

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 22: Offences in relation to section 21

22. **Section 22** makes it an offence for an authorised person carrying out an observation to disclose or use information gathered which relates to a trade secret, outwith the course of their duties. This section does not prohibit FSS from using its own powers under section 31 to publish or disclose information. Instead, it is intended to apply to a situation where an authorised person gives a trade secret they have gathered during an observation to a rival business. Subsection (3) makes it an offence for a person to obstruct an authorised person from carrying out their duty to gather information as part of an observation.