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STATUTORY INSTRUMENTS

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**2018 No. 1275**

**The Quality Schemes (Agricultural  
Products and Foodstuffs) Regulations 2018**

**PART 3**

Duties of execution and enforcement

**Enforcement authorities** **E+W+S**

**6.—**(1) The Secretary of State must execute and enforce the provisions of the EU Regulations and these Regulations directly or ensure that they are executed and enforced.

(2) The Secretary of State may appoint enforcement authorities in respect of specified areas.

(3) An enforcement authority appointed under paragraph (2) must execute and enforce the provisions of the EU Regulations and these Regulations specified in the terms of its appointment.

[<sup>F1</sup>(4) For the purposes of these Regulations any authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990 is eligible for appointment as an enforcement authority.]

(5) Where an enforcement authority is appointed under paragraph (2), the appointment shall operate in relation to its area only.

(6) Paragraph (5) does not apply where an enforcement authority is so appointed for the purpose of Article 37(1)(a) or, in relation to any authorised officer, where consent is granted under regulation 8(3).

(7) The appointment of an enforcement authority under paragraph (2) does not preclude the Secretary of State from exercising enforcement powers in the area of that authority.

**Extent Information**

**E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**Textual Amendments**

**F1** [Reg. 6\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **12(5)**

**Enforcement authorities** **N.I.**

**6.—**(1) The Secretary of State must execute and enforce the provisions of the EU Regulations and these Regulations directly or ensure that they are executed and enforced.

(2) The Secretary of State may appoint enforcement authorities in respect of specified areas.

(3) An enforcement authority appointed under paragraph (2) must execute and enforce the provisions of the EU Regulations and these Regulations specified in the terms of its appointment.

[<sup>F2</sup>(4) For the purposes of these Regulations any district council within the meaning of the Interpretation Act (Northern Ireland) 1954 is eligible for appointment as an enforcement authority.]

(5) Where an enforcement authority is appointed under paragraph (2), the appointment shall operate in relation to its area only.

(6) Paragraph (5) does not apply where an enforcement authority is so appointed for the purpose of Article 37(1)(a) or, in relation to any authorised officer, where consent is granted under regulation 8(3).

(7) The appointment of an enforcement authority under paragraph (2) does not preclude the Secretary of State from exercising enforcement powers in the area of that authority.

#### Extent Information

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Textual Amendments

**F2** [Reg. 6\(4\)](#) substituted (N.I.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **15(4)**

### Authorised officers

7. Each enforcement authority must appoint authorised officers to act for the purposes of the performance of its duty under regulation 6(3).

### Default powers and authorised officers' powers

8.—(1) Where the Secretary of State considers that the duty of an enforcement authority has not been adequately carried out in its area, the Secretary of State may appoint one or more persons to exercise in that area the powers exercisable by an authorised officer and references in these Regulations to an authorised officer include an officer appointed in accordance with this paragraph.

(2) Any expenses certified by the Secretary of State as having been incurred in respect of the area of an enforcement authority mentioned in paragraph (1) must be repaid on demand by that enforcement authority.

(3) An authorised officer may not exercise powers under these Regulations or the EU Regulations in respect of any premises outside the area for which that officer is appointed except with the consent of the enforcement authority for the area in which those premises are situated.

### Protection of officers acting in good faith

9.—(1) An authorised officer is not personally liable in respect of any act done—

- (a) in the execution or purported execution of functions under these Regulations or the EU Regulations, and
- (b) within the scope of the officer's employment,

if the officer acted in the honest belief that the duty under these Regulations or the EU Regulations required or entitled the officer to so act.

(2) Nothing in paragraph (1) is to be construed as relieving any enforcement authority of any liability in respect of the acts of its officers.

- (3) Where an action has been brought against an authorised officer in respect of an act done—
- (a) in the execution or purported execution of functions under these Regulations or the EU Regulations, but
  - (b) outside the scope of the officer's employment,

the enforcement authority may indemnify the officer against the whole or a part of any damages ordered to be paid or any costs awarded if that authority is satisfied that the officer honestly believed that the act complained of was within the scope of the officer's employment.

**Changes to legislation:**

There are currently no known outstanding effects for the The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018, PART 3.