

## [News story: Ofqual conference 2017 – presentations from the day](#)

The annual Ofqual conference is for awarding organisations we regulate, these are the presentations from the day.

Don't include personal or financial information like your National Insurance number or credit card details.

What you were doing  What went wrong

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## [News story: Avian flu near Redgrave, Suffolk](#)

Avian Influenza H5N8 virus has been identified on a premises near Redgrave during investigations following a recent nearby case.

Defra's routine investigations following a confirmed case of H5N8 near Redgrave in Suffolk have led to the detection of the virus at a further separate premises.

Due to the unacceptable high risk and to contain the possible spread of avian flu, the UK's Deputy Chief Veterinary Officer has today (3 March) confirmed that proactive culling of around 55,000 birds will take place.

The premises will then be cleansed and disinfected, further reducing the risk to other birds. [A 3km Protection Zone and a 10km Surveillance Zone](#) are already in place following the previous case in the area. Our investigations will continue and the restrictions already placed on the site will remain in force until cleansing and disinfection is finished and the investigation is complete.

Public Health England advises that the risk to public health from the virus is very low and the Food Standards Agency is clear that bird flu does not pose a food safety risk for UK consumers.

Read the [latest advice and information on avian flu in the UK](#), including actions to reduce the risk of the disease spreading, advice for anyone who keeps poultry or captive birds and details of previous cases. You can use our

[interactive map](#) to check if you are affected by restrictions around any premises. Journalists with queries should contact Defra press office on 02082257318.

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## **News story: Open Rights Group campaign**

A large number of emails have been received about government plans to equalise the maximum sentence for online and physical copyright infringement at 10 years. This measure is contained within the [Digital Economy Bill 2016](#) which is in its final stage of the Parliamentary scrutiny process.

The Open Rights Group (ORG) campaign focuses on two areas. Firstly that an increased sentence may result in an increase of so called 'copyright trolls' threatening court action. Secondly, that the copyright clause within the Bill criminalises minor copyright infringement.

Infringement of another person's copyright in the circumstances covered by the redrafted criminal offences is already covered by existing criminal offences. The proposed measures in the Digital Economy Bill clarify the existing offences and take into account concerns that the ORG raised with government during consultation. The revised offence is designed to deter and deal with deliberate infringement, while protecting innocent or unwitting infringers.

### **Copyright trolls**

Copyright owners are entitled to enforce their rights. On occasion this may include contacting members of the public who are alleged to have infringed their rights. Such approaches are entirely legal. However if done in a threatening or harassing way, members of the public can report the solicitors in question to the Solicitor's Regulatory Authority (SRA). The SRA has taken action in previous such cases.

It is important to note that the criminal offences apply to making material available to others, not to those just downloading material to their computers. Anyone seeking to enforce their rights for the downloading of material would be unlikely to refer to this legislation.

The Intellectual Property Office has published [guidance](#) for members of the public who have received such approaches.

The risk of an increase of 'trolling' is considered to be low but the government will periodically review and respond to any concerns.

## **Minor infringement**

The criminal offences penalise communicating a copyright work to the public and infringing a performer's 'making available' right. Both of these acts are considered criminal where a person knows, or has reason to believe, that they are infringing the right and either intends to make a monetary gain, or knows or has reason to believe that they will cause loss or expose the rights holder to a risk of loss in money. These offences focus on those causing harm either for monetary gain or a monetary loss or risk of loss to the rights holder. A mental element has been introduced which requires an intention to make a gain or knowledge or reason to believe that the copyright owner will suffer loss or be exposed to a risk of loss.

Ten year sentences would only be applied in the most serious of criminal circumstances. It is highly unlikely that small, unintentional infringement would be caught by this offence. A person who believed that their acts fell within a copyright exception, such as that relating to criticism or review or quotation, would not be guilty of an offence.

It would not be practical for the government to set a specific level of loss or gain at which infringement becomes a criminal offence. This is because the circumstances of each infringement needs to be taken into account.

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## **[News story: GCA Supplier Mornings](#)**

### **27 March London**

Venue: Victoria House Southampton Row London WC1B 4DA

### **Programme for London event**

9.00 Breakfast Reception

9.30 Introduction from Christine Tacon: Latest Developments in the Work of the Groceries Code Adjudicator

10.00 Questions to the Adjudicator

10.25 Discussion 1: Forecasting

11.00 Coffee break

11.15 Discussion 2: Pay to Stay

12.00 Christine Tacon: Conclusion and next steps

12.15 Close

### 3 April Manchester

Venue: Manchester Conference Centre, Sackville Street Manchester M1 3BB For directions to the venue go to: [www.manchesterconferencecentre.com/location](http://www.manchesterconferencecentre.com/location)

#### Programme for Manchester event

8.45 Breakfast Reception

9.15 Introduction from Christine Tacon: Latest Developments in the Work of the Groceries Code Adjudicator

9.45 Questions to the Adjudicator

10.10 Discussion 1: Forecasting

10.45 Coffee break

11.00 Discussion 2: Pay to Stay

11.45 Christine Tacon: Conclusion and next steps

12.00 Close

Following the morning events Christine Tacon will be available for one-to-one meetings with suppliers to discuss issues in confidence.

To register for one of the events and to book an individual session please contact [enquiries@gca.gsi.gov.uk](mailto:enquiries@gca.gsi.gov.uk)

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## [News story: Newcastle fresh produce retailer fined after failing to meet marketing standards](#)

A Newcastle based fresh produce retailer has been ordered to pay over £3,000 for displaying, offering for sale and selling rotten fruit and vegetables that failed to meet minimum quality standards.

Raja Mohammed Farooq Khan, owner of Medina Food Store, was charged by Newcastle Magistrates Court on 27 February 2017, following a six month long investigation by the Rural Payments Agency's (RPA) Horticultural Marketing Inspectors (HMI).

A final HMI inspection conducted on 7 September 2016, found five offences in breach of the EU marketing rules for fresh produce quality and labelling, including rotten peppers and apples.

Khan pleaded guilty to all charges. He was ordered to pay a fine of £295, £2,798 costs and a £30 victim surcharge.

Alison Johnson, RPA Operations Director said:

Concerted efforts were made by HMI to work closely with the business through face-to-face meetings, verbal warnings and formal written notices, all aimed at achieving improved compliance from the business.

Unfortunately such advice is not always heeded and when all other options have been exhausted we will resort to the use of criminal sanction to bring about a required change in behaviour.

- Medina Food Store is based at 35 Nuns Moor Road, Fenham, Newcastle upon Tyne, NE4 9AU.
- Horticultural Marketing Inspectors are part of the Rural Payments Agency (RPA). The inspectors are responsible for the enforcement of the EU marketing standards for fresh fruit, vegetables, salad crops, nuts and cultivated mushroom, throughout England and Wales, wherever fresh produce is grown, imported, exported, bought or sold.