
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART III

ADMINISTRATION AND ENFORCEMENT

Entry, obstruction, etc.

Power to enter premises

47.—(1) Subject to the provisions of this Article, an authorised officer of a district council shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours—

- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Order or of any regulations or byelaws made under it, being provisions which the council is required or empowered to enforce; and
- (b) generally for the purpose of the performance by the council of its functions under this Order, or any such regulations or byelaws.

(2) Admission to any premises used only as a private dwelling-house shall not be demanded under paragraph (1) as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(3) If a justice of the peace, on sworn information in writing,—

- (a) is satisfied that there is reasonable ground for entry into any premises for any purpose mentioned in paragraph (1); and
- (b) is also satisfied either—
 - (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or that the occupier is temporarily absent;

the justice may by warrant signed by him authorise the council by any authorised officer to enter the premises, if need be by force.

(4) An authorised officer entering any premises by virtue of this Article, or of a warrant issued under it, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he found them.

(5) Every warrant granted under this Article shall continue in force for a period of one month.

(6) If any person who, in compliance with the provisions of this Article, or of any warrant issued under it, is admitted into a factory or workplace, discloses to any person any information obtained by

him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(7) Nothing in this Article shall authorise any person, except with the permission of the Department of Agriculture under the Diseases of Animals (Northern Ireland) Order 1981(1), to enter any cowshed or other place in which an animal affected, or suspected of being affected, with any disease to which that Order applies is kept.

Power to enter vehicles, etc.

48.—(1) An authorised officer of a district council shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any vehicle, stall or place other than premises, for any purpose for which he is authorised under Article 47 to enter premises.

(2) Paragraphs (3) to (5), and paragraph (7), of Article 47 shall apply in relation to any vehicle, stall or place other than premises which may be entered under the powers conferred by paragraph (1) as they apply in relation to premises, and as if any reference to the occupier of premises were a reference to the person in charge of the vehicle, stall or place.

Powers of entry of Departments' officers

49. An officer of the Department or of the Department of Agriculture authorised in writing shall, for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Order or of any regulation or order made under it, being provisions which that Department is required or empowered to enforce, have the like powers of entry as are exercisable under Article 47 or Article 48 by an authorised officer of a district council; and in relation to such an authorised officer of the Department or of the Department of Agriculture, the reference in Article 47(3) to the council shall be construed as a reference to the Department or, as the case may be, the Department of Agriculture.

Persons obstructing execution of Order

50.—(1) A person who wilfully obstructs any person acting in the execution of this Order, or of any regulation, byelaw, order or warrant made or issued under this Order, shall be guilty of an offence.

(2) If—

- (a) a sampling officer applies to purchase any food or substance exposed for sale, or on sale by retail, and tenders the price for the quantity which he requires as a sample, and the person exposing the food or substance for sale, or having it for sale, refuses to sell to the officer the quantity which he requires as a sample; or
- (b) the seller or consignor of any article or substance of which the officer has power to take a sample, or a person having the charge for the time being of such an article or substance, refuses to allow the officer to take the quantity which he requires as a sample;

then the person so refusing shall, subject to paragraph (3), be treated for the purposes of paragraph (1) as having wilfully obstructed the officer.

(3) Where any food or substance is exposed for sale in an unopened container duly labelled, a person shall not be required to sell that food or substance except in the unopened container in which it is contained.

(4) A person who—

- (a) fails to give to any person acting in the execution of this Order, or of any regulation, byelaw, order or warrant made or issued under this Order, any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by this Order to call for or may reasonably require, or
- (b) when required to give any such information, knowingly makes any misstatement in respect of it,

shall, subject to paragraph (5), be guilty of an offence.

(5) Nothing in paragraph (4) shall be construed as requiring a person to answer any question or give any information, if so to do might incriminate him.