
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 91

**The Official Controls (Animals, Feed
and Food) (Scotland) Regulations 2007**

Part 3

Audits and Community controls

Powers of auditors and exception for Food Standards Agency auditors

- 7.—(1) An auditor may exercise the powers in this regulation if the auditor is authorised—
- (a) by a competent authority designated under these Regulations to carry out an audit of its activities; or
 - (b) by the Scottish Ministers to carry out an audit pursuant to regulation 8(3).
- (2) For the purposes of carrying out an audit, an auditor may enter premises to which an inspector has a power of entry under relevant legislation (“audit premises”) as if the auditor were an inspector meeting the criteria for gaining such entry under that relevant legislation.
- (3) An auditor exercising power of entry may be accompanied by any person whose assistance the auditor reasonably requires.
- (4) An auditor may request such information from any person at any audit premises as the auditor reasonably requires for purposes of the audit, and may inspect such records as the auditor reasonably requires for those purposes.
- (5) An auditor may make or require copies of such records.
- (6) When exercising the powers conferred by this regulation an auditor shall upon request produce evidence of the auditor’s authorisation under these Regulations.
- (7) This regulation shall not apply where regulation 9 applies.

Powers of the Scottish Ministers in relation to audits of local authorities, etc

- 8.—(1) The Scottish Ministers may require a competent authority designated under regulation 5 to provide them with information about any audits it has carried out or undergone or which it plans to carry out or undergo.
- (2) Where the Scottish Ministers require information under paragraph (1), they shall do so in writing and shall state the time limit within which the required information is to be provided.
- (3) The Scottish Ministers may require—
- (a) an auditor to carry out an audit of a competent authority designated under regulation 5; and
 - (b) the competent authority concerned to provide such assistance to that auditor as the auditor may reasonably require in order to carry out the audit.

Powers of the Food Standards Agency undertaking audits on behalf of the Scottish Ministers

9.—(1) Where the Scottish Ministers arrange for the Food Standards Agency to undertake an audit in relation to relevant legislation, the audit provisions of the 2005 Regulations shall apply as if—

- (a) the undertaking of such an audit was for a purpose described in regulation 8 of the 2005 Regulations; and
 - (b) the competent authority concerned was an enforcement authority to which regulations 9 and 10 of the 2005 Regulations applied.
- (2) The audit provisions of the 2005 Regulations are—
- (a) regulations 9 and 10(1) to (8) and (10), as read with regulation 11; and
 - (b) regulation 12.

(3) Regulations 18(2) and (4), 19(2) to (9), 20 to 22, 42 to 47 of the 2005 Regulations shall apply where paragraph (1) of this regulation applies as if that paragraph were a provision of the 2005 Regulations falling to be enforced or executed under the 2005 Regulations.

(4) Regulation 18(5) of the 2005 Regulations, in so far as it relates to an authority which appoints an officer acting under regulation 19 of those Regulations, shall apply where paragraph (1) of this regulation applies as if that paragraph were a provision of the 2005 Regulations falling to be enforced or executed under the 2005 Regulations.

Community controls

10. In so far as an inspector does not already have powers to do so, for the purposes of facilitating audits to be carried out by Commission experts pursuant to Article 45, an inspector may enter any premises to which the inspector has a power of entry under relevant legislation, and—

- (a) be accompanied by any such experts; and
- (b) show them such records as the inspector inspects.