



Food Standards Act 1999

1999 CHAPTER 28

Monitoring of enforcement action

14 Power of entry for persons monitoring enforcement action.

- (1) The Agency may authorise any individual (whether a member of its staff or otherwise) to exercise the powers specified in subsection (4) for the purpose of carrying out its function under section 12 in relation to any enforcement authority.
- (2) No authorisation under this section shall be issued except in pursuance of a decision taken by the Agency itself or by a committee, sub-committee or member of the Agency acting on behalf of the Agency.
- (3) An authorisation under this section shall be in writing and may be given subject to any limitations or conditions specified in the authorisation (including conditions relating to hygiene precautions to be taken while exercising powers in pursuance of the authorisation).
- (4) An authorised person may—
 - (a) enter any premises mentioned in subsection (5) at any reasonable hour in order to inspect the premises or anything which may be found on them;
 - (b) take samples of any articles or substances found on such premises;
 - (c) inspect and copy any records found on such premises (and, if they are kept in computerised form, require them to be made available in a legible form);
 - (d) require any person present on such premises to provide him with such facilities, such records or information and such other assistance as he may reasonably request.
- (5) The premises which may be entered by an authorised person are—
 - (a) any premises occupied by the enforcement authority;
 - (b) any laboratory or similar premises at which work related to the enforcement of any relevant legislation has been carried out for the enforcement authority; and
 - (c) any other premises (not being a private dwelling-house) which the authorised person has reasonable cause to believe are premises in respect of which

Changes to legislation: There are currently no known outstanding effects for the Food Standards Act 1999, Section 14. (See end of Document for details)

the enforcement powers of the enforcement authority are (or have been) exercisable.

- (6) The power to enter premises conferred on an authorised person includes power to take with him any other person he may consider appropriate.
- (7) An authorised person shall on request—
- (a) produce his authorisation before exercising any powers under subsection (4); and
 - (b) provide a document identifying any sample taken, or documents copied, under those powers.
- (8) If a person who enters any premises by virtue of this section discloses to any person any information obtained on the premises with regard to any trade secret he is, unless the disclosure is made in the performance of his duty, guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) Where—
- (a) the enforcement authority in relation to any provisions of the ^{M1}Food Safety Act 1990 (in this Act referred to as “the 1990 Act”) or orders or regulations made under it is (by virtue of section 6(3) or (4) of that Act) a Minister of the Crown, the National Assembly for Wales, the Scottish Ministers or the Agency, or
 - (b) the enforcement authority in relation to any provisions of the ^{M2}Food Safety (Northern Ireland) Order 1991 (in this Act referred to as “the 1991 Order”) or orders or regulations made under it is (by virtue of Article 26(1A), (1B), (2), (3) or (3A) of that Order) a Northern Ireland Department or the Agency,
- this section applies to that authority (in relation to its performance in enforcing those provisions) with the omission of subsection (5)(a).
- (10) In this section “authorised person” means a person authorised under this section.

Marginal Citations

M1 1990 c. 16.

M2 S.I. 1991/762(N.I. 7).

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