
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 3

The Food Hygiene (Scotland) Regulations 2006

PART 4

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Protection of officers acting in good faith

25.—(1) An officer of an enforcement authority is not personally liable in respect of any act done by that officer—

- (a) in the execution or purported execution of the Hygiene Regulations; and
- (b) within the scope of the officer's duties,

if the officer did that act in the honest belief that the officer's duties under the Hygiene Regulations required or entitled the doing of it.

(2) Nothing in paragraph (1) shall be construed as relieving any enforcement authority from any liability in respect of the acts of its officers.

(3) Where an action has been brought against an officer of an enforcement authority in respect of an act done by that officer—

- (a) in the execution or purported execution of the Hygiene Regulations; but
- (b) outside the scope of the officer's duties,

the authority 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 the officer may have incurred if it is satisfied that the officer honestly believed that the act complained of was within the scope of the officer's duties.

(4) A public analyst appointed by a food authority shall be treated for the purposes of this regulation as being an officer of the authority, whether or not the analyst's appointment is a whole time one.