
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 2

The Official Feed and Food Controls
Regulations (Northern Ireland) 2006

PART 4

ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

Offences due to fault of another person

41. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall be guilty of the offence; and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Defence of due diligence

42.—(1) In any proceedings for an offence under these Regulations, it shall, subject to paragraph (2), be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the accused shall not, without leave of the court, be entitled to rely on that defence unless—

- (a) at least seven clear days before the hearing; and
- (b) where he has previously appeared before a court in connection with the alleged offence, within one month of his first such appearance,

he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Offences by bodies corporate

43.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In paragraph (1)(a) “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry

or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Protection of officers acting in good faith

- 44.**—(1) An officer of a relevant body is not personally liable in respect of any act done by him—
- (a) in the execution or purported execution of the Official Controls Regulations; and
 - (b) within the scope of his employment,

if he did that act in the honest belief that his duty under the Official Controls Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) shall be construed as relieving any relevant body of any liability in respect of the acts of their officers.

(3) Where an action has been brought against an officer of a relevant body in respect of an act done by him—

- (a) in the execution or purported execution of the Official Controls Regulations; but
- (b) outside the scope of his employment,

the body may indemnify him against the whole or a part of any damages which he has been ordered to pay or any costs which he may have incurred if they are satisfied that he honestly believed that the act complained of was within the scope of his employment.

(4) In so far as a district council is a relevant body for the purposes of this regulation, a public analyst appointed by a district council shall be treated for the purposes of section 48 of the Local Government Act (Northern Ireland) 1972⁽¹⁾ as being an officer of the council, whether or not his appointment is a whole-time one.

- (5) In this regulation “relevant body” means a body acting as—
- (a) a competent authority;
 - (b) an enforcement authority as defined in regulation 22; or
 - (c) a relevant enforcement authority.

Revocation

45. The Official Feed and Food Controls Regulations (Northern Ireland) 2005⁽²⁾ are hereby revoked.

(1) 1972 c. 9 (N.I.)
(2) S.R. 2005 No. 574