
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 616

**The Official Feed and Food Controls
(Scotland) Regulations 2005**

PART 3

**OFFICIAL CONTROLS ON FEED AND FOOD OF
NON-ANIMAL ORIGIN FROM THIRD COUNTRIES**

Powers of entry of authorised officers of a food authority

37.—(1) An authorised officer of a food authority shall, on producing if so required, some duly authenticated document showing the officer's authority, have a right at all reasonable hours—

- (a) to enter any premises within the authority's area for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of the Import Provisions in relation to food;
- (b) to enter any premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any such contravention within that area; and
- (c) to enter any premises for the purpose of the performance by the authority of their functions under the Import Provisions,

but admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(2) If a sheriff, a magistrate or a justice of the peace on sworn information in writing, is satisfied that there is reasonable ground for entry onto any premises for any such purpose as is mentioned in paragraph (1) and either—

- (a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,

the sheriff, magistrate or justice may by signed warrant authorise the authorised officer to enter the premises, if need be by reasonable force.

(3) Every warrant granted under this regulation shall continue in force for a period of 1 month.

(4) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it, may be accompanied by such other persons as the officer considers necessary, and on leaving any unoccupied premises which the officer has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as they were found.

(5) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are stored in any electronic form—

- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and
 - (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as the officer may reasonably require.
- (6) Any officer exercising any power conferred by paragraph (5) may–
- (a) seize and detain any records which the officer has reason to believe may be required as evidence in proceedings under any of the provisions of the Import Provisions; and
 - (b) where the records are stored in any electronic form, require the records to be produced in a form in which they may be taken away.
- (7) If any person who enters any premises by virtue of this regulation, or of a warrant issued under it, discloses to any person any information obtained on the premises with regard to any trade secret, that person is, unless the disclosure was made in the performance of that person’s duty, guilty of an offence.
- (8) Nothing in this regulation authorises any person, except with the permission of the local authority under the Animal Health Act 1981(1), to enter any premises–
- (a) on which an animal or bird affected with any disease to which that Act applies is kept; and
 - (b) which is situated in a place declared under that Act to be infected with such a disease.

(1) 1981 c. 22.