of anything taken from the designated area after a time specified in the order in the preparation or processing for supply to purchasers or others of food or anything from which food could be derived;
 - (b) the landing of fish or other forms of aquatic produce which were taken from waters in the designated area after a time so specified;
 - (c) the slaughter of creatures that were in the designated area after a time so specified;
 - (d) the supply, or the possessing for supply, to purchasers or others of any food, or anything from which food could be derived, which was in the designated area after a time so specified;

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- (e) the feeding to creatures of any feeding stuff—
 - (i) that was prepared or processed in contravention of a prohibition under paragraph 1(e) above;
 - (ii) that was taken from the designated area after a time specified in the order; or
 - (iii) in the preparation or processing of which anything was used in contravention of a prohibition under sub-paragraph (a) above;
- (f) the supply, or the possessing for supply, to purchasers or others of any food or anything from which food could be derived—
 - (i) that was prepared or processed in contravention of a prohibition under paragraph 1(e) above; or
 - (ii) in the preparation or processing of which anything was used in contravention of a prohibition under sub-paragraph (a) above.

VALID FROM 30/06/1999

[^{F1}4 A prohibition of a kind specified in paragraph 3 above shall apply in every part of the United Kingdom and United Kingdom waters.]

Textual Amendments

F1 S. 4 inserted (30.6.1999) by 1999/1756, art. 2, Sch. 10(13) (with art. 8); S.I. 1998/3178

SCHEDULE 2 **U.K.**

Sections 4, 11 and 19.

OFFICERS AND THEIR POWERS

Modifications etc. (not altering text)

C1 Sch. 2 applied (E.W.) (with modifications) (1.2.2000) by S.I. 1999/3483, reg. 4(6) Sch. 2 applied (1.2.2000) by S.S.I. 2000/22, art. 4(5)

Introductory

- 1 In this Schedule “officer” means—
- (a) an investigating officer;
 - (b) an enforcement officer; and
 - (c) a person authorised to enforce Part II or III of this Act.

Modifications etc. (not altering text)

C2 Sch. 2 para. 1(c) applied (with modifications) (E.W.S.) (17.4.1995) by S.I. 1995/887, reg. 24(1)

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Assistants for officers etc.

- 2 (1) An officer may take with him, to assist him in performing his functions—
- (a) any other person; and
 - (b) any equipment or materials.
- (2) A person whom an officer takes with him to assist him may perform any of the officer's functions, but only under the officer's supervision.

Modifications etc. (not altering text)

C3 Sch. 2 para. 2 applied (with modifications) (E.W.S.) (17.4.1995) by [S.I. 1995/887, reg. 24\(1\)](#)

^{F2} Power to question

Textual Amendments

F2 Sch. 2 para. 2A inserted (9.9.1998) by [1998 c. 26, ss. 2\(2\), 3\(b\)](#)

- 2A (1) If an officer is carrying out functions conferred by Part III of this Act, he may require a person whom he has reasonable cause to believe is able to give information which will assist him in carrying out those functions—
- (a) to answer such questions as the officer thinks it appropriate to ask; and
 - (b) to sign a declaration of the truth of his answers.
- (2) Any person to whom questions are put under this paragraph may nominate a person to be with him when he gives his answers.
- (3) When a person answers any such questions the only other persons who may be present (apart from the questioner) are—
- (a) the person (if any) nominated under sub-paragraph (2); and
 - (b) any person authorised by the officer to be present.
- (4) A person is not to be excused from complying with a requirement under sub-paragraph (1) on the ground that to do so might incriminate him or his spouse of an offence; but a statement or admission made in complying is not admissible in evidence against either of them in proceedings for any offence.]

Powers in relation to vessels, aircraft etc.

- 3 (1) In order to perform functions under Part I or II or this Act an officer may require any person—
- (a) to give details of any substances or articles on board a vessel, aircraft, hovercraft or marine structure; and
 - (b) to give information concerning any substances or articles lost from a vessel, aircraft, hovercraft or marine structure.
- (2) In order to perform any such functions an officer—
- (a) may require any vessel, aircraft, hovercraft or marine structure to stop; and
 - (b) may require the attendance—

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- (i) of the master, captain or commander of a vessel, aircraft or hovercraft;
 - (ii) of the person in charge of a marine structure; and
 - (iii) of any other person who is on board a vessel, aircraft, hovercraft or marine structure,
- and may require any person on board to assist him in the performance of his functions.
- (3) In order to perform functions under Part I [^{F3}or II] of this Act an officer—
- (a) may require—
 - (i) the master, captain or commander of a vessel, aircraft or hovercraft; and
 - (ii) the person in charge of a marine structure,
 to take it and its crew to the port which appears to the officer to be the nearest convenient port; or
 - (b) may take it there himself.
- (4) In order to perform any such functions an officer may detain a vessel, aircraft, hovercraft or marine structure.
- (5) If an officer detains a vessel, aircraft, hovercraft or marine structure, he shall serve on the master, captain, commander or person in charge a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by an officer.

Textual Amendments

F3 Words inserted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 146(8)

Modifications etc. (not altering text)

C4 [Sch. 2 para. 3](#) extended (with modifications) (22.8.1997) by [S.I. 1997/1770](#), art. 5

C5 [Sch. 2 para. 3](#) extended (with modifications) (22.8.1997) by [S.I. 1997/1771](#), art. 4

Containers etc.

- 4 [^{F4}(1)] Without prejudice to his powers under any other provision of this Act, in order to perform his functions an officer—
- (a) may open any container;
 - (b) may carry out searches, inspections, measurements and tests;
 - (c) may take samples;
 - (d) may require the production of documents, books and records; and
 - (e) may photograph or copy anything whose production he has power to require under paragraph (d) above.
- [^{F5}(2) An officer exercising any power of entry conferred by Part III of this Act may photograph anything which he has reasonable cause to believe may be relevant in connection with the exercise of his functions under that Part.
- (3) Nothing in sub-paragraph (2) affects the powers conferred by sub-paragraph (1).]

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Textual Amendments

F4 S. 4 renumbered as s. 4(1) (9.9.1998) by 1998 c. 26, ss. 2(3), 3(b)

F5 S. 4(2)(3) inserted (9.9.1998) by 1998 c. 26, ss. 2(3), 3(b)

Modifications etc. (not altering text)

C6 Sch. 2 para. 4 applied (with modifications) (E.W.S.) (17.4.1995) by S.I. 1995/887, reg. 24(1)

Evidence of officers' authority

- 5 (1) An officer shall be furnished with a certificate of his authorisation, and when he proposes to perform any function under this Act, it shall be his duty, if so requested, to produce that certificate.
- (2) It shall also be his duty, if so requested, to state—
- his name;
 - the function that he proposes to perform; and
 - his grounds for proposing to perform it.
- (3) The references to certificates of authorisation in sub-paragraph (1) above are to be construed, in relation to a British sea-fishery officer, as references to his warrant of appointment as a British sea-fishery officer.

Modifications etc. (not altering text)

C7 Sch. 2 para. 5 applied (with modifications) (E.W.S.) (17.4.1995) by S.I. 1995/887, reg. 24(1)

Time of performance of functions

- 6 An officer must perform his functions under this Act at a reasonable hour unless it appears to the officer that there are grounds for suspecting that the purpose of their performance may be frustrated if he seeks to perform them at a reasonable hour.

Modifications etc. (not altering text)

C8 Sch. 2 para. 6 applied (with modifications)(E.W.S.) (17.4 1995) by S.I. 1995/887, reg. 24(1)

Entry into dwellings

- 7 (1) An officer may only enter a dwelling for the purpose of performing his functions under this Act if a justice has issued a warrant authorising him to enter and search that dwelling.
- (2) A justice may only issue such a warrant if on an application made by the officer he is satisfied—
- that the officer has reasonable grounds for believing that there is present in the dwelling anything to which those functions relate, and
 - that—
 - it is not practicable to communicate with any person entitled to grant entry to the dwelling; or

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- (ii) a person entitled to grant entry to the dwelling has unreasonably refused an officer entry; or
- (iii) entry to the dwelling is unlikely to be granted unless a warrant is produced; or
- (iv) the purpose of entry may be frustrated or seriously prejudiced unless an officer arriving at the dwelling can secure immediate entry to it.

- (3) In this paragraph “justice” means—
- (a) in relation to England and Wales and Northern Ireland, a justice of the peace; and
 - (b) in relation to Scotland, a sheriff, stipendiary magistrate or justice of the peace.
- (4) In relation to England and Wales, sections 15 and 16 of the ^{M1}Police and Criminal Evidence Act 1984 (which relate to safeguards in respect of warrants and the execution of warrants) [^{F6}and, in relation to Northern Ireland, Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (which make provision corresponding to those sections)] shall have effect in relation to warrants for officers under this paragraph as they have effect in relation to warrants for constables.

Textual Amendments

F6 Words inserted by [S.I. 1989/1341 \(N.I. 12\)](#), art. 90(1), [Sch. 6 para. 12](#)

Modifications etc. (not altering text)

C9 [Sch. 2 para. 7](#) applied (with modifications)(E.W.S.) (17.4.1995) by [S.I. 1995/887](#), [reg. 24\(1\)](#)

Marginal Citations

M1 [1984 c. 44](#).

Power of officer to use reasonable force

- 8 An officer may use reasonable force, if necessary, in the performance of his functions.

Modifications etc. (not altering text)

C10 [Sch. 2 para. 8](#) applied (with modifications)(E.W.S.) (17.4.1995) by [S.I. 1995/887](#), [reg. 24\(1\)](#)

Protection of officers

- 9 An officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Modifications etc. (not altering text)

C11 [Sch. 2 para. 9](#) applied (with modifications)(E.W.S.) (17.4.1995) by [S.I. 1995/887](#), [reg. 24\(1\)](#)

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Offences

- 10 Any person who—
- (a) intentionally obstructs an officer in the performance of any of his functions under this Act;
 - (b) fails without reasonable excuse to comply with a requirement made or direction given by an officer in the performance of his functions under this Act; or
 - (c) in purporting to give information required by an officer for the performance of any of his functions under this Act—
 - (i) makes a statement which he knows to be false in a material particular;
 - (ii) recklessly makes a statement which is false in a material particular; or
 - (iii) intentionally fails to disclose any material particular,shall be guilty of an offence.

SCHEDULE 3 U.K.

Section 8.

LICENCES—RIGHT TO MAKE REPRESENTATIONS ETC.

Modifications etc. (not altering text)

C12 Sch. 3 amended (1.7.1999) by 1999/1750, art. 4, Sch. 3 (with art. 7); S.I. 1998/3178

- 1 If within 28 days of the issue of a licence the person to whom it is issued requests the licensing authority to give him notice in writing of the reasons for the inclusion of any provision in it, the authority shall comply with his request within 28 days of receiving it.
- 2 On issuing a licence to a person a licensing authority shall notify him of the effect of paragraph 1 above.
- 3 If a licensing authority refuses an application for a licence, the authority shall give the applicant notice in writing of the reasons for the refusal.
- 4 If a licensing authority varies or revokes a licence without the holder's consent, the authority shall give the holder notice in writing of the reasons for the variation or revocation.
- 5 If within 28 days of receipt of a notice under this Schedule giving a licensing authority's reasons the person to whom it is given makes written representations to the authority concerning the matter to which the notice related, the authority shall constitute a committee to consider his representations.
- 6 A notice under this Schedule giving a licensing authority's reasons shall state the effect of paragraph 5 above.
- 7 Each licensing authority shall draw up and from time to time revise a panel of persons who are specially qualified in the authority's opinion to be members of committees constituted under this Schedule, and any such committee constituted by an authority shall be drawn from members of the authority's panel.

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- 8 If a licensing authority constitutes a committee, the authority shall appoint one of the members of the committee to be its chairman.
- 9 It shall be the duty of the chairman--
- (a) to serve on the person who made the representations a notice requiring him to state within 14 days of receipt of the notice whether he wishes to make oral representations to the committee; and
- (b) to serve on him, not earlier than the date of the notice under paragraph (a) above, notice of the place, date and time of the meeting of the committee.
- 10 A notice under paragraph 9(b) above shall not specify a date for the meeting of the committee earlier than 21 days from the date of the notice, unless the person who made the representations has agreed to an earlier meeting.
- 11 If he expresses a wish to make oral representations, the committee shall afford him an opportunity of doing so, either in person or by any person authorised by him in that behalf.
- 12 The committee shall consider--
- (a) the reasons given by the authority under this Schedule; and
- (b) any representations made under this Schedule,
- and shall make a report to the licensing authority after the close of their consideration, giving their findings of fact and their recommendations, and the licensing authority shall reconsider the decision of the authority to which the representations relate in the light of the report.
- 13 The licensing authority shall notify the person who made the representations of the result of the authority's reconsideration and the reasons for it and shall send him a copy of the committee's report.
- 14 Subject to paragraph 15 below, a licensing authority may pay to a person who makes representations under this Schedule such sum as the authority considers appropriate in respect of costs or expenses incurred by that person in connection with the making of the representations and of any hearing relating to them by a committee.
- 15 No payment shall be made in a case where the result of the reconsideration is that the authority confirms the original decision without modification.
- 16 A licensing authority may make arrangements for securing that such of the authority's officers as the authority considers are required are available to assist a committee constituted by the authority under this Schedule.
- 17 A licensing authority may pay--
- (a) such fees and allowances for members of such committees;
- (b) such other expenses of such committees,
- as the authority may, with the consent of the Treasury, determine.

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[^{F7}SCHEDULE 4 U.K.]

Textual Amendments

- F7** Sch. 4 repealed (*prosp.*) by Environmental Protection Act 1990 (c. 43, SIF 46:4), ss. 162, 164(3), Sch. 16 Pt. VIII

PARTICULARS TO BE CONTAINED IN REGISTERS U.K.]

PART I U.K.]

LICENCES FOR DEPOSIT OR INCINERATION OR ASSOCIATED OPERATIONS

- 1 The name of the holder of the licence.
- 2 The period of the licence.
- 3 The name, where known, of the producer of the substances or articles.
- 4 Their description and quantity.
- 5 Their country of origin, where known.
- 6 The site at which it was intended to deposit or incinerate them.
- 7 The place from which it was intended that they should be taken to that site.
- 8 The nature of any container or packaging in which it was intended that they should be when deposited.
- 9 The results of any toxicity tests carried out for the purpose of determining whether the licence should be issued or the provisions to be included in it.

PART II U.K.]

LICENCES FOR SCUTTLING OR ASSOCIATED OPERATIONS

- 10 The name of the holder of the licence.
- 11 The period of the licence.
- 12 The name of the owner of the vessel.
- 13 A description of the vessel.
- 14 The site at which it was intended to scuttle it.
- 15 The place from which it was intended that it should be taken to that site.]

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SCHEDULE 5 U.K.

Section 16.

THE ADVISORY COMMITTEE

- 1 The Ministers shall jointly appoint the members of the committee, and shall jointly appoint one of those members to be chairman.

VALID FROM 01/04/2000

- [^{F8}1A The committee shall include one member appointed by the Ministers on the nomination of the Food Standards Agency.]

Textual Amendments

- F8** Sch. 5 para.1A inserted (1.4.2000) by 1999 c. 28, s. 18, Sch. 3 Pt. III para. 16(6) (with s. 38); S.I. 2000/1066, art. 2

- 2 The committee shall, at such time in each year as the Ministers may jointly direct, send to the Ministers a report with respect to the performance of the committee's functions.
- 3 The Ministers may jointly make provision by regulations with respect to the terms on which members of the committee shall hold and vacate office, including the terms on which any person appointed as chairman shall hold and vacate office as chairman.
- 4 The Ministers shall provide the committee with such staff and such accommodation, services and other facilities as appear to the Ministers to be necessary or expedient for the proper performance of the committee's functions.
- 5 The Ministers may pay to the members of the committee such remuneration (if any) and such allowances as may be determined by the Ministers with the consent of the Treasury.
- 6 The Ministers shall defray any expenses incurred with their approval by the committee.
- 7 The committee shall not be taken to be the servant or agent of the Crown or to enjoy any status or immunity of the Crown.
- 8 Regulations under this Schedule shall be made by statutory instrument and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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