**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

## 2009 No. 3255

# AGRICULTURE, ENGLAND FOOD, ENGLAND

The Official Feed and Food Controls (England) Regulations 2009

Made	-	-	-	-
Laid before Parliament				
Coming into force				

8th December 2009 14th December 2009 25th January 2010

### THE OFFICIAL FEED AND FOOD CONTROLS (ENGLAND) REGULATIONS 2009

#### PART 1

#### PRELIMINARY

- 1. Title, commencement and application
- 2. Interpretation

#### PART 2

#### MAIN PROVISIONS

- 3. Competent authorities
- 4. Exchanging and providing information
- 5. Obtaining information
- 6. Power to issue codes of recommended practice
- 7. Monitoring of enforcement action
- 8. Power to request information relating to enforcement action
- 9. Power of entry for persons monitoring enforcement action
- 10. Meaning of "enforcement authority" and related expressions
- 11. Offences relating to regulations 8 and 9
- 12. Right of appeal
- 13. Appeal to Crown Court against dismissal of appeal under regulation 12(1)
- 14. Staff of competent authority of another member State
- 15. Commission experts
- 16. Prohibition on disclosure of trade secrets

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 17. Execution and enforcement
- 18. Powers of entry
- 19. Obstruction etc. of officers
- 20. Penalties
- 21. Time limit for prosecutions

#### PART 3

#### OFFICIAL CONTROLS ON FEED AND FOOD OF NON–ANIMAL ORIGIN FROM THIRD COUNTRIES

- 22. Interpretation of this Part of these Regulations
- 23. Feed enforcement responsibilities and competent authority status
- 24. Food enforcement responsibilities and competent authority status
- 25. Functions of the Commissioners
- 26. Exchange of information
- 27. Deferred execution and enforcement
- 28. Prohibition on introduction of certain feed and food
- 29. Checks on products
- 30. Withdrawal and suspension of border control posts
- 31. Detention, destruction, special treatment, re-dispatch and other appropriate measures and costs
- 32. Notices in relation to imports of feed and food from third countries
- 33. Right of appeal in respect of notices served under regulation 32
- 34. Appeal to Crown Court against dismissal of appeal under regulation 33
- 35. Serious risk to animal or public health
- 36. Costs and fees
- 37. Procurement by authorised officers of samples with regard to food
- 38. Analysis etc. of samples
- 39. Powers of entry of authorised officers of a food authority
- 40. Obstruction etc. of officers (imports)
- 41. Offences and penalties
- 42. Time limit for prosecutions (imports)

#### PART 4

#### RECOVERY OF EXPENSES

- 42A Fees or charges arising from unplanned official controls
- 43. Expenses arising from additional official controls
- 44. Expenses arising in respect of co-ordinated assistance and follow-up by the Commission

#### PART 5

#### ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

- 45. Offences due to fault of another person
- 46. Defence of due diligence
- 47. Offences by bodies corporate
- 48. Offences by Scottish partnerships
- 49. Protection of officers acting in good faith
- 50. Service of documents
- 51. Amendment to the Feed (Hygiene and Enforcement) (England) Regulations 2005
- 52. Revocation

Signature

SCHEDULE 1 — DEFINITIONS OF LEGISLATION

- SCHEDULE 2 DEFINITION OF RELEVANT FEED LAW "relevant feed law" means — Part IV of the Agriculture...
- SCHEDULE 3 DEFINITION OF RELEVANT FOOD LAW "relevant food law" means — food law in so far...
- SCHEDULE 4 COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FEED LAW
- SCHEDULE 5 COMPETENT AUTHORITIES FOR THE PURPOSES OF CERTAIN PROVISIONS OF REGULATION 2017/625 IN SO FAR AS THEY APPLY IN RELATION TO RELEVANT FOOD LAW
- SCHEDULE 6 SPECIFIED IMPORT PROVISIONS
- SCHEDULE 7 SCHEDULE SUBSTITUTED FOR SCHEDULE 1 TO THE FEED (HYGIENE AND ENFORCEMENT) (ENGLAND) REGULATIONS 2005

Explanatory Note

#### **Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Official Feed and Food Controls (England) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

#### Changes and effects yet to be applied to :

- Sch. 4 substituted by S.I. 2020/1410 reg. 3(10)Sch. 2
- Sch. 4 substituted by S.I. 2020/1504 Sch. 1
- Sch. 4 words omitted by S.I. 2019/665 reg. 3(k)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- Sch. 4 words omitted by S.I. 2019/665 reg. 3(k)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- Sch. 5 substituted by S.I. 2020/1410 reg. 3(11)Sch. 3
- Sch. 5 substituted by S.I. 2020/1504 Sch. 2
- Sch. 5 words omitted by S.I. 2019/665 reg. 3(1)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- Sch. 5 words omitted by S.I. 2019/665 reg. 3(1)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- Sch. 6 substituted by S.I. 2019/665 reg. 3(m) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- Sch. 6 words substituted by S.I. 2020/1504 reg. 3(15)
- reg. 2(1) words inserted by S.I. 2019/665 reg. 3(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 4(1) words substituted by S.I. 2019/665 reg. 3(b)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 4(1) words substituted by S.I. 2020/1504 reg. 3(2)(a)
- reg. 4(4) words substituted by S.I. 2019/665 reg. 3(b)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 4(4) words substituted by S.I. 2020/1504 reg. 3(2)(b)
- reg. 5(1) words substituted by S.I. 2019/665 reg. 3(c) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 5(1) words substituted by S.I. 2020/1504 reg. 3(3)
- reg. 14 omitted by S.I. 2019/665 reg. 3(d) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 14 omitted by S.I. 2020/1504 reg. 3(4)
- reg. 15 omitted by S.I. 2019/665 reg. 3(d) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 15 omitted by S.I. 2020/1504 reg. 3(4)
- reg. 16 omitted by S.I. 2019/665 reg. 3(d) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 16 omitted by S.I. 2020/1504 reg. 3(4)
- reg. 17(3) omitted by S.I. 2019/665 reg. 3(e)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))

- reg. 17(3) omitted by S.I. 2020/1504 reg. 3(5)(a)
- reg. 17(5)(a) omitted by S.I. 2019/665 reg. 3(e)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 17(5)(a) omitted by S.I. 2020/1504 reg. 3(5)(b)
- reg. 17(5)(b) omitted by S.I. 2019/665 reg. 3(e)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 17(5)(b) omitted by S.I. 2020/1504 reg. 3(5)(b)
- reg. 19(1)(a) words omitted by S.I. 2019/665 reg. 3(f)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 19(1)(a) words omitted by S.I. 2020/1504 reg. 3(6)(a)
- reg. 19(1)(b) words omitted by S.I. 2019/665 reg. 3(f)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 19(1)(b) words omitted by S.I. 2020/1504 reg. 3(6)(b)
- reg. 20(2) words omitted by S.I. 2019/665 reg. 3(g) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 20(2) words substituted by S.I. 2020/1504 reg. 3(7)
- reg. 22 words omitted by S.I. 2019/665 reg. 3(h) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 22 words omitted by S.I. 2020/1504 reg. 3(8)
- reg. 28(1)(b)(d) omitted by S.I. 2019/665 reg. 3(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))
- reg. 28(1)(b) omitted by S.I. 2020/1504 reg. 3(9)
- reg. 28(1)(d) omitted by S.I. 2020/1504 reg. 3(9)
- reg. 35 omitted by S.I. 2020/1504 reg. 3(10)
- reg. 44 omitted by S.I. 2019/665 reg. 3(j) (This amendment not applied to legislation.gov.uk. S.I. 2019/665 revoked immediately before IP completion day by S.I. 2020/1504, regs. 1(2), 21(b))

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(1)(b)(ii) words omitted by S.I. 2020/1504 reg. 3(11)(a)
- reg. 41(1)(ba) inserted by S.I. 2020/1504 reg. 3(11)(b)
- reg. 42A inserted by S.I. 2020/1504 reg. 3(12)