



# Agriculture Act 1970

## 1970 CHAPTER 40

### PART IV

#### FERTILISERS AND FEEDING STUFFS

##### *Prosecutions under Part IV*

#### 80 Institution of prosecutions.

- (1) Without prejudice to any other enactment relating to the place where proceedings may be taken, proceedings for an offence under this Part of this Act may be taken in the place where the person charged resides or carries on business.
- (2) . . . . . F1

#### Textual Amendments

- F1 Ss. 67(7), 80(2)–(4), 86(8) repealed by [Local Government, Planning and Land Act 1980 \(c. 65\)](#), s. 1(1), Sch. 1, [Sch. 34 Pt. I](#)

#### Modifications etc. (not altering text)

- C1 S. 80 applied (with modifications) (E.) (4.10.2004) by [Genetically Modified Animal Feed \(England\) Regulations 2004 \(S.I. 2004/2334\)](#), regs. 1(b), [6\(2\)\(e\)](#)
- C2 S. 80 applied (with modifications) (N.I.) (8.10.2004) by [The Genetically Modified Animal Feed Regulations \(Northern Ireland\) 2004 \(S.R. 2004/386\)](#), regs. 1, [6](#)
- C3 S. 80 applied (with modifications) (S.) (15.11.2004) by [Genetically Modified Animal Feed \(Scotland\) Regulations 2004 \(S.S.I. 2004/433\)](#), regs. 1(1), [6\(1\)\(a\)\(iv\)](#)
- C4 S. 80 applied (with modifications) (W.) (17.12.2004) by [The Genetically Modified Animal Feed \(Wales\) Regulations 2004 \(S.I. 2004/3221\)](#), regs. 1(b), [6\(2\)\(e\)](#)
- C5 S. 80 applied (with modifications) (N.I.) (1.1.2005) by [The Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/506\)](#), regs. 1(1), [4\(1\)](#), [4\(2\)](#)

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- C6 S. 80 applied (with modifications) (E.W.S.) (1.1.2005) by Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 (S.I. 2004/3254), regs. 1, **4(2)(f)**
- C7 S. 80 applied (with modifications) (E.) (30.4.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1265), regs. 1(1), **5**
- C8 S. 80 applied (with modifications) (S.) (6.5.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/246), regs. 1(1), **5**
- C9 S. 80(1) applied (with modifications) (2.8.1999) by S.I. 1999/1872, **reg. 112(1)(2)**
- C10 S. 80(1) applied (with modifications) (2.8.1999) by S.I. 1999/1871, **reg. 90(5)(6)**

## 81 Offences due to fault of other person.

Where the commission by any person of an offence under this Part of this Act 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 charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

### Modifications etc. (not altering text)

- C11 S. 81 applied (with modifications) (2.8.1999) by S.I. 1999/1872, **reg. 112(1)(2)**  
S. 81 applied (with modifications) (2.8.1999) by S.I. 1999/1871, **reg. 90(5)(6)**
- C12 S. 81 applied (with modifications) (E.) (4.10.2004) by Genetically Modified Animal Feed (England) Regulations 2004 (S.I. 2004/2334), regs. 1(b), **6(2)(f)**
- C13 S. 81 applied (with modifications) (N.I.) (8.10.2004) by The Genetically Modified Animal Feed Regulations (Northern Ireland) 2004 (S.R. 2004/386), regs. 1, **6**
- C14 S. 81 applied (with modifications) (S.) (15.11.2004) by Genetically Modified Animal Feed (Scotland) Regulations 2004 (S.S.I. 2004/433), regs. 1(1), **6(1)(a)(v)**
- C15 S. 81 applied (with modifications) (W.) (17.12.2004) by The Genetically Modified Animal Feed (Wales) Regulations 2004 (S.I. 2004/3221), regs. 1(b), **6(2)(f)**
- C16 S. 81 applied (with modifications) (E.W.S.) (1.1.2005) by Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations 2004 (S.I. 2004/3254), regs. 1, **4(2)(g)**
- C17 S. 81 applied (with modifications) (N.I.) (1.1.2005) by The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations (Northern Ireland) 2004 (S.R. 2004/506), regs. 1(1), **4(1), 4(2)**
- C18 S. 81 applied (with modifications) (E.) (30.4.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (England) Regulations 2005 (S.I. 2005/1265), regs. 1(1), **5**
- C19 S. 81 applied (with modifications) (S.) (6.5.2005) by Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (Scotland) Regulations 2005 (S.S.I. 2005/246), regs. 1(1), **5**

## 82 Defence of mistake, accident, etc.

(1) In any proceedings for an offence under any of the following provisions of this Act, namely, sections [F<sup>2</sup>68(1A), (4)(b) and (c)], 69(4)(c), 70(2), 71(2)(b) [F<sup>2</sup>73, 73A and 74A], it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—

- (a) that the commission of the offence was due to a mistake, or to reliance on information supplied to him, or to the act or default of another person, or to an accident or some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

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- (2) If in any case the defence provided by the foregoing subsection involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, 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.

#### Textual Amendments

- F2** Words in s. 82(1) substituted (E.W.S.) (30.6.1995) by S.I. 1995/1412, **reg. 20(3)** (with **reg. 23**) (which S.I. was revoked (E.) (29.10.2000) by S.I. 2000/2481, **reg. 26** and (S.) (31.1.2001 except insofar as it made modifications to the 1970 Act) by S.S.I. 2000/453, **reg. 26**) and (N.I.) (15.1.1996) by S.R. 1995/451, **reg. 20(3)** (with **reg. 23**)

#### Modifications etc. (not altering text)

- C20** S. 82 applied (with modifications): (E.W.S.) by S.I. 1982/1143, **regs. 17(3), 19**; (N.I.) by S.R. 1986/67, **reg. 19(1)**; (2.8.1999) by S.I. 1999/1872, **reg. 112(1)(2)**; (2.8.1999) by S.I. 1999.1871, **reg. 90(5)(6)**
- C21** S. 82 applied (with modifications) (E.) (4.10.2004) by [Genetically Modified Animal Feed \(England\) Regulations 2004 \(S.I. 2004/2334\)](#), **regs. 1(b), 6(2)(g)**
- C22** S. 82 applied (with modifications) (N.I.) (8.10.2004) by [The Genetically Modified Animal Feed Regulations \(Northern Ireland\) 2004 \(S.R. 2004/386\)](#), **regs. 1, 6**
- C23** S. 82 applied (with modifications) (S.) (15.11.2004) by [Genetically Modified Animal Feed \(Scotland\) Regulations 2004 \(S.S.I. 2004/433\)](#), **regs. 1(1), 6(1)(a)(vi)**
- C24** S. 82 applied (with modifications) (W.) (17.12.2004) by [The Genetically Modified Animal Feed \(Wales\) Regulations 2004 \(S.I. 2004/3221\)](#), **regs. 1(b), 6(2)(g)**
- C25** S. 82 applied (with modifications) (N.I.) (1.1.2005) by [The Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations \(Northern Ireland\) 2004 \(S.R. 2004/506\)](#), **regs. 1(1), 4(1), 4(2)**
- C26** S. 82 applied (with modifications) (E.W.S.) (1.1.2005) by [Feeding Stuffs \(Safety Requirements for Feed for Food-Producing Animals\) Regulations 2004 \(S.I. 2004/3254\)](#), **regs. 1, 4(2)(h)**
- C27** S. 82 applied (with modifications) (E.) (30.4.2005) by [Feed \(Corn Gluten Feed and Brewers Grains\) \(Emergency Control\) \(England\) Regulations 2005 \(S.I. 2005/1265\)](#), **regs. 1(1), 5**
- C28** S. 82 applied (with modifications) (S.) (6.5.2005) by [Feed \(Corn Gluten Feed and Brewers Grains\) \(Emergency Control\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/246\)](#), **regs. 1(1), 5**
- C29** S. 82(1) modified (6.5.1998) (N.I.) by S.I. 1998/1049, **reg. 96(2)(b)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture Act 1970, Cross Heading: Prosecutions under Part IV.