



Food Standards Act 1999

1999 CHAPTER 28

Observations with a view to acquiring information

10 Power to carry out observations.

- (1) The Agency may, for the purpose of carrying out its function under section 8 or its corresponding function under section 9, carry out observations (or arrange with other persons for observations to be carried out on its behalf) with a view to obtaining information about—
 - (a) any aspect of the production or supply of food or food sources; or
 - (b) any aspect of the production, supply or use of animal feedingstuffs.
- (2) Without prejudice to the generality of subsection (1), the information that may be sought through such observations includes information about—
 - (a) food premises, food businesses or commercial operations being carried out with respect to food, food sources or contact materials;
 - (b) agricultural premises, agricultural businesses or agricultural activities;
 - (c) premises, businesses or operations involved in fish farming; or
 - (d) premises, businesses or operations involved in the production, supply or use of animal feedingstuffs.

(3) In this section—

“agricultural activity” has the same meaning as in the ^{M1}Agriculture Act 1947 or, in Northern Ireland, the ^{M2}Agriculture Act (Northern Ireland) 1949;

“agricultural business” has the same meaning as in section 1 of the ^{M3}Farm Land and Rural Development Act 1988 or, in Northern Ireland, Article 3 of the ^{M4}Farm Business (Northern Ireland) Order 1988;

“agricultural premises” means any premises used for the purposes of an agricultural business; and

“fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean or mollusc).

Changes to legislation: There are currently no known outstanding effects for the Food Standards Act 1999,
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Marginal Citations

- M1** 1947 c. 48.
M2 1949 c.2(N.I.)
M3 1988 c. 16.
M4 S.I.1988/1302 (N.I. 12).

11 Power of entry for persons carrying out observations.

- (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 any observations under section 10 specified in the authorisation.
- (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, if it appears to him necessary to do so for the purpose of carrying out the observations specified in his authorisation—
 - (a) enter any premises at any reasonable hour;
 - (b) take samples of any articles or substances found on any premises;
 - (c) take samples from any food source found on any premises;
 - (d) inspect and copy any records found on any premises which relate to a business which is the subject of the observations (and, if they are kept in computerised form, require them to be made available in a legible form);
 - (e) require any person carrying on such a business to provide him with such facilities, such records or information and such other assistance as he may reasonably request;but in this subsection “premises” does not include a private dwelling-house.
- (5) 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.
- (6) The references in subsection (4)(d) and (e) to records include any records which—
 - (a) relate to the health of any person who is or has been employed in the business concerned; and
 - (b) were created for the purpose of assessing, or are kept for the purpose of recording, matters affecting his suitability for working in the production or supply of food or food sources (including any risks to public health which may arise if he comes into contact with any food or food source).
- (7) If an authorised 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

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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.

- (8) A person who—
- (a) intentionally obstructs a person exercising powers under subsection (4)(a), (b), (c) or (d);
 - (b) fails without reasonable excuse to comply with any requirement imposed under subsection (4)(e); or
 - (c) in purported compliance with such a requirement furnishes information which he knows to be false or misleading in any material particular or recklessly furnishes information which is false or misleading in any material particular;
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) In this section “authorised person” means a person authorised under this section.

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