



Fertilisers and Feeding Stuffs Act 1926

1926 CHAPTER 45

Legal Proceedings

19 Penalties for offences

Any person guilty of an offence against this Act for which no special penalty is provided by this Act shall on summary conviction be liable in the case of a first offence to a fine not exceeding twenty pounds and in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

20 Restrictions on taking proceedings

- (1) Proceedings for any offence against this Act to which the last foregoing section applies shall not be commenced without the consent of the Minister; and where the proceedings are in respect of causing or permitting any name, mark or particulars (except particulars which are not required to be contained in a statutory statement) to be false, or in respect of failure to include in the particulars marked or indicated by a mark or entered in a register or written on a label, any particulars which are required by this Act to be contained in the statutory statement, or in respect of the presence in a feeding stuff of any deleterious ingredient, the consent of the Minister shall not be given until the part of the sample retained by the agricultural analyst has been analysed and a certificate of analysis given by the Government Chemist.
- (2) Where proceedings under this Act are taken against a person in respect of causing or permitting any name, mark, or particulars to be false, or for making a false entry in his register or for failure to state the presence in a feeding stuff of an ingredient included in the Third Schedule to this Act, he shall not be liable to conviction if he proves—
 - (a) that having taken all reasonable precautions against committing an offence against this Act he had not at the time of committing the alleged offence reason to suspect the correctness of the mark or entry, or the presence of such ingredient as aforesaid, as the case may be; and
 - (b) where he obtained the article from some other person, that on demand by or on behalf of the prosecutor he gave all the information in his power with respect

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to the person from whom he obtained it and as to the statutory statement given to him, and as to any mark applied to the article when he obtained it.

- (3) A prosecution in respect of causing or permitting any name, mark or particulars to be false or in respect of the presence of any ingredient included in the Third Schedule to this Act or of any deleterious ingredient, shall not be instituted under this Act after the expiration of three months from the date on which a sample of the article was taken in the prescribed manner.
- (4) In any such prosecution as aforesaid the summons shall state the particulars of the offence alleged and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the date on which it is served, and there shall also be served therewith a copy of any certificate of the agricultural analyst obtained on behalf of the prosecutor.

21 General provisions as to legal proceedings

- (1) Proceedings for an offence under this Act may, if the prosecutor so desires, be taken in the place where the person charged resides or carries on business.
- (2) In any proceedings for an offence under this Act it shall be no defence to allege that a sample having been taken for analysis only there was no prejudice to the purchaser.
- (3) A prosecution for an offence under this Act may, subject to the provisions of this Act as to the consent of the Minister, be instituted by the person aggrieved or by the council of a county or county borough or with the consent of such council by an inspector appointed by such council, and in any case where a sample has been taken by an inspector appointed by the Minister, may be instituted by the Minister.

22 Evidence of certificate of analysis

- (1) Where a sample, which has been taken in the prescribed manner by an inspector or official sampler, and has been divided into parts and marked, sealed and fastened up as hereinbefore mentioned, has been analysed, the agricultural analyst's certificate shall at the hearing of any civil or criminal proceedings with respect to the article sampled be sufficient evidence of the facts therein stated, unless the defendant or person charged requires that the person who made the analysis be called as a witness, or that the sample be further analysed by the Government Chemist.
- (2) In any legal proceedings the production of a certificate by the Government Chemist shall be sufficient evidence of the facts stated therein unless either party to the proceedings requires that the person who made the analysis be called as a witness.