
STATUTORY INSTRUMENTS

2013 No. 2952

**The Animal By-Products (Enforcement)
(England) Regulations 2013**

PART 6

Enforcement

Enforcement authority

21.—(1) Regulation 10 is enforced by—

- (a) in relation to any slaughterhouse, cutting plant or game-handling establishment, the Food Standards Agency; and
- (b) in relation to any other premises, the Food Standards Agency or the food authority in whose area the premises are situated.

(2) Otherwise these Regulations are enforced by—

- (a) the relevant local authority;
- (b) the port health authority in relation to—
 - (i) the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984 ^{M1}; or
 - (ii) a port health district constituted by order under section 2(3) of that Act; or
- (c) the Secretary of State in relation to a food hygiene establishment.

(3) Sub-paragraphs (a) and (b) of paragraph (2) do not apply where the Secretary of State directs that the enforcement duty is to be exercised in relation to cases of a particular description or any particular case by the Secretary of State.

(4) For the purposes of paragraph (2)(c) or where the Secretary of State makes a direction under paragraph (3), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.

(5) In paragraph (2)(a) “local authority” means—

- (a) where there is a unitary authority, within the meaning of the Local Government Changes for England Regulations 1994 ^{M2}, that authority;
- (b) where there is not a unitary authority—
 - (i) in a metropolitan district, the council of that district;
 - (ii) in a non-metropolitan county, the council of that county or the council of a district within the county area;
 - (iii) in each London borough, the council of that borough;
- (c) in the City of London, the Common Council; or
- (d) the Council of the Isles of Scilly.

(6) In paragraph (2)(b) “port health authority” means—

- (a) in relation to the London port health district, the Common Council of the City of London;
or
- (b) in relation to any other port health district, the port health authority for that district.

(7) In paragraph (1)(b), “food authority” means the authorities referred to in section 5(1) of the Food Safety Act 1990 ^{M3} other than—

- (a) the council of a non-metropolitan county; and
- (b) the Treasurers of the Inner and Middle Temple.

(8) In paragraph 2(c) “food hygiene establishment” means an establishment referred to in [^{F1}regulation 5(2) of the Food Safety and Hygiene (England) Regulations 2013] in respect of which the Food Standards Agency has enforcement functions under those Regulations.

Textual Amendments

- F1** Words in [reg. 21\(8\)](#) substituted (31.12.2013) by [The Food Safety and Hygiene \(England\) Regulations 2013 \(S.I. 2013/2996\)](#), [regs. 1\(1\)\(c\), 38\(b\)](#) (with [reg. 1\(2\)](#)) (as amended (15.10.2016) by [S.I. 2016/868](#), [regs. 1, 2\(5\)\(b\)](#))
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Marginal Citations

- M1** [1984 c. 22.](#)
M2 [S.I 1994/867](#), to which there are amendments not relevant to these Regulations.
M3 [1990 c. 16.](#)

Changes to legislation:

There are currently no known outstanding effects for the The Animal By-Products (Enforcement) (England) Regulations 2013, Section 21.