
WELSH STATUTORY INSTRUMENTS

2009 No. 3376

The Official Feed and Food Controls (Wales) Regulations 2009

PART 5

ENFORCEMENT AND SUPPLEMENTARY PROVISIONS

Protection of officers acting in good faith

49.—(1) An officer of a relevant body is not personally liable in respect of any act done by him or her—

- (a) in the execution or purported execution of the Official Control Regulations; and
- (b) within the scope of his or her employment,

if the officer did that act in the honest belief that his or her duty under the Official Control Regulations required or entitled him or her to do it.

(2) Nothing in paragraph (1) is to be construed as relieving any relevant body of any liability in respect of the acts of its officers.

(3) Where an action has been brought against an officer of a relevant body in respect of an act done by the officer—

- (a) in the execution or purported execution of the Official Control Regulations; but
- (b) outside the scope of his or her employment,

the body may indemnify the officer against the whole or a part of any damages which the officer has been ordered to pay or any costs which he or she may have incurred if it is satisfied that he or she honestly believed that the act complained of was within the scope of his or her employment.

(4) In so far as a food authority is a relevant body for the purposes of this regulation, a public analyst appointed by a food authority must be treated for the purposes of this regulation as being an officer of the authority, whether or not his or her appointment is a whole-time one.

(5) In this regulation “relevant body” means a body acting as—

- (a) a competent authority;
- (b) an enforcement authority as defined in regulation 22; or
- (c) a relevant enforcement authority.