
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 446

**The Official Feed and Food Controls
(Scotland) 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 that officer—

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

if the officer did that act in the honest belief that the officer's duty under the Official Control Regulations required or entitled it to be done.

(2) Nothing in paragraph (1) shall 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 that officer—

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

the relevant 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 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 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 shall be treated for the purposes of this regulation as being an officer of the authority, whether or not the public analyst's 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.

Changes to legislation:

There are currently no known outstanding effects for the The Official Feed and Food Controls (Scotland) Regulations 2009, Section 49.