

# Enhanced Investigatory Powers for the Food Standards Agency

Status: Closed

Date launched: 26 May 2022

Closing date: 18 August 2022

## Summary of responses

[Summary of FSA consultation responses on enhanced powers for the NFCU](#)

### This consultation will be of most interest to:

- legislators
- ministerial and non-ministerial government departments concerned with food safety and fraud investigation
- those working in policing and enforcement
- professional standards bodies and inspectorates
- devolved administrations
- local authorities
- trading standards officers
- environmental and public health professionals
- food business operators and trade bodies
- consumers
- civil liberties organisations
- wider stakeholders.

## Consultation subject

This consultation is to gather stakeholders' views on plans to seek enhanced investigatory powers for the National Food Crime Unit (NFCU) by way of regulations.

The Police, Crime, Sentencing and Courts Act 2022 received Royal Assent on 28 April 2022. It provides a power for the Secretary of State to confer on officers of the NFCU, by the laying of regulations, relevant powers from the Police and Criminal Evidence Act 1984 (PACE), the Criminal Justice and Police Act 2001 and the Criminal Justice and Public Order Act 1994 (CJPO).

It is proposed that enhanced investigatory powers would enable the NFCU to more effectively detect and investigate food crime.

## Purpose of the consultation

The consultation seeks views on whether certain additional statutory powers should be extended to the NFCU. It also seeks views on additional safeguards that might be put in place alongside such an extension. By consulting on this issue, the FSA is seeking views from stakeholders on whether the powers and safeguards proposed are a justified and proportionate set of measures to

enable the NFCU to tackle food crime effectively.

Secondary legislation would be required to provide such powers to the FSA, and in turn NFCU. We believe further investigatory powers are necessary for the NFCU to be able to execute independently its remit and mandate to lead criminal investigations into complex food crimes, for prosecution by the Crown Prosecution Service (CPS).

The proposed powers include the ability to apply for search warrants, seize evidence and interview suspects who are under arrest.

## Consultation pack:

This consultation pack provides the background information and details you will need to know to respond to the questions in this consultation.

### England and Wales

PDF

[View Enhanced Investigatory Powers for the Food Standards Agency background pack as PDF\(Open in a new window\)](#) (269.62 KB)

## How to respond

### Important

We would strongly advise that you respond to the consultation using the response documents provided below. However, if this is not possible, you can email a response to: [nfcuconsultation@food.gov.uk](mailto:nfcuconsultation@food.gov.uk). Further details are provided within the consultation pack.

### England and Wales

PDF

[View Enhanced Investigatory Powers consultation response document as PDF\(Open in a new window\)](#) (672 KB)

### England and Wales

ODT

[View Enhanced Investigatory Powers consultation response document \(accessible version\) as ODT\(Open in a new window\)](#) (8.87 KB)

## Related content National Food Crime Unit (NFCU)

- [National Food Crime Unit – About us](#)
- [Food crime intelligence reporting: barriers and enablers – research project](#)
- [Understanding food crime and how to report it](#)
- [FSA and FSS publish assessment of food crime in the UK](#)

## Publication of response summary

Within three months of a consultation ending, we aim to publish a summary of responses received and provide a link to it from this page.

You can find information on how we handle data provided in response to consultations in our [Consultations privacy notice](#).

## **Further information**

This consultation has been prepared in accordance with [HM Government Consultation Principles](#). If an Impact Assessment has been produced, this is included in the consultation documents. If no Impact Assessment has been provided, the reason will be given in the consultation document.

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