



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Amendments to the Police and Criminal Evidence Act 1984 etc

54 PACE etc powers for food crime officers

(1) In the Police and Criminal Evidence Act 1984, after section 114B insert—

“114C Power to apply Act to food crime officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of offences conducted by food crime officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
- (3) In this section “food crime officer” means an officer of the Food Standards Agency who—
 - (a) is acting for the purposes of the performance by the Food Standards Agency of its functions under the Food Standards Act 1999 or any other enactment (including functions relating to the investigation of offences), and

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- (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
 - (4) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
 - (5) Regulations under this section are to be made by statutory instrument.
 - (6) Regulations under this section may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
 - (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (8) In this section “enactment” includes—
 - (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, and
 - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru.”
- (2) In the Criminal Justice and Public Order Act 1994, after section 39 insert—

“39A Power to apply sections 36 and 37 in relation to food crime officers

- (1) The Secretary of State may by regulations provide for any provision of section 36 or 37 that applies in relation to a constable to apply in relation to a food crime officer.
- (2) Regulations under subsection (1) may apply any provision of section 36 or 37 with any modifications specified in the regulations.
- (3) Regulations under subsection (1) may not apply a provision of section 36 or 37 in relation to a failure or refusal which occurred before the regulations come into force.
- (4) Regulations under subsection (1) are to be made by statutory instrument.
- (5) Regulations under subsection (1) may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”

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(3) In the Food Standards Act 1999, after section 25 insert—

“25A Obstruction of food crime officers

- (1) A person commits an offence if the person—
 - (a) intentionally obstructs a food crime officer who is acting in the exercise of functions conferred on the officer by virtue of section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers),
 - (b) fails without reasonable excuse to comply with any requirement made of the person by such a food crime officer who is so acting, or
 - (c) in purported compliance with such a requirement provides information which the person knows to be false or misleading in any material particular or recklessly provides information which is false or misleading in any material particular.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine, or to both.
- (3) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”

(4) In the Police Reform Act 2002—

- (a) in section 10 (general functions of the Director General)—
 - (i) in subsection (1), at the end of paragraph (ga) insert “; and
 - (gb) to carry out such corresponding functions in relation to officers of the Food Standards Agency acting in the exercise of functions conferred on them by virtue of—
 - (i) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
 - (ii) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).”, and
 - (ii) in subsection (3), after paragraph (bd) insert—

“(be) any regulations under section 26E of this Act (food crime officers);”, and
- (b) after section 26D insert—

“26E Food crime officers

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to officers of the Food Standards Agency (the “Agency”) acting in the exercise of functions conferred on them by virtue of—
 - (a) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or

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- (b) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).
- (2) Regulations under this section may, in particular—
 - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
 - (b) make provision for payment by the Agency to, or in respect of, the Office or in respect of the Director General.
- (3) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
 - (a) the Director General has functions by virtue of this section, and
 - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Agency may disclose information to the Director General or to a person acting on the Director General's behalf, for the purposes of the exercise by the Director General or by any person acting on the Director General's behalf, of an Agency complaints function.
- (5) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
 - (a) by virtue of this section, or
 - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make—
 - (a) further provision about the disclosure of information under subsection (4) or (5);
 - (b) provision about the further disclosure of information that has been so disclosed.
- (7) A disclosure of information authorised by this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But this section does not authorise a disclosure of information that—
 - (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (9) In this section—

“Agency complaints function” means a function in relation to the exercise of functions by officers of the Agency;

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“data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

- (5) The amendments made by subsections (1) to (3) and any regulations made under provision inserted by subsections (1) and (2) bind the Crown.
- (6) No contravention by the Crown of section 25A of the Food Standards Act 1999 (as inserted by subsection (3)) makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (7) That section applies to persons in the public service of the Crown as it applies to other persons.
- (8) If the Secretary of State certifies that it appears requisite or expedient in the interests of national security that any powers of entry conferred by regulations made under provision inserted by subsection (1) should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.
- (9) In this section “Crown premises” means premises held or used by or on behalf of the Crown.
- (10) Nothing in this section affects Her Majesty in her private capacity; and this subsection is to be interpreted as if section 38(3) of the Crown Proceedings Act 1947 (references to Her Majesty in her private capacity) were contained in this Act.

Commencement Information

II S. 54 in force at 28.6.2022, see s. 208(5)(f)

Changes to legislation:

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