

These notes relate to the Food (Scotland) Act 2015 (asp 1) which received Royal Assent on 13 January 2015

FOOD (SCOTLAND) ACT 2015

EXPLANATORY NOTES

THE ACT

Part 1: Food Standards Scotland

Section 21: Powers for persons carrying out observations

21. **Section 21** confers powers on a person authorised by FSS to carry out observations. An authorised person can be a FSS employee or any other individual, for example, a local authority employee. The powers are to enter premises, take samples, inspect and copy documents and require the person under observation to provide documents and information. These powers can only be used if it is necessary to carry out an observation. Documents can include the health records of individuals held by the business to assess an individual's suitability for working in the production or supply of food. For example, in order to prevent a public health risk, employers may need to obtain medical certificates about their employees' suitability to carry out certain duties with food. This section does not allow FSS access to the personal health records of an individual.