



Fertilisers and Feeding Stuffs Act 1926

1926 CHAPTER 45

Legal Proceedings

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 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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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.