
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART V

MISCELLANEOUS AND GENERAL

Provisions relating to district councils

Protection for officers acting in good faith

67.—(1) An officer of a district council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Order and within the scope of his employment, if he did that act in the honest belief that his duty under this Order required or entitled him to do it.

(2) Nothing in paragraph (1) shall be construed as relieving a district council from any liability in respect of acts of their officers.

(3) Where—

- (a) an action has been brought against an officer of a district council in respect of an act done by him in execution or purported execution of this Order; 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 it is satisfied that he honestly believed that—

- (i) the act complained of was within the scope of his employment; and
- (ii) his duty under the Order required or entitled him to do it.

(4) For the purposes of this Article—

- (a) a public analyst appointed by a district council, whether or not he is employed full-time; and
- (b) a person approved by the Department for the purposes of Article 39(4);

shall be treated as being an officer of the relevant district council.