



# Rag Flock and Other Filling Materials Act 1951

## 1951 CHAPTER 63

### *Enforcement*

#### **12 Duty of local authorities to enforce this Act**

- (1) It shall be the duty of every local authority within their area to carry into execution and enforce this Act with a view to securing the use of clean filling materials.
- (2) It shall, in particular, be the duty of a local authority to secure the inspection of premises within their area registered or licensed under this Act as often as may appear to them to be necessary for the proper enforcement of this Act.
- (3) Nothing in this section shall be construed as authorising a local authority in Scotland to institute proceedings for an offence against this Act.

#### **13 Powers of entry and inspection**

- (1) An authorised officer of a local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable times to enter—
  - (a) any premises registered or licensed under this Act;
  - (b) any premises where he has reasonable grounds for believing that filling materials to which this Act applies or articles upholstered or otherwise stuffed or lined with filling materials to which this Act applies are held for sale or offered or exposed for sale;
  - (c) any premises which he has reasonable grounds for believing ought to be registered under this Act;
  - (d) any premises where he has reasonable grounds for believing that rag flock is being manufactured or kept with a view to its use, or sale for use, on premises which are or ought to be registered under this Act;

and may inspect the premises and any such materials or articles as aforesaid found therein.

- (2) Where application is made for the grant or renewal of a licence under this Act, an authorised officer of the local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable times to enter both the premises in respect of which the application is made and any other premises in the same building (except premises used as a private dwelling) with a view to ascertaining whether the licence ought to be granted.
- (3) An authorised officer entering premises under subsection (1) of this section—
- (a) where the premises are registered or licensed under this Act, may require the occupier or the person in charge of the premises to produce the records kept for the premises in accordance with section nine of this Act;
  - (b) where the premises are not registered or licensed under this Act or where a requirement under the foregoing paragraph is not complied with, may require any person carrying on any business on the premises or employed in connection therewith to produce any books, accounts or records relating to the business and to furnish any information relating to any such materials or articles as aforesaid on the premises.
- (4) An authorised officer may make copies of, or extracts from, any document produced to him under this section.
- (5) Where an authorised officer finds on any premises entered under subsection (1) of this section any filling materials or articles in respect of which he has grounds for believing that an offence has been committed under this Act, he may require the occupier of the premises to keep them on the premises and to take such steps as appear to the officer to be necessary to secure that they shall not be moved or tampered with by any person:
- Provided that the occupier shall not be required to keep them for more than one month, except where within one month of the requirement being made summary proceedings have been instituted in respect of them, and then not after those proceedings have been finally disposed of.
- (6) No information which has been obtained under or by virtue of this section shall be disclosed without the consent of the person for the time being carrying on the trade or business to which it relates except in connection with the execution of this Act or for the purposes of any proceedings pursuant thereto or any report of such proceedings, and any person who discloses any information in contravention of this subsection shall be guilty of an offence.

## **14 Powers of sampling**

- (1) An authorised officer of a local authority finding on any premises entered under this Act any materials appearing to him to be filling materials to which this Act applies or any article appearing to him to contain or be likely to contain filling materials to which this Act applies may take samples.

The Schedule to this Act shall have effect where under this subsection samples are taken from the filling materials in any article.

- (2) Where an officer takes samples under the foregoing subsection, he shall observe the following procedure, that is to say, he shall divide the sample into three parts, each part to be marked, and sealed or fastened up, in such manner as its nature will permit, and shall—

- (a) if required so to do, deliver one part to the occupier of the premises or the person for the time being in charge of the premises;
- (b) retain one part for future comparison ; and
- (c) if he thinks fit, submit one part for testing whether the filling materials are clean.

## **15 Right to have samples tested**

- (1) If an authorised officer of a local authority considers that a sample should be tested, he shall submit it to be tested by a prescribed analyst or, where there is no prescribed analyst, by the public analyst for the area in which the sample was procured.
- (2) A person may submit a sample of filling materials to which this Act applies to a prescribed analyst or, where there is no prescribed analyst, to the public analyst for the area where the person resides or carries on business.
- (3) The analyst shall test as soon as practicable any sample sent to him in pursuance of this section, and give to the person by whom it was submitted a certificate in the prescribed form specifying the result of the test.
- (4) It shall be the duty of the Ministers making regulations prescribing analysts for the purposes of this Act to secure that, except where a public analyst is prescribed, any person so prescribed has first given his consent and has a right to withdraw his consent after reasonable notice.
- (5) The said Ministers acting jointly may by statutory instrument make regulations providing for the cases in which a fee may be charged for a test under this section and for the amount of the fee and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **16 Exercise of powers outside local authority's area**

If it appears to an authorised officer of a local authority that in connection with the execution of this Act in the area of that authority it is expedient so to do, he may exercise any of the powers conferred on him by this Act within the area of any other local authority so long as the consent (which may be either general or limited to the particular occasion) of that other authority has been first obtained.

## **17 Obstruction of execution of this Act**

- (1) A person who wilfully obstructs any person acting in the execution of this Act shall be liable to a fine not exceeding five pounds:

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under this Act, or if he has within the twelve months last preceding been convicted of an offence under this subsection, he shall be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding one month.

- (2) A person who fails to give to any person acting in the execution of this Act any assistance which that person may reasonably request him to give or any information which that person is expressly authorised by this Act to call for or may reasonably require, or who, when required to give any such information, knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds:

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*Status: This is the original version (as it was originally enacted).*

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Provided that nothing in this subsection shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him.