

---

STATUTORY INSTRUMENTS

---

**2015 No. 454**

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015**

**PART 5**

**Enforcement powers and related provisions**

**Feed business emergency prohibition notices and orders**

**29.**—(1) If an authorised officer of an enforcement authority is satisfied that the health risk condition is fulfilled with respect to a feed business the officer may, by a notice served on the relevant feed business operator (in these Regulations referred to as a “feed business emergency prohibition notice”), impose the appropriate prohibition.

(2) If a magistrates’ court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to a feed business, the court must, by an order (in these Regulations referred to as a “feed business emergency prohibition order”), impose the appropriate prohibition.

(3) Such an officer may not apply for a feed business emergency prohibition order unless, at least one day before the date of the application, the officer has served notice on the relevant feed business operator of the intention to apply for the order.

(4) Paragraphs (2) and (3) of regulation 28 apply for the purposes of this regulation as they apply for the purposes of that regulation, but as if the reference in paragraph (2) to risk of injury to health were a reference to imminent risk of such injury.

(5) As soon as practicable after the service of a feed business emergency prohibition notice, an authorised officer of an enforcement authority must affix a copy of the notice in a conspicuous position on such premises used for the purposes of the feed business as the officer considers appropriate; and a person who knowingly contravenes such a notice commits an offence.

(6) As soon as practicable after the making of a feed business emergency prohibition order, an authorised officer of an enforcement authority must —

- (a) serve a copy of the order on the relevant feed business operator; and
- (b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the feed business as the officer considers appropriate,

and a person who knowingly contravenes such an order commits an offence.

(7) A feed business emergency prohibition notice ceases to have effect —

- (a) if no application for a feed business emergency prohibition order is made within the period of three days beginning with the service of the notice, at the end of that period; or
- (b) if such an application is so made, on the determination or abandonment of the application.

(8) A feed business emergency prohibition notice or a feed business emergency prohibition order ceases to have effect on the issue by the enforcement authority of a certificate to the effect that it is satisfied that the feed business operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the feed business.

(9) The enforcement authority must issue a certificate under paragraph (8) within three days of being satisfied as mentioned in that paragraph; and on an application by the feed business operator for such a certificate, the authority must —

- (a) determine as soon as is reasonably practicable and in any event within 14 days whether or not it is so satisfied; and
- (b) if it determines that it is not so satisfied, give notice to the feed business operator of the reasons for that determination.

(10) Where a feed business emergency prohibition notice is served on a feed business operator, the enforcement authority must compensate the operator in respect of any loss suffered by reason of complying with the notice unless —

- (a) an application for a feed business emergency prohibition order is made within the period of three days beginning with the service of the notice; and
- (b) the court declares itself satisfied, on the hearing of the application, that the health risk condition was fulfilled with respect to the feed business at the time when the notice was served,

and any disputed question as to the right to or the amount of any compensation payable under this paragraph is to be determined by arbitration.

---

**Commencement Information**

**II** [Reg. 29](#) in force at 6.4.2015, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, Section 29.