



# Food (Scotland) Act 2015

## 2015 asp 1

### PART 1

#### FOOD STANDARDS SCOTLAND

##### *Enforcement action*

#### **29 Offences in relation to section 28**

- (1) Where subsection (2) applies, an authorised person commits an offence if the person makes use of or discloses to any other person any information obtained while on premises entered in exercise of the power in section 28(2)(a).
- (2) This subsection applies if—
  - (a) the information relates to a trade secret, and
  - (b) the information is used or the disclosure is made other than in performance of the authorised person's duty.
- (3) A person commits an offence if the person—
  - (a) intentionally obstructs an authorised person in exercising a power in section 28(2)(a), (b) or (c),
  - (b) fails without reasonable excuse to comply with any requirement imposed under section 28(2)(d), or
  - (c) in purported compliance with a requirement imposed under section 28(2)(d)—
    - (i) provides information which the person knows to be false or misleading in a material way, or
    - (ii) recklessly provides information which is false or misleading in a material way.
- (4) A person who commits an offence under subsection (1) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this section, “authorised person” means a person authorised under section 28(1).