

SCHEDULE

ENFORCEMENT

Food subsidies

- 1 If any person, for the purpose of obtaining for himself or any other person any payment under a scheme under section 1 of this Act, knowingly or recklessly makes a false statement, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- 2 (1) The Secretary of State or the Minister of Agriculture, Fisheries and Food may, by an order made for the purposes of this paragraph in respect of subsidy payments of any description, prescribe conditions to be observed by any person—
- (a) who claims or receives subsidy payments of that description ; or
 - (b) to whom any food is sold otherwise than by retail, being food in respect of which subsidy payments of that description have been or can be made, and to whom notice of the conditions has been given under this paragraph.
- (2) A person who has sold food otherwise than by retail shall not be entitled in respect of that food to any subsidy payments of a description to which an order under this paragraph applies unless he has given the purchaser notice of the conditions required to be observed by him under this paragraph ; and if a person sells otherwise than by retail food in respect of which he has claimed or received subsidy payments of any such description, or in relation to which he has himself received a notice under this paragraph, he shall give a like notice to the purchaser.
- (3) Any notice under sub-paragraph (2) above shall be in writing and given not later than the time when the goods are delivered pursuant to the sale.
- (4) If any person knowingly contravenes a condition required to be observed by him under this paragraph or fails to give any notice which he is required to give under sub-paragraph (2) above he shall be—
- (a) guilty of an offence and liable on summary conviction to a fine not exceeding £400 ; and
 - (b) liable to pay to the Secretary of State or the Minister of Agriculture, Fisheries and Food, on demand, a sum not exceeding the subsidy payments made in respect of the food to which the contravention relates.
- (5) The power to make an order under this paragraph shall be exercisable by statutory instrument and includes power to vary or revoke a previous order; and a statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This paragraph is without prejudice to the matters that may be included in a scheme under section 1 of this Act and to the imposition of any condition, as a matter of contract, on persons who claim or receive subsidy payments.
- (7) In this paragraph " subsidy payments " means any payment under a scheme under section 1 of this Act and any allowance made by a Board as defined in Article 2(1) of the Order mentioned in subsection (3) of that section in respect of milk supplied by it in the year there mentioned.
- 3 (1) A duly authorised officer of the Secretary of State or of the Minister of Agriculture, Fisheries and Food may, at all reasonable hours and on production, if required, of his

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

credentials, exercise the powers specified in sub-paragraph (2) below for the purpose of determining—

- (a) whether any payment is to be, or has been, properly made under any scheme under section 1 of this Act or falls to be repaid in accordance with any conditions subject to which it was made or falls to be made to the Secretary of State by virtue of any order under subsection (7) of that section ; or
- (b) whether any condition required to be observed under paragraph 2 above has been contravened.

(2) The said powers are—

- (a) a power to inspect and take samples of any goods and to enter any land or any premises other than premises used only as a dwelling ; and
- (b) a power to require any person carrying on a business, or employed in connection with a business, to produce any documents relating to the business, and a power of making extracts from, or making copies of, the documents.

(3) Any person who—

- (a) wilfully obstructs an officer acting under this paragraph ; or
 - (b) wilfully fails to comply with a requirement imposed under this paragraph,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(4) Any person who, with intent to deceive, produces, in compliance with a requirement under this paragraph, a document which to his knowledge is or may be misleading, false or deceptive in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(5) Nothing in this paragraph shall be construed as compelling the production by a barrister, advocate or solicitor of a document containing a privileged communication made by or to him in that capacity.

(6) In this paragraph " premises " include any stall, vehicle or vessel.

4 The powers conferred by paragraph 3 above shall also be exercisable by any officer of a department, board, authority or body with which the Secretary of State has made arrangements under section 1(9) of this Act and who is designated for the purposes of this paragraph by the Secretary of State.