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STATUTORY INSTRUMENTS

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**1997 No. 2965**

**The Specified Risk Material Regulations 1997**

**PART VII**

**ENFORCEMENT**

**Offences and penalties**

**29.**—(1) An occupier of food premises shall take all practicable steps to secure compliance by any of his employees with the provisions of these Regulations which apply to those premises.

(2) If any person contravenes—

- (a) paragraph (1) above;
- (b) any other provision of these Regulations; or
- (c) a direction given by the Minister under regulation 26 above,

he shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum; or
- (ii) on conviction on indictment, to a fine or imprisonment not exceeding two years or to both.

(3) No prosecution for an offence under any of the provisions mentioned in paragraph (2) above shall be begun after the expiry of—

- (a) three years from the commission of the offence; or
- (b) one year from its discovery by the prosecutor,

whichever is the earlier.

**Application of provisions of the Food Safety Act 1990**

**30.** The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and, unless the context otherwise requires, any reference in them to the Act shall be construed as a reference to the Regulations—

- section 2 (extended meaning of “sale”, etc.);
- section 3 (presumptions that food intended for human consumption);
- section 9 (inspection and seizure of suspected food) subject to the modification that it shall apply to an authorised officer of an enforcement authority as it applies to an authorised officer of a food authority;
- section 20 (offences due to fault of another person);
- section 21 (defence of due diligence);
- section 30(8) (evidence of certificate of analysis or examination);
- section 33 (offence of obstruction, etc. of officers);

section 36 (offences by bodies corporate), subject to the modification that a reference to a body corporate shall include a Scottish partnership and a reference to a director shall include a partner in a Scottish partnership);

section 44 (protection of officers acting in good faith).

## **Enforcement**

**31.**—(1) These Regulations shall be enforced—

- (a) by the Minister in relation to premises in England licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (b) by the Secretary of State in relation to premises in Wales and Scotland licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995; and
- (c) in relation to any other premises, by the food authority in whose area the premises are situated.

(2) On an inspection of any food intended for human consumption an authorised officer of a food authority or an official veterinary surgeon may certify that the food fails to comply with these Regulations.

(3) Where any food is certified as mentioned in paragraph (2) above it may be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements.

## **Saving**

**32.** Any approval granted or having effect as if granted under the Specified Bovine Material Order 1997(1) shall continue to operate as if granted under the equivalent provision of these Regulations.