



# Food Act 1984

## 1984 CHAPTER 30

### PART VII

#### GENERAL AND SUPPLEMENTAL

##### *Protection*

#### **116 Officer acting in good faith**

- (1) An officer of a council is not personally liable in respect of any act done by him—
  - (a) in the execution or purported execution of this Act, and
  - (b) within the scope of his employment,if he did that act in the honest belief that his duty under this Act required or entitled him to do it.
- (2) Nothing in subsection (1) shall be construed as relieving a council from any liability in respect of the acts of their officers.
- (3) Where—
  - (a) an action has been brought against an officer of a council in respect of an act done by him in the execution or purported execution of this Act, and
  - (b) the circumstances are such that he is not legally entitled to require the council to indemnify him,the council may, nevertheless, indemnify him against the whole or a part of any damages and costs which he may have been ordered to pay or may have incurred, if they are satisfied—
  - (i) that he honestly believed that the act complained of was within the scope of his employment; and
  - (ii) that his duty under this Act required or entitled him to do it
- (4) A public analyst appointed by a food and drugs authority shall for the purposes of this section be treated as being an officer of the authority whether or not he is employed whole-time.