
STATUTORY INSTRUMENTS

1987 No. 1523

The Materials and Articles in
Contact with Food Regulations 1987

PART III

ADMINISTRATION AND ENFORCEMENT

Enforcement authorities

11.—(1) It shall be the duty of every enforcement authority to enforce within its area of jurisdiction the provisions of these Regulations.

(2) Nothing in this regulation shall be taken as authorising in Scotland an enforcement authority to institute proceedings for an offence against these Regulations.

Powers of authorised officers

12. An authorised officer may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the following powers, that is to say—

- (a) he may, for the purposes of ascertaining whether any offence under these Regulations has been committed, inspect any materials or articles and enter—
 - (i) any premises, other than premises used only as a dwelling, or
 - (ii) any ship, aircraft or vehicle;
- (b) if he has reasonable cause to suspect that an offence under these Regulations has been committed he may require any person carrying on a trade or business or employed in connection with a trade or business, to produce any books or documents relating to the trade or business, and he may take copies of any such book or document, or of any entry in any such book or document;
- (c) he may for the purposes of ascertaining whether any offence under these Regulations has been committed purchase or take samples of any material or article to which these Regulations apply and of any food which has come into contact with any such material or article.

Analysis, examination and testing

13.—(1) If an authorised officer who has procured a sample of any material or article to which these Regulations apply or of any food which has come into contact with any such material or article considers that it should be analysed, examined or tested he shall submit such sample to be analysed, examined or tested as the case may be by the public analyst for the area in which it was procured or, if the office of the public analyst for the area in question is vacant, to the public analyst for some other area.

(2) The public analyst shall analyse, examine or test or have analysed, examined or tested, as soon as practicable any sample submitted to him in pursuance of this regulation.

(3) A public analyst who has analysed, examined or tested a sample shall give to the person by whom it was originally submitted a certificate specifying the result of the analysis, examination or test.

(4) Any certificate of the results of an analysis, examination or test given by a public analyst in pursuance of this regulation shall be signed by the public analyst, but the analysis, examination or test may be made by any person acting under the direction of the analyst.

Method of analysis

14.—(1) The method used in analysing any sample for the purpose of establishing the quantity of vinyl chloride monomer present in the material or article in order to determine whether it complies with regulation 5(1)(a) shall be the method specified in the Annex to Commission Directive No [80/766/EEC\(1\)](#) (which lays down the Community method of analysis for the official control of the vinyl chloride monomer level in materials and articles which are intended to come into contact with foodstuffs).

(2) The method used in analysing any food for the purpose of establishing the quantity of vinyl chloride present in the food in order to determine whether a material or article which is or has been in contact with the food complies with regulation 5(1)(b) shall be the method specified in the Annex to Commission Directive No [81/432/EEC\(2\)](#) (which lays down the Community method of analysis for the official control of vinyl chloride released by materials and articles into foodstuffs).

Obstruction

15. No person shall—

- (a) intentionally obstruct an authorised officer acting in execution of these Regulations; or
- (b) without reasonable cause fail to give to any such authorised officer acting as aforesaid any assistance or information or to provide such facilities as the authorised officer may reasonably require of him for the purposes of his functions under these Regulations.

Confidentiality

16. No information obtained from any books or documents produced in accordance with regulation 12(b) shall, without the previous consent in writing of the person carrying on the trade or business in question, be disclosed except for the purpose of any proceedings for an offence against any of these Regulations or any report of those proceedings.

Authorised officer acting in good faith

17.—(1) An officer of an enforcement authority shall not be personally liable in respect of any act done by him in the execution or purported execution of these Regulations and within the scope of his employment, if he did that act in the honest belief that his duty under these Regulations required or entitled him to do it.

(2) Nothing in paragraph (1) above, shall be construed as relieving an enforcement authority from any liability in respect of acts of its officers.

(3) Where an action has been brought against an officer of an enforcement authority in respect of an act done by him in the execution or purported execution of these Regulations and the circumstances are such that he is not legally entitled to require the authority to indemnify him, the authority may, nevertheless, indemnify him against the whole or a part of any damages and costs or in Scotland of any damages and expenses which he may have been ordered to pay or which he may

(1) O.J. No. L213, 16.8.80, p. 42.

(2) O.J. No. L167, 24.6.81, p. 6.

have incurred, if they are satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty under these Regulations required or entitled him to do it.

(4) For the purposes of this regulation, a public analyst appointed by a food and drugs authority shall be treated as being an officer of that authority, whether or not he is employed full time.