**A****nnex 8 Model Enforcement Forms**

Model forms which may be used by authorised officers in connection with the Hygiene Regulations are provided below.

|  |  |
| --- | --- |
| **Location** | **Model Form** |
| Annex 8.1 | [Feed Business Improvement Notice](#A7_1) |
| Annex 8.2 | [Feed Business Emergency Prohibition Notice](#A7_2) |
| Annex 8.3 | [Detention Notice](#A7_3) |
| Annex 8.4 | [Certificate of Withdrawal of Detention Notice](#A7_4) |
| Annex 8.5 | [Seizure Notice](#A7_5) |
| Annex 8.6 | [Certification That Health Risk Condition No Longer Exists](#A7_6) |
| Annex 8.7 | [Notice of Suspension of Registration / Approval](#A7_7) |
| Annex 8.8 | [Notice of Revocation of Registration / Approval](#A7_8) |

**Annex 8.1 Model Form 1 – Feed Business Improvement Notice**

Authority: ………………………………………………………………………………………………………………………………**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 Regulation 24**

**FEED BUSINESS IMPROVEMENT NOTICE** Reference Number: ………………………………………………………

1. To:……………………………………………………………………………………………………………………………………(Feed Business Operator)

At:……………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………(Address of Feed Business Operator)

1. I have reasonable grounds for believing that you are failing to comply with the feed law because:

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

[Officer to insert grounds for believing that requirements of specified feed law as defined in the Feed Hygiene Regulations are being breached]

in connection with your feed business ………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………(Name of Feed Business)

at ……………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………(Address of Feed Business)

The matters which constitute your failure to comply are:

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

[Officer to insert provision(s) of specified feed law as defined in the Feed Hygiene Regulations are being breached and how]

1. In my opinion, the following measure(s) are needed for you to comply with the legal requirements specified above:

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

1. The measure or measures that will achieve the same effect must be taken by:………………………………………………………………………………(date)
2. *It is an offence not to comply with this feed business improvement notice by the date stated.*

Signed:………………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ………………………………………………………………………………………………………………………………………………………………………

Date: ………………………………………………………………………………………………………………………………………………………………………………………………………

Address: ………………………………………………………………………………………………………………………………………………………………………………………………

Tel: ……………………………………………………………………………………………………… Fax: …………………………………………………………………………………

E-mail: ……………………………………………………………………………………………

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

**Annex 8.1 Model Form 1 - Improvement Notice (reverse)**

**NOTES**

1. In the opinion of the authorised officer you are not complying with specified feed law as that term is defined in the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 as detailed in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.
3. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.

**YOUR RIGHT OF APPEAL**

1. In accordance with Regulation 25 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, if you disagree with all or part of this notice, you can appeal to the magistrates' court. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
2. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. However, if you are not complying with the legal requirements mentioned in the notice, you may still be prosecuted for failure to comply with those requirements.
3. When the appeal is heard, the magistrates' court may confirm, cancel or vary the notice.

**WARNING**

 ***FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE***

Offenders are liable to be fined and / or imprisoned for up to 2 years.

**Annex 8.2 Model Form 2 – Feed Business Emergency Prohibition Notice**Authority: ………………………………………………………………………………………………………………………………**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 Regulation 29FEED BUSINESS EMERGENCY PROHIBITION NOTICE** Reference Number: ………………………………………………………

1. To:……………………………………………………………………………………………………………………………………(Feed Business Operator)

At:……………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………(Address of Feed Business Operator)

1. I am satisfied that the health risk condition is fulfilled with respect to: ……………………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………(Name of Feed Business)

At:……………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………(Address of Feed Business)

Because:………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

(\* See Note 1 overleaf)

YOU MUST NOT USE IT FOR THE PURPOSES OF [THIS] [ANY] [THIS OR ANY SIMILAR]† FEED BUSINESS.

[† Officer to delete as appropriate]

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ………………………………………………………………………………………………………………………………………………………………………

Date: ………………………………………………………………………………………………………………………………………………………………………………………………………

Address: …………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………………………………………

Tel: …………………………………………………………………………………………………… Fax: ……………………………………………………………………………………

E-mail: …………………………………………………………………………………………

**Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.**

**Annex 8.2** **Model Form 2 – Feed Business Emergency Prohibition Notice (reverse)**

**NOTES**

1. When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the officer in paragraph 2 of the notice and located at the address stated.
2. Within 3 days of service of this notice, the authority must apply to a magistrates' court for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the health risk condition, you should apply in writing to the authority for a certificate, which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 2 of the notice (see Regulation 28(2) of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015as applied by Regulation 29(4)) until (a) a court decides you may do so; (b) the authority issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and the authority has not applied to the court as in paragraph 2 above; or (d) the authority abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence (under section l of the Criminal Damage Act 1971) to deface it.
6. COMPENSATION: If the authority does not apply to the magistrates' court, for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the magistrates' court, decide at the hearing that the health risk condition was not fulfilled with respect to the feed business at the time when the notice was served.

**WARNING**

***ANYONE WHO KNOWINGLY CONTRAVENES THIS NOTICE IS GUILTY OF AN OFFENCE***

Offenders are liable to be fined and / or imprisoned for up to 2 years.

**Annex 8.3 Model Form 3 - Detention Notice**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 – Regulation 31**

**DETENTION NOTICE**

Reference Number: ………………………………………………………

1. To:…………………………………………………………………………………………………………………….…………….(Feed Business Operator)

At:………………………………………………………………………………………………………………………………………………………………………………………………….

………………………………………………………………………………………………………………(Address of Feed Business Operator)

Name of feed business:.…………………………………………………………………………………………………………………………………………….

Address of feed business:………………………………………………….……………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………………………….

1. The enforcement authority is satisfied that Requirements under the Hygiene Regulations are being breached, as outlined below:

…………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………….

1. For the purpose of examination the following feed is being detained:

………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address:……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: ……………………………………………………………………………………………….. Fax: ………………………………………………………………………………….

E-mail: …………………………………………………………………………………………

**Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.**

**Annex 8.3 Model Form 3 - Detention Notice (reverse)**

**NOTES**

1. When the authorised officer is satisfied that the legal requirements specified in paragraph 2 of the Detention Notice are being met, and receives evidence that the feed need no longer need be detained, a withdrawal notice shall be issued to you. An authorised officer has 21 days following receipt of such evidence to come to a decision.
2. In accordance with Regulation 31 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, you are entitled to appeal against this notice. If you want to do so, you should apply to the magistrates' court, within one calendar month of the date on which this notice is served on you.

**Annex 8.4 Model Form 4 – Certificate of Withdrawal of Detention Notice**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 - Regulation 31**

**CERTIFICATE FOR THE WITHDRAWAL OF A DETENTION NOTICE**

Reference Number: ………………………………………………………

1. To: ……………………………………………………………………………………………………………………………….(Feed Business Operator)

At:…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………(Address of Feed Business Operator)

Name of feed business …………………………………………………………………………………………………………….…………………………………

Address of feed business ……………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………………………………………………………………

1. The enforcement authority certifies that it is satisfied that you have taken sufficient measures: i.e.

Therefore the specified feed need no longer be detained.

The Detention Notice served on you on ………………………………………………………(date) is hereby withdrawn.

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address: ……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: …………………………………………………………………………………………………… Fax: ………………………………………………………………………………….

E-mail: ……………………………………………………………………………………………

**Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.**

**Annex 8.4 Model Form 4 - Certificate of Withdrawal of a Detention Notice (reverse)**

**NOTES**

1. The feed that has been released may be returned to the feed chain.
2. In appropriate circumstances you may have a right to claim compensation under the terms of Regulation 31(6) of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015.

**Annex 8.5 Model Form 5 – Seizure Notice**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 – Regulation 31**

**SEIZURE NOTICE**

Reference Number: ………………………………………………………

1. To:…………………………………………………………………………………………………………………….…………….(Feed Business Operator)

At:………………………………………………………………………………………………………………………………………………………………………………………………….

…………………………………………………………………………………………………………………………………….(Address of Feed Business Operator)

Name of feed business:.…………………………………………………………………………………………………………………………………………….

Address of feed business:………………………………………………….……………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………………………….

1. The enforcement authority is satisfied that Requirements under the Hygiene Regulations

are being breached, as outlined below:

…………………………………………………………………………………………………………………………………………………………………………………………………………

……………………………………………………………………………………………………………………………………………………………………………………………………………

…………………………………………………………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address:……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: ……………………………………………………………………………………………….. Fax: ………………………………………………………………………………….

E-mail: …………………………………………………………………………………………

**If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.**

**Annex 8.6 Model Form 6 - Certification that Health Risk Condition No Longer Exists**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 - Regulations 28(6) & 29(8)**

**CERTIFICATE THAT THE HEALTH RISK CONDITION NO LONGER EXISTS**

Reference Number: ………………………………………………………

1. To: ……………………………………………………………………………………………………………………………….(Feed Business Operator)

At:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………(Address of Feed Business Operator)

Name of feed business …………………………………………………………………………………………………………….…………………………………

Address of feed business ……………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………………………………………………………………

1. The enforcement authority certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent\* risk of injury to health described in the:

Feed Business Prohibition Order\*

Feed Business Emergency Prohibition Notice\*

Feed Business Emergency Prohibition Order\*

 [\* Officer to delete as appropriate]

served on you on ……………………………………………………………………………………(date).

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address: ……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: …………………………………………………………………………………………………… Fax: ………………………………………………………………………………….

E-mail: …………………………………………………………………………………………

**THIS CERTIFICATE MEANS THAT YOU MAY NOW USE THE PREMISES, PROCESS, TREATMENT OR EQUIPMENT AGAIN.**

**Annex 8.6 Model Form 6 - Certification that Health Risk Condition No Longer Exists (reverse)**

**NOTES**

1. The authority is now satisfied that the health risk condition no longer exists in respect of the circumstances that caused the authority to issue you with an Emergency Prohibition Notice or the court to impose a Prohibition Order or Hygiene Emergency Prohibition Order\*.
2. The relevant notice or order is now lifted and you may use the premises, process, treatment or equipment again.

[\* Officer to delete as appropriate]

**Annex 8.7 Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 - Regulation 8**

**Notice of Intention to Suspend Registration/Approval\***

Reference Number: ………………………………………………………

* + - 1. To: ……………………………………………………………………………………………………………………………….(Feed Business Operator)

At:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………(Address of Feed Business Operator)

Name of feed business …………………………………………………………………………………………………………….…………………………………

Address of feed business ……………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………………………………………………………………

* + - 1. The enforcement authority gives notice that on the [*enter date suspension is to take effect from*], the [*enter the full name of the enforcement authority*],proposespursuant to Regulation 8 mentioned above and Article 14 of Regulation (EC) No 183/2005 to suspend your approval/registration to [*enter the activity(ies) for which the approval/registration is held*] at [*enter the address of the establishment(s) to which the suspension applies*]because the Authority is not satisfied that the relevant/essential conditions/duties stated in column one of the table in the attached schedule, required by the Regulations, are being complied with.
			2. In order for the suspension to be lifted, you must take the remedial action listed in column two of the attached schedule, to the satisfaction of the Authority. If the required remedial action has not been carried out to the satisfaction of the Authority within twelve months of the operative date mentioned in paragraph 2 the approval/registration will be revoked without further notice.

 [\* Officer to delete as appropriate]

served on you on ……………………………………………………………………………………(date).

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address: ……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: …………………………………………………………………………………………………… Fax: ………………………………………………………………………………….

E-mail: …………………………………………………………………………………………

**Annex 8.7 Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL (reverse)**

Right of Appeal.

Take notice that under Regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015you have a right to appeal to a magistrate’s court against the decision of the Authority to suspend your registration/approval at [*enter the address of the establishment(s) to which the suspension applies*]. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

**Annex 8.7 Model Form 7 - NOTICE OF SUSPENSION OF REGISTRATION/APPROVAL (Schedule)**

|  |  |
| --- | --- |
| Column 1Relevant/essential conditions/duties not being complied with | Column 2Action required to ensure compliance |
| [Enter appropriate reference -refer to the Regulation (EC) No 183/2005 Feed Hygiene Regulations]  | [Enter appropriate detail] |

**Annex 8.8 Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL**

Authority: ………………………………………………………………………………………………………………………………

**The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 - Regulation 10**

**Notice of Revocation of Registration/Approval\***

Reference Number: ………………………………………………………

To: ……………………………………………………………………………………………………………………………….(Feed Business Operator)

At:……………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………(Address of Feed Business Operator)

Name of feed business …………………………………………………………………………………………………………….…………………………………

Address of feed business ……………………………………………………………………………………………………………………………………….

……………………………………………………………………………………………………………………………………………………………………………………………………………

2. You are hereby given notice that with effect from the [*enter date revocation to be effective from*]*,* your approval/ registration is revoked in relation to [*here enter the activity(ies) for which the approval/registration is held*] at [*enter the address of the establishment(s) to which the revocation applies*]because the Authority is satisfied [*here insert one of the following three reasons:*

*(1) the activity has ceased at the establishment,*

*(2) the establishment has not complied with the relevant requirements for the activity being undertaken stated in column one of the table below, required by the Regulations.*

*(3) that serious deficiencies have been identified and / or production has had to be repeatedly stopped and furthermore that you are unable to give to the authority guarantees that future production will comply with European Community rules.*

In order to regain your approval/registration you must take remedial action, to the satisfaction of the Authority, which is listed in column two of the attached schedule and reapply to the Authority for approval/registration as appropriate.

 [\* Officer to delete as appropriate]

served on you on ……………………………………………………………………………………(date).

Signed: ……………………………………………………………………………………………………………………………………………(Authorised Officer)

Name in capitals: ……………………………………………………………….………………………………………………………………………………………………….

Date: …………………………………………………………………………………………………………………………………………………………………………………….………………

Address: ……………………………………………………………………………………………………………………………………………………………………

………………………………………………………………………………………………………………………………………………………………………………………

Tel: …………………………………………………………………………………………………… Fax: ………………………………………………………………………………….

E-mail: …………………………………………………………………………………………

**Annex 8.8 Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL (reverse)**

Right of Appeal

Take notice that under Regulation 12 of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015you have a right to appeal to a magistrate’s court against the decision of the Authority to revoke your registration/approval at *(here enter the address of the establishment(s) to which the revocation applies)*. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

**Annex 8.8 Model Form 8 - NOTICE OF REVOCATION OF REGISTRATION/APPROVAL (Schedule)**

|  |  |  |
| --- | --- | --- |
| Column 1Relevant/**essential** conditions/duties not being complied with | Column 2Action required to ensure compliance |  |
| [Enter appropriate reference to the Regulation (EC) No 183/2005 Feed Hygiene Regulation] | [Enter appropriate detail] |  |

**Carrying out these activities without the appropriate approval/registration is an offence under the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 and could result in prosecution.**