



Food (Scotland) Act 2015

2015 asp 1

PART 1

FOOD STANDARDS SCOTLAND

Acquisition of information

21 Powers for persons carrying out observations

- (1) Any member of staff or other individual may, if authorised to do so by Food Standards Scotland, exercise the powers specified in subsection (2) for the purpose of carrying out observations under section 20 in relation to a particular matter.
- (2) The powers are—
 - (a) entering premises (other than a dwelling house) at a reasonable time,
 - (b) taking samples of any articles or substances on the premises,
 - (c) taking samples from any food source on the premises,
 - (d) inspecting and copying any information in a recorded form on the premises which relates to a business which is the subject of the observations (and where such information is in electronic form, requiring the information to be produced in a legible form in which it may be copied or taken away),
 - (e) requiring any person carrying on a business which is the subject of the observations to provide such facilities or information and such other assistance as the authorised person reasonably requests.
- (3) The reference in subsection (2)(d) to information which relates to a business includes a reference to information which—
 - (a) relates to the health of a person who has, may have or may come into contact with food or food sources in the course of that person's work for the business, and
 - (b) was acquired or compiled for the purpose of assessing, or is kept for the purpose of recording, matters affecting the person's suitability for working in the production or supply of food or food sources (including any risks to public health which may arise if the person comes into contact with any food or food source).

Status: This is the original version (as it was originally enacted).

- (4) An authorisation under subsection (1)—
 - (a) must be in writing,
 - (b) may include limitations or conditions (including conditions relating to hygiene precautions to be taken while exercising powers in pursuance of the authorisation).
- (5) The powers specified in subsection (2) may be exercised only if it appears to the authorised person to be necessary to do so for the purpose of carrying out the observations concerned.
- (6) An authorised person must if so required—
 - (a) produce evidence of the person’s identity and authorisation before exercising a power in pursuance of the authorisation,
 - (b) provide a document identifying any sample taken, or information copied, under those powers.
- (7) In this section, “authorised person” means a person authorised under subsection (1).