



Food (Scotland) Act 2015

2015 asp 1

PART 1

FOOD STANDARDS SCOTLAND

Enforcement action

28 Powers for persons monitoring enforcement action

- (1) Any member of staff or other individual may, if authorised to do so by Food Standards Scotland, exercise the powers specified in subsection (2) for the purpose of carrying out the function under section 3(1)(e) in relation to any enforcement authority.
- (2) The powers are—
 - (a) entering any premises mentioned in subsection (3) at any reasonable time in order to inspect the premises or anything which may be on them,
 - (b) taking samples of any articles or substances on the premises,
 - (c) inspecting and copying any information in a recorded form on the premises (and where such information is in electronic form, requiring the information to be produced in a legible form in which it may be copied or taken away),
 - (d) requiring any person present on the premises to provide such facilities or information and such other assistance as the authorised person reasonably requests.
- (3) The premises in relation to which the power in subsection (2)(a) may be exercised are—
 - (a) any premises occupied by the enforcement authority (but see subsection (4)),
 - (b) any laboratory (or similar premises) at which work related to the enforcement of any food legislation has been carried out for the enforcement authority,
 - (c) any other premises (other than a dwelling house) which the authorised person has reasonable cause to believe are premises in respect of which the enforcement powers of the enforcement authority are (or have been) exercisable.
- (4) Subsection (3)(a) does not apply where the enforcement authority is the Scottish Ministers.

Status: This is the original version (as it was originally enacted).

- (5) An authorisation under subsection (1)—
- (a) must be in writing,
 - (b) may include limitations or conditions (including conditions relating to hygiene precautions to be taken while exercising powers in pursuance of the authorisation).
- (6) An authorised person must if so required—
- (a) produce the authorisation before exercising a power mentioned in subsection (2),
 - (b) provide a document identifying any sample taken, or information copied, under any of those powers.
- (7) In this section, “authorised person” means a person authorised under subsection (1).