

FOOD STANDARDS SCOTLAND

# Administration and Service Planning - Food Law Code of Practice (Scotland) 2020

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Presented to Scottish Parliament pursuant to section 40(1) of the Act<sup>1</sup>, regulation 24(1) of the Food Hygiene (Scotland) Regulations 2006<sup>2</sup> and regulation 6(1) of the Official Feed and Food Controls (Scotland) Regulations 2009<sup>3</sup>

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<sup>1</sup> [1990 CHAPTER 16](#)

<sup>2</sup> [SSI 2006 No. 3](#)

<sup>3</sup> [SSI 2009 No. 446](#)

## Foreword

The Administration and Service Planning – Food Law Code of Practice (Scotland) 2020 (hereafter referred to as the Administration and Service Planning Code 2020) is issued under section 40 of the Food Safety Act 1990, regulation 24 of the Food Hygiene (Scotland) Regulations 2006, and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009. Scottish Ministers are empowered under this legislation to issue Codes of Practice (including Codes of Recommended Practice concerning the execution and enforcement of Food Law by Food Authorities). In turn, Food Authorities (may also be referred to as Enforcement Authorities and Local Authorities) are required to have regard to such Codes when discharging their duties, and follow the provisions of the Code that apply to them. Food Authorities may be directed to take specific steps in order to comply with a Code.

The Administration and Service Planning - Food Law Code of Practice (Scotland) 2020 has been created to incorporate the following changes;

- Alignment with Food Standards Scotland's Regulatory Strategy.
- Alignment to reflect Food Standards Scotland's Strategy to 2021 and the Scottish Government's approach to Better Regulation as set out in the Scottish Regulators' Strategic Code of Practice.

The role of each Food Law Code of Practices is to ensure an effective, consistent and proportionate approach to the delivery of Food Law and Official Controls by Local Authorities across Scotland, in order to protect Food Law and the wider interests of consumers.

The Food (Scotland) Act 2015 provides the primary legislation that reflects the recommendations of the Scudamore Expert Advisory Group agreed with Scottish Ministers and the Food Standards Agency in November 2013. The application of the powers of the Food (Scotland) Act 2015 are detailed within this Code.

Local Authority delivery of Food Law and Official Controls is an essential part of Scotland's infrastructure for Public Health protection. This Code sets out how Food Standards Scotland and Local Authorities will work in partnership to discharge their statutory duties and help maintain consumer confidence in the regulation of the food supply chain in Scotland.

Scotland has a thriving food and drink industry which has a strong reputation both at home and abroad, and the Code is a key component of our regulatory system to ensure the highest standards of law are maintained. Each Code of Practice clearly recognises the important role of Local Authorities in contributing to sustainable economic growth, and the need to have due regard to the principles of better regulation in the way Food Law and Official Controls are delivered.

Date:

## TABLE OF CONTENTS

<b>SECTION 1 - ADMINISTRATION.....</b>	<b>8</b>
<b>1 INTRODUCTION.....</b>	<b>8</b>
<b>2 STATUTORY AND GENERAL OBLIGATIONS ON FOOD AUTHORITIES.....</b>	<b>9</b>
<b>3 INTER-AUTHORITY MATTERS .....</b>	<b>12</b>
3.1 Co-ordination of Advice and Enforcement.....	13
3.2 Operating in other areas.....	13
3.3 Regional and Local Liaison .....	14
3.4 Enforcement liaison arrangements between District and County Council Food Authorities in England, Wales and Northern Ireland.....	15
<b>4 QUALIFICATIONS AND COMPETENCE .....</b>	<b>16</b>
4.1 General Qualification and Experience Requirements.....	16
4.2 New Appointments .....	17
4.3 Training .....	17
4.4 Training Records.....	18
4.5 Contracted or Temporary Staff.....	18
4.6 Sampling .....	19
4.7 Lead Food Officer.....	19
4.8 Specific Qualification and Competency Requirements.....	21
4.8.1 Officers Appointed to Carry out Food Law Official Controls .....	21
4.8.2 Inspection of Specialist or Complex Processes.....	22
4.9 Qualifications and Awarding Bodies – Food Law .....	22
4.9.1 Service of Hygiene Improvement Notices (See also sub-section 15).....	24
4.9.2 Service of Improvement Notices (Food Safety Act 1990 (Section 10)).....	24
4.9.3 Service of Hygiene Emergency Prohibition Notices and or Emergency Prohibition Notices (See also sub-section 16).....	25
4.9.4 Service of Remedial Action Notices and or Detention Notices (Regulation 9 of the Food Hygiene (Scotland) Regulations 2006) (See also sub-section 18)....	25

4.9.5	Quality Assurance Systems .....	26
4.10	Food Law .....	26
4.10.1	Inspection, Removal & Seizure of Foodstuffs (See also sub-section 19).....	26
4.10.2	Non-Official Control Interventions .....	26
4.11	Food Law Rating System Group 3 Band A.....	27
4.12	Qualification Requirements for Interventions.....	27
<b>5</b>	<b>CONFLICTS OF INTEREST .....</b>	<b>28</b>
5.1	Introduction .....	28
5.2	Avoiding Potential Conflicts of Interest.....	28
5.3	Enforcement within Local Authority Run Establishments .....	29
<b>6</b>	<b>COMMUNICATION.....</b>	<b>29</b>
6.1	Disclosure of information.....	29
<b>7</b>	<b>FSS AND FSA COMMUNICATION AND GUIDANCE.....</b>	<b>29</b>
7.1	Introduction .....	29
7.2	Guidance Issued to Food Authorities .....	29
7.3	Enforcement Consistency .....	30
<b>8</b>	<b>FOOD BUSINESS ESTABLISHMENT RECORDS.....</b>	<b>30</b>
8.1	Introduction .....	30
8.2	Database of Food Business Establishments.....	30
8.3	Access to information .....	31
<b>9</b>	<b>INFORMATION TO BE SUPPLIED TO FSS.....</b>	<b>31</b>
9.1	Information requirements: .....	31
9.2	Matters Relating to Food Incidents.....	31
9.3	Concerns about Industry Practice .....	32
9.4	Matters Relating to Establishments Subject to Approval under Regulation (EC) No 853/2004.....	32
9.5	Quality of Live Bivalve Mollusc Production and Relaying Areas.....	33

9.6	Matters Relating to the Delegation of Tasks Related to Official Controls .....	33
9.7	Matters Relating to Liaison Arrangements with Other Member States or Third Countries.....	33
9.8	Lead Food Officer.....	33
9.9	Chief Executive, Head of Food Service and Authorised Officers .....	33
9.10	The Scottish National Database .....	33
<b>10</b>	<b>LIAISON WITH MEMBER STATES OF THE EU AND 3RD COUNTRIES.....</b>	<b>34</b>
10.1	Introduction .....	34
10.2	Trans-border Matters.....	35
10.3	Category A. Trans-border matters.....	35
10.4	Category B. Trans-border matters.....	35
10.5	Category C. Routine Liaison between Local Food Control Authorities of Member States.....	36
10.6	Enquiries to EU Member States .....	37
10.7	Enquiries from EU Member States .....	37
10.8	Disclosure of Information to EU Member States .....	37
<b>11</b>	<b>CROWN AND POLICE PREMISES .....</b>	<b>38</b>
11.1	Introduction .....	38
11.2	Powers of Entry Food Hygiene (Scotland) Regulations 2006.....	38
11.3	Powers of Entry (under the Act) .....	38
11.4	Obtaining Entry to Crown and Police Premises.....	39
11.5	Conduct.....	40
11.6	Photographs.....	40
11.7	Liaison with the Home Authority and or FSA/FSS.....	40
<b>12</b>	<b>SERVICE PLANNING - INTRODUCTION.....</b>	<b>40</b>
12.1	Organisation and Management .....	41
12.2	Review and Updating of Documented Policies and Procedures .....	42
12.3	Authorised Officers.....	42

12.4 Facilities and Equipment .....	43
12.5 Food Establishments Interventions and Inspections .....	44
12.6 Food Establishments Complaints .....	44
12.7 Home Authority, Originating Authority and Primary Authority .....	45
12.8 Advice to Business .....	45
12.9 Food Establishments Database .....	46
12.10 Sampling & Inspection .....	46
12.11 Control, Investigation and procedures of Outbreaks and Food Related Infectious Disease .....	47
12.12 Food Safety Incidents & Alerts & PRINs .....	47
12.13 Enforcement.....	48
12.14 Food Crime and Fraud .....	48
12.15 Complaints about the Service .....	48
12.16 Liaison with Other Organisations .....	49
<b>13 MONITORING OF INSPECTIONS - INTERNAL AND FSS MONITORING OF INTERVENTIONS .....</b>	<b>49</b>
13.1 Introduction .....	49
13.2 Internal monitoring.....	49
13.3 Documented procedures .....	49
13.4 Monitoring system .....	50
13.5 Food Standards Scotland monitoring of Food Authorities .....	50
<b>ANNEXES.....</b>	<b>52</b>
ANNEX 1: Glossary of Terms .....	52
ANNEX 2: Official Food Controls Service Plan Guidance.....	55
ANNEX 3: Hazard Analysis and Critical Control Point (HACCP) .....	65
ANNEX 4: Associated Guidance.....	66
ANNEX 5: Superseded Sub-sections of the Food Law Code of Practice (Scotland) 2019 .....	67

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## SECTION 1 - ADMINISTRATION

### 1 Introduction

The statutory basis for the Food Law Code of Practice and overarching duties on Local Authorities is as follows:

1. The Administration and Service Planning Code of Practice 2020 (this Code) is issued under section 40 of the Food Safety Act 1990 (“the Act”), Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009 which empowers the Scottish Ministers to issue Codes of Recommended Practice concerning the execution and enforcement of Food Law by Food Authorities. It replaces the relevant parts of the [Food Law Code of Practice \(Scotland\) 2019](#) all Codes apply to Scotland only.
2. In Scotland, Food Standards Scotland (FSS) has statutory responsibilities including policy development in relation to food, advising Ministers on the arrangements necessary to meet EU requirements during the Implementation Period, monitor the performance of and promote best practice by enforcement authorities in enforcing food legislation, and on any additional national measures that are appropriate for the protection of public health or other consumer interests. Ministers may issue codes of recommended practice for the guidance of Food Authorities, as regards the execution and enforcement of the applicable Food Laws and of regulations and orders made under it. Food Authorities are required under that legislation to have regard to this Code when discharging their duties.
3. Food Standards Scotland seeks to work in partnership and to assist Local Authorities in implementing each Code of Practice. Whilst section 40(2) (a) of the Food Safety Act 1990 requires a Food Authority to have regard to the relevant provisions of the Code, section 40(3) does allow FSS to consult the Scottish Ministers in relation to non-compliance with a Code of Practice, to order the issue of a direction to that Food Authority requiring it to take steps to comply with a Code of Practice. Failure to comply with a Ministerial Direction by a Food Authority may be sanctioned by order of the Court of Session (see section 45 of the Court of Session Act 1988).
4. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.
5. All references to legislation in this Code are made on the basis that the legislation may be subject to amendment and or revocation. The user and or reader of this Code, and any relevant corresponding guidance, must always ensure that the



current legislation is referred to, in respect to any action taken in regard to Official Controls detailed in this Code; and seek their own legal advice as appropriate.

6. Guidance on Scottish Food and Feed law is available on the FSS website.
7. For the purposes of this Code the terms Food Authority, Enforcement Authority and Local Authority are interchangeable, subject to any definitions in Food Law.

## 2 Statutory and General Obligations on Food Authorities

This section sets out the obligations on central and local government under the Food Safety Act 1990, and other legislation on Food and Feed Law.

1. All Member States of the European Union have agreed and are obligated to enforce a consistent framework of controls on safety, composition, labelling and description of food sold and traded in any Member State. This framework is designed to protect public health and the interests of consumers and ensures that businesses can sell food produced in, or imported into, one Member State without requiring additional controls on food as it enters another Member State. Therefore the consistent application of controls by Local Authorities is essential in terms of the wellbeing of consumers, food businesses and the wider economy. This Code underpins the necessary confidence of consumers and food businesses that all food purchased or traded in Scotland is manufactured, described and handled to consistent standards, irrespective of its origin.
2. The United Kingdom (UK) left the European Union on 31 January 2020. In accordance with the Withdrawal Agreement entered into between the UK and EU, the UK is now officially a third country to the EU. The EU and the UK have agreed on a transition period, which will last until 31 December 2020, during which EU law will continue to be applicable in the United Kingdom.<sup>4</sup> EU law will continue to apply after the end of the transitional period. This is achieved by taking a snapshot of all of the EU law that directly applies in the UK when the transitional period comes to an end and bringing it within the UK's domestic legal framework as a new category of law known as retained EU law. Retained EU law is a legal term introduced into UK law under the European Union (Withdrawal) Act 2018. It captures EU law and preserve it in law for legal continuity after the transitional period comes to an end. **This means that EU Food Law will become part of our domestic Food Law and references in this Code of Practice to EU law read after 31 December 2020 should be understood as EU law as retained.**<sup>5</sup>

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<sup>4</sup> [European Union \(Withdrawal Agreement\) Act 2020](#).

<sup>5</sup> A search of statutes that retain EU law can be made at [www.legislation.gov.uk](http://www.legislation.gov.uk).

3. European Law sets out obligations that apply to all Member States in relation to the delivery of Official Food Controls<sup>6</sup>. These obligations apply to delivery of Official Controls by Local Authorities and include ensuring:
  - a. The effectiveness and appropriateness of Official Controls.
  - b. That controls are applied at an appropriate risk-based frequency.
  - c. That they have a sufficient number of suitably qualified and experienced competent staff and adequate facilities and equipment to carry out their duties properly.
  - d. That staff are free from conflicts of interest.
  - e. That they have access to an adequate laboratory capacity and capability for testing.
4. The statutory requirements outlined in this Code of Practice including retained EU law, should be brought to the attention of Local Authority officials and or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of Official Controls.
5. In Scotland, Food Standards Scotland (FSS) has statutory responsibilities<sup>7</sup> including policy development in relation to food, advising Ministers on the arrangements necessary to meet EU requirements and on any additional national measures that are appropriate for the protection of public health or other consumer interests. Ministers may issue codes of recommended practice<sup>8</sup> for the guidance of Food Authorities, as regards the execution and enforcement of the applicable laws and of regulations and orders made under it.<sup>9</sup> Food Authorities are required under that legislation<sup>10</sup> to have regard<sup>11</sup> to this Code when discharging their duties. After consulting the Ministers, FSS may direct a Food Authority to take any specified steps to<sup>12</sup>, to comply with this Code.<sup>13</sup>

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<sup>6</sup> [Regulation \(EU\) 2017/625](#)

<sup>7</sup> [Food \(Scotland\) Act 2015](#)

<sup>8</sup> [Section 40\(1\) of the Food Safety Act 1990](#), [Regulation 24 of the Food Hygiene \(Scotland\) Regulations 2006](#) (S.S.I. 2006/3) and [Regulation 6 of the Official Feed and Food Controls](#) (Scotland Regulations 2009 (S.S.I. 2009/446)).

<sup>9</sup> Paragraph 1 of Section 1( Introduction) confirms that this Code of Practice is issued pursuant to the provisions of [section 40 of the Food Safety Act 1990](#), also see footnote 1 at paragraph 1 above.

<sup>10</sup> [Food Safety Act 1990 \(c.16\)](#).

<sup>11</sup> [Section 40\(2\) \(a\) of the Food Safety Act 1990](#).

<sup>12</sup> [Section 40\(2\) \(b\) of the Food Safety Act 1990](#).

<sup>13</sup> Compliance with the Code is important to safe guard and ensure proper and consistent administration of Food and Feed law across Scotland. The FSS seeks to work in partnership with Local Authorities to help them to deliver on official control policies and Codes, and to assist local authorities in implementing the Code. Whilst [section 40\(2\) \(a\) of the Food Safety Act 1990](#) requires a local Authority to have regard to the relevant provisions of the Code, [section 40\(3\)](#) does allow FSS to consult the Scottish Ministers in relation to non-compliance with the Code to order the issue of a direction to that Local Authority requiring it to take steps to comply with the Code. Failure to comply with a ministerial direction by a Local Authority may be sanctioned by order of the Court of Session (see section 45 of the Court of Session Act 1988).

6. FSS' statutory duties include oversight of Local Authority arrangements for the delivery of Official Controls. This includes a programme of audit of the Local Authority arrangements to meet the requirements of this and all Codes of Practice. Audit reports are produced which will include an action plan produced by the Local Authority (and agreed by FSS) to address any recommendations made. These reports including the action plans are then published online by FSS.
7. If a Food Authority finds a situation where complying with this Code might inadvertently compromise public health or safety they should discuss the matter with FSS at the earliest opportunity.
8. In Scotland Food Authorities have statutory duties to enforce legislation relating to food. Regulation 5 of the Food Hygiene (Scotland) Regulations 2006 sets out the division of enforcement responsibilities between Food Authorities and the FSS in respect of the Hygiene Regulations.
9. In addition to food safety matters, the Food Safety Act 1990 (the Act) provides protection for other consumer interests in relation to food. Under the Act, Food Authorities have statutory duties to enforce the requirements that:
  - food must be of the nature, or substance or quality demanded by the purchaser (Section 14 of the Act);
  - food must not be falsely described or labelled or advertised in a way likely to mislead as to its nature or substance or quality (Section 15 of the Act), and
  - food must not be presented in a way which is likely to mislead as to its nature or substance or quality (Section 15 of the Act).
10. Section 15B of the Act, as far as it applies to Scotland also gives Food Authorities powers to prevent the use by seizure and removal of food where it appears that Food Information Law is being or has been contravened. Authorised Officers may also seize food and remove it to have the matter dealt with by the Sheriff.
11. The purpose of enforcement is to ensure compliance with legislation relating to food in each Food Authority's area in the United Kingdom. Every Food Authority must therefore discharge its duty as effectively as possible, using means that are most appropriate to the circumstances.
12. The effective discharge of this duty relies on Authorised Officers being familiar with the law they are appointed to enforce, referring to the law itself as well as to this Code and other guidance, understanding what the law actually states and requires, and seeking guidance when either it, or they, are unclear.

13. FSS may, from time to time, issue good practice and other associated guidance for Food Authorities. Food Authorities should take account of such guidance, as well as any appropriate guidance issued by the European Commission.
14. In exercising their regulatory functions Food Authorities have a statutory duty under the Regulatory Reform (Scotland) Act 2014 to contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions. In fulfilling this statutory duty, Food Authorities must also have regard to the principles of Better Regulation as outlined in the Scottish Regulators' Strategic Code of Practice. This provides a framework for regulation in Scotland, which encourages Scottish regulators to be enablers and carry out their activities in a way that helps businesses and regulated bodies to comply and grow sustainably.
15. Food Authorities should be aware that law relating to food is not necessarily made under the Act. Law that applies to Food is also contained in and/or made under the Animal Health Act 1981<sup>14</sup>, the European Communities Act 1972<sup>15</sup>, the Consumer Protection Act 1987<sup>16</sup>, and the Consumer Protection from Unfair Trading Regulations 2008<sup>17</sup>, the Weights and Measures Act 1985<sup>18</sup>, the Medicines Act 1968<sup>19</sup> and directly under EU Regulations.
16. Food Authorities should be aware that Article 8(5) of Regulation (EC) No 852/2004<sup>20</sup> stipulates that Guides to Good Practice<sup>21</sup> drawn up pursuant to Directive 93/43/EEC<sup>22</sup> (known in the UK as "Industry Guides to Good Hygiene Practice") shall continue to apply after the entry into force of that Regulation, provided that they are compatible with its objectives.
17. For the purposes of this Code the terms Enforcement Authority, Food Authority and Local Authority are interchangeable, subject to the specific enforcement responsibilities.

### 3 Inter-authority matters

1. This section deals with liaison arrangements between Food Authorities, and appropriate representation of Food Authorities in liaison groups. It also sets out

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<sup>14</sup> [1981 c. 22](#)

<sup>15</sup> [1972 c 68](#)

<sup>16</sup> [1987 c 43](#)

<sup>17</sup> [SI 2008 No. 1277](#)

<sup>18</sup> [1985 c 72](#)

<sup>19</sup> [1968 c 67](#)

<sup>20</sup> [Regulation \(EC\) 852/2004](#) on the hygiene of foodstuffs Official Journal L226 25 6 2006 p 3-21

<sup>21</sup> References to "Guides to Good Practice" in this Code mean Guides developed in accordance with [Article 8 of Regulation 852/2004](#) and recognised as such by the Food Standards Agency

<sup>22</sup> Council Directive 93/43/EEC on the hygiene of foodstuffs. Official Journal L175, 19.7.1993, p1-11. This has now been repealed.

ground-rules for the exercise of powers of entry by Authorised Officers in other Food Authorities' areas.

### **3.1 Co-ordination of Advice and Enforcement**

1. The co-ordination of Food Authority advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with food businesses, especially those that have branches or units situated in different Food Authority areas.
2. Food Authorities considering giving advice or taking enforcement action in relation to food businesses that have either a Home, Originating, or Primary Authority (England only) should consider whether they need to contact the relevant Food Authority before doing so. This would normally be necessary, for example, where the advice or enforcement action relates to centrally agreed policies or procedures of a food business. It might not be necessary, however, where such action relates to matters of an exclusively local nature.
3. Food Authorities in England and Wales may become the Primary Authority<sup>23</sup> for a Food Business Operator (FBO) that has establishments in more than one Local Authority area. The Primary Authority scheme in relation to food does not extend to Scotland. Scottish Local Authorities continue to work within the Home Authority principal<sup>24</sup> that extends UK wide.

### **3.2 Operating in other areas**

1. Local Authorities in Scotland are designated as Food Authorities under Section 5 of the Act. Where Scottish Ministers are satisfied that a Food Authority has failed to discharge any duty imposed by or under the Act, where that failure affects the general interests of consumers of food, they may by order empower another Food Authority, FSS or officer of the Ministers to discharge that duty in place of the Food Authority in default, and recover costs from the defaulting Authority.
2. A Food Authority should normally deal with matters arising in its area of jurisdiction. However, Regulation 14(1) (b) of the Food Hygiene (Scotland) Regulations 2006 in respect of Food Hygiene and Section 32(1) (b) of the Act in respect of Food Standards, permit Authorised Officers from a Food Authority to exercise their powers of entry in another Food Authority's area in order to ascertain whether there is in those establishments any evidence of law breaking within their own Food Authority's area.

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<sup>23</sup>The Public register for Primary Authorities in England is maintained by the Department for Business, Energy and Industrial Strategy (BEIS)

<sup>24</sup> I.e. the Local Authority in whose area where the relevant decision making base of a FBO is located.

3. When exercising these powers, Authorised Officers should liaise with the relevant Food Authority for the area they are visiting, in advance wherever possible. This applies whether or not the business being visited is a food business. If it is not possible to give prior notice to the Food Authority in which the business is located, for example in an emergency or out-of-hours, the Food Authority should be notified as soon as practicable thereafter.
4. Authorised Officers exercising these powers should not give advice or recommend changes to a company's systems or procedures unless they relate to issues that apply to Food Business Establishments within their Food Authority area. Such matters should be passed to the Food Authority for the area for appropriate action.
5. Authorised Officers exercising powers of entry in food businesses outside their own area must not exercise any enforcement powers other than those associated with their powers of entry, which includes taking samples in connection with the investigation of suspected offences within their own area. Other enforcement powers, which include the seizure or detention of food, must only be exercised by Authorised Officers of the Food Authority in which the business is located<sup>25</sup>.

### **3.3 Regional and Local Liaison**

1. Food Authorities should be represented at an appropriate level of seniority, normally by the relevant Lead Food Officer or Authorised Officers, at meetings of regional or local food liaison groups, to help maintain enforcement consistency with other Competent Authorities.
2. Food Authorities should ensure that local liaison groups include appropriate representation from each Food Authority area, and from Food Examiners and Public Analysts. Representation from FSS, the Consultant in Public Health Medicine Communicable Disease/Environmental Health (CD/EH) and other experts or specialists should be considered as appropriate.
3. Matters of legal interpretation and consistency should be discussed with colleagues in the appropriate regional or local food liaison group and the Home Authority and / or Originating Authority, if appropriate. Food Authorities should avoid taking unilateral decisions on interpretations without seeking the views of other Food Authorities, the Scottish Food Enforcement Liaison Committee (SFELC) or in relation to England the Local Government Association (LGA).
4. Groups of Home Authorities serving food businesses trading in the same sector of the industry should undertake regular liaison to ensure that the advice given by Home Authorities across a sector is consistent.

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<sup>25</sup> *Walkers Snack Foods Ltd v Coventry City Council* (1998) 3 A11 ER 163 refers

5. Food Authorities where there are commercial shellfish harvesting activities should refer to sub-section 36.2 of the Food Law Code of Practice (Scotland) 2019 and the Food Law Practice Guidance for liaison arrangements.

### **3.4 Enforcement liaison arrangements between District and County Council Food Authorities in England, Wales and Northern Ireland.**

1. Scottish Food Authorities should be mindful of the following arrangements in England and Wales when liaising with these Authorities during investigations into Food Law infringements.
2. **Microbiological quality and contamination:-** In some areas of England and Wales there are two tiers of local government, District and County Councils and each tier is a Food Authority. **District Council Food Authorities** investigate and take enforcement action in cases relating to the microbiological quality of food, contamination by micro-organisms and their toxins and contamination by foreign matter.
3. **Chemical contamination and compositional and labelling standards:-** In the areas of England and Wales in which there are two tiers of local government and each tier is a Food Authority, **County Council Food Authorities** investigate and take enforcement action in cases relating to chemical contamination (other than when this presents an imminent risk to health - see below)
4. In situations where the presence of chemical contaminants may pose an imminent risk to public health, the District Council Food Authority investigate and take enforcement action, but should also liaise closely with the County Council Food Authority.
5. County Council Food Authorities investigate and take enforcement action in cases that involve the adulteration, composition, advertisement, presentation and labelling of food, apart from the identification marking requirements of Food Hygiene Regulations which are enforced by District Council Food Authorities.

## 4 Qualifications and Competence

1. This section covers the qualifications and competency of Authorised Officers of Food Authorities who carry out Interventions (including official controls which ensure compliance with Food Law). It details the implementation of the qualification and training provisions of Regulation (EU) 2017/625.<sup>26</sup>
2. This section does not apply to staff who have only indirect managerial responsibility for the Food Authority's Food Law enforcement service such as Chief Executive, Director or Chief Officer, or to those employed in a support role such as administrative and legal staff.
3. If a Food Authority needs to engage expertise in an area listed in Chapter 1 of Annex II of Regulation (EU) 2017/625<sup>27</sup>, it should ensure that any expert it engages has a recognised qualification, relevant experience and competency in the area for which the expertise is required.

### 4.1 General Qualification and Experience Requirements

1. Food Authorities must set up, maintain and implement a documented procedure for the authorisation of officers.
2. The Act allows for the authorisation of officers, in writing, either generally or specially to act in matters arising under the Act or Regulations made under the Act. However, officers performing duties under the Food Hygiene (Scotland) Regulations 2006<sup>28</sup> and the Official Feed and Food Controls (Scotland) Regulations 2009,<sup>29</sup> need to be separately authorised in writing to deal with matters arising under these implementing Regulations, e.g. issues under the 'specified community provisions'. With regard to other specific food Regulations made under the European Communities Act 1972, where appropriate, relevant officers should be specially authorised for each of those Regulations.
3. Food Authorities should ensure that officers they authorise in accordance with their documented procedure to carry out enforcement under the Food Law are:
  - a. Suitably qualified; and
  - b. Experienced; and

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<sup>26</sup> [Regulation \(EU\) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products\(Official Journal L 095 7.4.2017, p. 1\)](#)

<sup>27</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1579003732179&uri=CELEX:02017R0625-20191214>

<sup>28</sup> [SSI 2006 No 3](#)

<sup>29</sup> [SSI 2009 No 446](#)



- c. Competent to carry out the range of tasks and duties they are required to perform<sup>30</sup>.
4. This applies equally to those who are directly employed, to temporary staff and to those employed by or as contractors.
5. There may be other qualifications that are equivalent to those specifically set out in this Code. In such instances the relevant professional or awarding body, which in Scotland is the Royal Environmental Health Institute of Scotland ('REHIS'), must be approached to consider these cases.
6. Existing or prospective Food Authority officers may also have a range of qualifications, additional training and experience that together indicate their competence to undertake specific enforcement activities identified in this Code. In such cases the relevant professional and awarding bodies should be approached directly by either the existing Food Authority employer or prospective employer for an assessment of equivalence.
7. Nationals from countries in the European Economic Area have a right under EU law to the recognition of qualifications and experience and competency gained outside the UK. This situation may arise if an individual seeks employment in the UK as a Public Analyst, Food Examiner or Authorised Officer, having acquired relevant qualifications and work experience in their home country. Food Authorities should accept suitable non-UK qualifications and experience in order to give effect to these EU rights. The equivalence of non-UK qualifications will be determined by organisations recognised by the Department for Business, Energy, and Industrial Strategy (BEIS) for the purposes of Directive 2005/36/EC<sup>31</sup>. Food Authorities should make enquiries with the relevant professional and awarding bodies if they have any doubts regarding equivalence of qualifications in this area before confirming an appointment.

#### **4.2 New Appointments**

1. Food Authorities should not authorise new officers, or extend the duties of currently employed officers, unless they are qualified and competent in accordance with the relevant provisions of this section and they meet any relevant additional requirements relating to specific duties or enforcement responsibilities.

#### **4.3 Training**

1. Food Authorities must ensure that Authorised Officers receive relevant and structured on-going training. Training should explain new legislation, procedures and technological developments relevant to food businesses subject to their

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<sup>31</sup> [Directive 2005/36/EC](#) on the recognition of professional qualifications.

inspection. All relevant CPD must be suitably documented and evidenced with an overview and breakdown of the training undertaken.

2. The minimum on-going training should be 10 hours per year based on the principles of Continuing Professional Development (CPD).
3. Officers must be provided with appropriate training to ensure that their competencies are maintained in relation to new food related technologies and emerging Food Law risks as necessary.
4. Officers whose knowledge and or practical experience of Food Law enforcement is out-of-date shall receive structured revision training and be monitored by the Lead Officer or another experienced Authorised Officer during the period of training.
5. Where an assessment of the officer's competency identifies training needs, appropriate additional training shall be provided or the officer's responsibility appropriately restricted.
6. Officers that are newly qualified, authorised and/or are returning to Food Law enforcement duties after an absence of more than 3 years must be supervised by an experienced competent Authorised Officer until they are considered to be competent to work unsupervised. Supervision shall be for at least three months or for the duration of their revision training period, whichever is longer.

#### **4.4 Training Records**

1. Food Authorities must retain evidence of registration, qualifications and documents required by this section and record on-going and/ or revision training undertaken by their Authorised Officers, including contract and temporary staff.

#### **4.5 Contracted or Temporary Staff**

1. Food Authorities must be satisfied that contracted or temporary enforcement staff meet the qualification, experience and competency requirements set out in sub-section 4.8 that are relevant to the enforcement duties they are engaged to perform. This includes the training referred to above.
2. Food Authorities must also be satisfied that such staff are competent to undertake the duties required and are familiar with the Food Authority's enforcement and other policies and procedures.
3. Food Authorities must ensure that persons employed by contractors to undertake inspection or other enforcement activities on behalf of the Food Authority are authorised to do so by the Food Authority in writing.

#### **4.6 Sampling**

1. Samples for microbiological examination or chemical analysis should be taken by Authorised Officers who are properly trained in the appropriate techniques and competent to carry out the duties assigned to them. Sampling, in accordance with the provisions of the Food Hygiene (Scotland) Regulations 2006 or the Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013<sup>32</sup> and this Code, should only be undertaken by officers meeting the relevant requirements described in sub-section 4.8.
2. These requirements do not apply where an adverse report following analysis/examination would not result in formal action.

#### **4.7 Lead Food Officer**

1. The Food Authority must notify the FSS of the name and contact details (including email address) of their Lead Food Officer and of any changes of Lead Food Officer.
2. Food Authorities must appoint a suitably qualified, competent and experienced Lead Food Officer to take lead operational and management responsibility for food hygiene, food safety and food standards.. The Lead Food Officer appointed must meet the relevant requirements set out in sub-section 4.8 of this Code and have an up-to-date technical understanding of the food production processes used in the Food Authority's area. Temporary or alternative arrangements for the appointment of Lead Officer may be considered in consultation with, and with the agreement of FSS.
3. The role of a Lead Food Officer for food safety was originally included in the Food Law Code of Practice in response to the Public Inquiry into the 1996 E. coli outbreak in Scotland. The specific recommendation relating to designation of a Lead Food Officer specifically for Food Law was accepted by government, and Local Authorities should ensure that any alternative arrangement provides no less a standard of public protection than intended by the Public Inquiry.
4. The Lead Food Officer shall meet the competency requirements in this section and shall be responsible for ensuring that all Local Authority procedures relevant to meeting the requirements of the Code and relevant statutory duties are appropriate and adequate. Where the Lead Food Officer does not consider that service and or procedures are likely to meet the requirements of Food Law or this Code, they shall notify the relevant senior official of the nature of any significant deficiency or concerns in writing and retain a copy of any related

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<sup>32</sup> [SSI 2013 No. 84](#)

correspondence. The retained record should specify the relevant decision-making arrangement and authority.

5. Assessment of the responsibilities carried out by the Lead Food Officer should include all areas covered by this Code and in particular:
  - a. The effectiveness and appropriateness of arrangements for delivering Official Controls, including arrangements to ensure appropriate quality of interventions.
  - b. Arrangements to ensure Official Controls are applied at a risk-based frequency in accordance with the Interventions Code and other Codes of Practice.
  - c. Arrangements to ensure the management information software used to deliver all the services required by the Food Authority is up to date and fit for purpose.
  - d. Arrangements to ensure the weekly transfer of all intervention and enforcement activity to the Scottish National Database (SND).
  - e. The sufficiency of Authorised Officers and other officials in terms of numbers, qualifications and experience, having regard to any specific requirements in the Code.
  - f. The adequacy of facilities and equipment available to carry out relevant duties properly.
  - g. That officers are free from conflicts of interest.
  - h. The adequacy of access to appropriate laboratory capacity and capability for examination and analysis of samples.
  - i. The adequacy of internal monitoring arrangements designed to ensure the maintenance of satisfactory delivery of Official Controls.
6. The Lead Food Officer shall be responsible for assessing and reporting on the performance of the Local Authority in relation to meeting all requirements of this Code and all other relevant Codes of Practice Where they are not appointed to monitor performance directly, they must have access to all relevant performance information. Where the Lead Food Officer considers that performance does not meet the standards required in the Code, they shall notify the appropriate senior official of any significant finding or concern and should retain a record of all related correspondence.
7. The Lead Food Officer should be the principal point of contact for audits by FSS or the Directorate-General for Health and Food Safety (DG SANTE) and shall

make available to FSS on request, all assessments and correspondence relating to the responsibilities set out above.

## **4.8 Specific Qualification and Competency Requirements**

### **4.8.1 Officers Appointed to Carry out Food Law Official Controls**

1. Authorised Officers that undertake Official Controls under Food Law must hold one of the qualifications, or equivalent qualifications (see sub-section 4.9) and be competent to carry out these functions.
2. Authorised Officers who inspect Food Business Operators' procedures based upon HACCP principles<sup>33</sup> should also possess the competencies set out in Annex 2 to this Code.
3. Authorised Officers who undertake official controls of food business establishments should have a detailed, relevant and up to-date knowledge of the following:
  - a. The nature and types of food businesses in their area and the technology utilised by the businesses that is subject to Official Control by the officer,
  - b. Relevant Food Law legislation,
  - c. Relevant food standards and marketing legislation;
  - d. Requirements in Regulation (EU) 2017/625 (the Official Controls Regulation) and the supplementary associated tertiary legislation – in the form of Commission Delegated and Implementing Acts - which lay down specific rules/arrangements for the performance of official controls to verify the requirements of Regulation (EU) 2017/625 (see Annex 6),
  - e. This Code and all other relevant Codes of Practice,
  - f. The Practice Guidance and other associated guidance,
  - g. The Food Authority's Enforcement Policy,
  - h. UK and EU Guides to Good Practice,<sup>34</sup>
  - i. Relevant guidance issued by the FSS, SFELC<sup>35</sup> and FSA (where relevant to Scotland).

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<sup>33</sup> Hazard Analysis and Critical Control Point principles as set out in [Article 5 Regulation \(EC\) No. 852/2004](#) on the hygiene of foodstuffs

<sup>34</sup> References to "Guides to Good Practice" in this Code mean Guides developed in accordance with [Article 8 of Regulation \(EC\) No 852/2004](#) and recognised by UK Government as such.

<sup>35</sup> The Scottish Food Enforcement Liaison Committee (SFELC)

- j. Relevant Industry Codes of Practice.<sup>36</sup>

#### 4.8.2 Inspection of Specialist or Complex Processes

1. Authorised Officers undertaking the inspection of specialist or complex manufacturing processes must have received additional training and have demonstrated their competence to undertake such inspections. Below is a non-exhaustive list of high risk processes:
  - a. The canning, aseptic packing or thermal processing of low-acid foods;
  - b. Sous-vide processes;
  - c. The process of making unpasteurised cheese;
  - d. The manufacture of cook-chill, ready-to-eat food which may be consumed without further preparation other than re-heating;
  - e. The manufacture of meat, fish, egg or dairy products;
  - f. Vacuum packaging

#### 4.8.3 Inspection of Establishments Subject to Approval under Regulation (EC) No 853/2004<sup>37</sup>

1. Inspections for the purposes of establishments subject to Approval under Regulation (EC) No 853/2004 should only be undertaken by Authorised Officers of the Food Authority who have a detailed knowledge of enforcement in Approved Establishments.
2. An Authorised Officer who has no previous experience of a particular process that is the subject of an Approval application must be accompanied, during the inspection of that process, by an appropriately authorised, qualified, experienced and competent officer, who may be from another Food Authority if necessary.

#### 4.9 Qualifications and Awarding Bodies – Food Law

1. For the purposes of this Code and all other relevant Codes of Practice an Environmental Health Officer is a person holding one of the following:
  - a. Diploma in Environmental Health (or its antecedents) awarded by the Royal Environmental Health Institute of Scotland (REHIS);

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<sup>36</sup> The Institute of Food Science and Technology (IFST) publishes a comprehensive list of Guides and industry Codes of Practice issued by a variety of bodies.

<sup>37</sup> [Regulation \(EC\) No 853/2004](#) laying down specific hygiene rules for food of animal origin

- b. Certificate of Registration of the Environmental Health Registration Board (EHRB) (or its antecedents);
  - c. Diploma in Environmental Health (or its antecedents) awarded by EHRB or CIEH.
2. The Higher or Ordinary Certificate in Food Premises Inspection may be awarded by any one of the following:
  - a. The Scottish Food Safety Officers' Registration Board (SFSORB);
  - b. Environmental Health Registration Board (EHRB);
  - c. The Institute of Food Science and Technology (IFST).
3. The Higher Certificate in Official Controls (HCOC) may be issued by one of the following:
  - a. Royal Environmental Health Institute of Scotland (REHIS)
  - b. Environmental Health Registration Board (EHRB).
4. Food Standards qualifications and awarding bodies are as follows:
5. Diploma in Environmental Health (or its antecedents) awarded by REHIS;
6. The Environmental Health Registration Board (EHRB) Diploma in Environmental Health (or its antecedents) or Certificate of Registration of EHRB;
7. The Higher Certificate in Food Standards Inspection issued by SFSORB;
8. The Higher Certificate in Food Premises Inspection issued by Environmental Health Registration Board (EHRB) or the IFST with an endorsement to include Food Standards Enforcement;
9. The Higher Certificate in Official Controls (HCOC) issued by REHIS or EHRB;
10. Diploma in Trading Standards (DTS) or its antecedents;
11. Diploma in Consumer Affairs (DCA) provided it includes the Food and Agriculture Paper of Part II, or its antecedents;
12. DCA Certificate of Competence in relation to Food and Agriculture (or its antecedents);
13. One of the following Trading Standards Qualifications Framework Certificates with the Food Standards service delivery module (issued by the Trading Standards Institute (TSI):

14. Module Certificate;
15. Diploma in Consumer Affairs and Trading Standards (DCATS);
16. Certificate of Competence.
17. Higher Diploma in Consumer Affairs and Trading Standards (HDCATS) (this certificate must be presented with one of the awards/certificates listed above).
18. All officers undertaking Official Controls are required to undertake a period of structured practical training as part of the preparation for the award of these qualifications.

#### **4.9.1 Service of Hygiene Improvement Notices (See also sub-section 15<sup>38</sup>)**

1. Hygiene Improvement Notices under Regulation 6 of the Food Hygiene (Scotland) Regulations 2006 may only be signed by officers who have been authorised to do so by the Food Authority. To maintain a consistent approach, Food Authorities should arrange that these notices are signed only by qualified Authorised Officers with experience in Food Law enforcement, who are appropriately trained and competent. These will be one of the following:
  - a. Environmental Health Officers enforcing Food Law;
  - b. Holders of the Higher Certificate in Food Premises Inspection who are authorised to carry out food hygiene inspections;
  - c. Holders of the Ordinary Certificate in Food Premises Inspection in relation to the food business establishment/s they are authorised to inspect.
2. The Authorised Officer who signs the notice must have witnessed the contravention and be satisfied that it constitutes a breach of the relevant Regulations.

#### **4.9.2 Service of Improvement Notices (Food Safety Act 1990 (Section 10))**

1. Improvement Notices served under Section 10 of the Act may only be signed by officers who have been authorised to do so by the Food Authority. To maintain a consistent approach, Food Authorities should arrange that these notices are signed only by qualified Authorised Officers with experience in Food Law enforcement, who are properly trained and competent.
2. These will be one of the following:
  - a. Environmental Health Officers enforcing Food Standards regulations.

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<sup>38</sup> [Food Law Code of Practice \(Scotland\) 2019](#)



- b. Holders of the Higher Certificate in Food Premises Inspection and the Higher Certificate in Food Standards Inspection who are authorised to carry out the Food Law Inspections.
  - c. Holders of the Ordinary Certificate in Food Hygiene Inspection in relation to the premises they are authorised to inspect
3. The Authorised Officer who signs the notice must have witnessed the contravention and be satisfied that it constitutes a breach of the relevant legislation.

#### **4.9.3 Service of Hygiene Emergency Prohibition Notices and or Emergency Prohibition Notices (See also sub-section 16<sup>39</sup>)**

1. Hygiene Emergency Prohibition Notices under Regulation 8 of the Food Hygiene (Scotland) Regulations 2006 or Emergency Prohibition Notices under Section 12 of the Act should be signed only by Authorised Officers and or authorised Holders of the Scottish Food Safety Officers' Registration Board (SFSORB) Higher Certificate in Food Premises Inspection who:
  - a. Have two years' post qualification experience in food safety matters; and
  - b. Are currently involved in Food Law enforcement; and
  - c. Are properly trained, competent and duly authorised.
2. Holders of the Higher Certificate in Food Premises Inspection awarded by the EHRB cannot currently be authorised to serve Hygiene Emergency Prohibition Notices (HEPNs).

#### **4.9.4 Service of Remedial Action Notices and or Detention Notices (Regulation 9 of the Food Hygiene (Scotland) Regulations 2006) (See also sub-section 18<sup>40</sup>)**

1. Remedial Action Notices or Detention Notices under Regulation 9 of the Food Hygiene (Scotland) Regulations 2006 should be signed only by Environmental Health Officers and or Holders of the SFSORB Higher Certificate in Food Premises Inspection who:
  - a. Have two years' post qualification experience in food safety matters, **and**
  - b. are currently involved in Food Law enforcement, **and**
  - c. are properly trained, competent and duly authorised

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<sup>39</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

<sup>40</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

#### 4.9.5 Quality Assurance Systems

1. Before being authorised to undertake Food Law inspections of establishments which are engaged in the manufacture and processing of foodstuffs with documented quality assurance systems, an officer should have been appropriately trained including on the ability to assess quality assurance systems.

#### 4.10 Food Law

##### 4.10.1 Inspection, Removal & Seizure of Foodstuffs (See also sub-section 19<sup>41</sup>)

1. The inspection of food and any decision to remove or seize food through the application of Section 15B or 9 of the Act, and/or as directed by Regulation 27 of the Food Hygiene (Scotland) Regulations 2006 (as amended) or by regulation 5(2) of the Novel Foods (Scotland) Regulations 2017) should only be taken by appropriately Authorised Officers. Such officers will be:
  - Authorised Environmental Health Officers
  - Authorised Holders of the Higher Certificate in Official Controls (HCOC)
  - Authorised Official Veterinarians.
2. Officers other than Environmental Health Officers, Holders of the Higher Certificate in Official Controls, and Official Veterinarians may be authorised to inspect, detain or seize food if they hold additional qualifications recognised by relevant professional and awarding bodies which demonstrate their competence to undertake this work.
3. As regards official controls in relation to the import of food from third countries, Regulation 31 of the Official Feed and Food Controls (Scotland) Regulations 2009 (as amended) stipulates that Food Authorities shall have the power to do anything that a Competent Authority may do under Articles 46, 65 to 69, 71 and 72 of Regulation (EU) 2017/625 if the conditions set out in those Articles are fulfilled. These Articles relate to the detention, destruction, special treatment, re-dispatch and other appropriate measures in respect of food imported from third countries.

##### 4.10.2 Non-Official Control Interventions

1. Officers undertaking non-Official Control interventions (see sub-section 3.2<sup>42</sup>) are not required to meet the qualification requirements set out in this section, but they must be appropriately authorised. Any visits by appropriately Authorised Officers,

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<sup>41</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

<sup>42</sup> [Interventions – Food Law Code of Practice \(Scotland\) 2019](#)

must be confined to information collection, reporting back, providing appropriate advice, and education. The overall management of non-Official Control interventions must remain in the hands of an authorised competent Food Law enforcement officer qualified in accordance with this section. Decisions to take other enforcement action and/or intervene further must also be made by such an Authorised Officer.

#### 4.11 Food Law Rating System Group 3 Band A

1. Authorised Officers undertaking an intervention of a Group 3 Band A business must meet the Food law requirements set out in this section. The overall management of Group 3 Band A businesses is the responsibility of the Lead Food Officer qualified in accordance with sub-section 4.7. Any visits to a business by an unqualified Officer must be confined to information collection and reporting back.

#### 4.12 Qualification Requirements for Interventions

1. In assessing who can carry out which type of Intervention to undertake at a food establishment, the Food Authority must have regard to the following qualification requirements in section 4 of this Code and the [Intervention – Food Law Code of Practice](#) for further details of Intervention types).

Intervention type to be carried out by an appropriately Authorised Officer	Qualification level required to carry out the action
<b>Inspections and audits</b>	An Authorised Officer with experience in Food Law enforcement, See sub-section 4.8 of this Code
<b>Revisits, Verification and Surveillance.</b>	An Authorised Officer with experience in Food Law enforcement, See sub-section 4.8 of this Code
<b>Sampling visits</b>	An Authorised Officer appointed under sub-section 4.6 of this Code.
<b>Advice and education</b>	An Authorised Officer under sub-section 4.11.1 of this Code

<b>Information/intelligence gathering</b>	An Authorised Officer under sub-section 4.11.1 of this Code
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## **5 Conflicts of Interest**

### **5.1 Introduction**

This section deals with issues to be considered in ensuring that Food Authorities and their Authorised Officers are impartial and free from conflicts of interest.

### **5.2 Avoiding Potential Conflicts of Interest**

1. Article 5(1)(c) of Regulation (EU) 2017/625 requires that staff performing official controls and other official activities are free from any conflict of interest. Food Authorities should document that their officers are aware of potential conflicts of interest that may arise in an enforcement situation through promotion of the Food Authority's services.
2. Authorised Officers should not provide consultancy, training or other services in their own time within the Local Authority area in which they are employed. Where such work is undertaken out with the Local Authority, written permission from the senior official in their Local Authority should be sought. Any decision to allow such work must take any conflicts of interest into consideration.
3. Food Authorities should ensure that potential or actual conflicts of interest do not arise as a result of Home or Originating Authority responsibilities and contracting in services for enforcement purposes.
4. Food Authorities and their Authorised Officers should avoid promoting the Food Authority's services exclusively if other providers of those services exist in the area.
5. Pest Control and Food Law training are examples of local Food Authority services that may be provided in competition with those supplied by other organisations.
6. Where a Food Authority delegates enforcement to an independent third party ("delegated body"<sup>43</sup>) then the Competent Authority must obtain proof that the delegated body is impartial and free from any conflict of interest as regards the tasks delegated to it.

<sup>43</sup> [See Article 28\(1\) of Regulation 2017/625](#)

### **5.3 Enforcement within Local Authority Run Establishments**

1. The Food Authority's Food Law Enforcement Policy (see sub-section 14.4<sup>44</sup>) should detail the Food Authority's arrangements for ensuring compliance with Food Law in premises where the Food Authority is itself the proprietor of a food business and the steps taken to ensure enforcement decisions are free from any conflict of interest.
2. Any serious breaches of Food Law that may be detected in such establishments should be brought to the attention of the Chief Executive or delegated deputy of the Food Authority without delay.
3. Caterers that operate within Local Authority establishments should be assessed in accordance with FLRS and the intervention frequency determined accordingly.

## **6 Communication**

### **6.1 Disclosure of information**

1. There will be circumstances in dealing with communications when confidentiality, data protection and human rights issues arise. In such circumstances the Food Authority must apply the law and general principles set out in relevant legislation and case law to the specific facts with which they are dealing. This is best done at a local level unless it involves the sharing of information with FSS. In such circumstances FSS and the Food Authority should liaise with each other and their respective legal departments if required.

## **7 FSS and FSA Communication and Guidance**

### **7.1 Introduction**

1. This section requires Food Authorities to take appropriate action on FSS and FSA<sup>45</sup> guidance on the effective enforcement of Food Law.

### **7.2 Guidance Issued to Food Authorities**

1. Both FSS and the FSA will periodically, need to issue enforcement guidance or communicate with Food Authorities to ask them to take action, to share information or for other reasons connected with the effective enforcement of Food Law.
2. Such communications may be by letter, e-mail, or other communication platforms, and will be clearly identified as communications to which this section applies. They will be sequentially referenced and include details of any action required to be taken by the Food Authority.

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<sup>44</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

<sup>45</sup> Where it remains relevant to Scotland.

3. Food Authorities should have arrangements in place to determine what action is appropriate locally on receipt of such communications and to bring them to the attention of their Authorised Officers if necessary.

### **7.3 Enforcement Consistency**

1. The consistent application and enforcement of Food Law by Food Authorities is essential to ensure the protection of consumers and the fair treatment of food businesses.
2. Food Authorities should therefore have due regard to enforcement guidance issued by, jointly with, or on behalf of the FSS/FSA.
3. The Food Authority should have regard to any advice issued by the Scottish Food Enforcement Liaison Committee (SFELC).

## **8 Food Business Establishment Records**

### **8.1 Introduction**

1. This section in line with Article 10(2) of Regulation (EU) 2017/625 requires Food Authorities to maintain up-to-date lists of registered and approved Food Business Establishments in their area and confirms that where such a list or register already exists for other purposes, it may also be used for the purposes of this Regulation.

### **8.2 Database of Food Business Establishments**

1. Food Authorities should maintain an up-to-date database of food businesses.
2. The database should contain a comprehensive record of:
  - a. Food Business Establishments registered with the Food Authority;
  - b. Establishments that are the decision-making base of businesses for which the Food Authority acts as Home Authority for food matters; and
  - c. Food Business Establishments that have been Approved or conditionally Approved by the Food Authority.
  - d. See also section 1 sub-section 4.7(5) and section 2, sub-section 9.10 regarding requirements for SND.
3. Each Food Authority should have a documented procedure for ensuring that its database is up to date and protected against corruption and loss of any of the information provided by the FBO, or held about the Food Business. Protection of information against corruption and loss extends to information held in any form

(paper, electronic, etc), and protection must be in accordance with data protection regulations.

### **8.3 Access to information**

1. Food Authorities should provide details of relevant Food Business Establishment records if requested by Public Health Scotland (PHS), Public Health England (PHE), the CCDC/CPHM (CD/EH), the FSA or FSS or other similar enforcement or surveillance body, to facilitate the investigation of an outbreak or suspected outbreak of disease, the investigation of a food hazard or other food-related emergency or any criminal investigation. Such requests should be handled with due regard to Freedom of Information, Data Protection and other relevant legislation.
2. Requests for information other than from the above bodies should be handled with due regard to Freedom of Information and Data Protection legislation and to this section, in connection with requests for information on registered Food Business Establishments.

## **9 Information to be supplied to FSS**

### **9.1 Information requirements:**

1. This section deals with the information required by FSS in relation to:
  - a. Matters relating to Food Incidents.
  - b. Approvals and other matters under the EU Food Hygiene Regulations.
  - c. Concerns about Industry Practice.
  - d. Matters relating to European liaison arrangements.
  - e. Lead Food Officer.
  - f. Chief Executive, Head of Food Service and Authorised Officers.
  - g. Scottish National Database (SND).

### **9.2 Matters Relating to Food Incidents**

1. Food Authorities must notify FSS as soon as they become aware of any of the following:
  - a. Serious localised food hazard.
  - b. Non-localised food hazard.

- c. Withdrawal or recall of food by a Food Business Operator due to non-compliance with the food safety requirements of Regulation (EC) No 178/2002 (Article 19).
- d. Non-Localised 'non-hazardous' food incidents.
- e. Significant localised 'non-hazardous' food incidents.
- f. Suspected cases of food fraud

### **9.3 Concerns about Industry Practice**

- 1. Food Authorities must notify FSS if they have concerns about practices in any Food Business Establishments that appear to be in contravention of Food Law, where the Food Business Operator contends that the practice adopted is based on an industry or sector-wide practice. Any such notification is intended to assist in any national co-ordination of a solution and is without prejudice to the overriding need to protect consumers and the duty to ensure compliance through the use of appropriate sanctions.

### **9.4 Matters Relating to Establishments Subject to Approval under Regulation (EC) No 853/2004**

- 1. Food Authorities must notify FSS:
  - a. When an establishment has been Approved or conditionally Approved.
  - b. Where an Approved Establishment ceases activities that are the subject of the approval or conditional approval.
  - c. Where an Approval or conditional Approval has been withdrawn or suspended.
  - d. Where an Approval has been refused.
  - e. Where a Live Bivalve Mollusc Purification Centre or modification to existing establishment is proposed.
  - f. Where they have designated a live bivalve mollusc relaying area (see sub-section 34.11<sup>46</sup>). The notification should include the relevant details of the area and any specified operating conditions.
  - g. Where consideration is being given to the issue of a Closure Notice to restrict the harvesting of live bivalve molluscs (see sub-section 36.6).

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<sup>46</sup> [Food Law Code of Practice \(Scotland\) 2019](#)



## **9.5 Quality of Live Bivalve Mollusc Production and Relaying Areas**

1. Food Authorities responsible for regulating live bivalve mollusc production or relaying areas must notify the FSS where sample results suggest a significant variation in the quality of such areas (see sub-section 34.11<sup>47</sup> and 36.6<sup>48</sup>).

## **9.6 Matters Relating to the Delegation of Tasks Related to Official Controls**

1. Food Authorities responsible for the delegation of specific tasks to independent third parties (delegated bodies<sup>49</sup>) must provide the FSS with details of the delegated control body and the tasks delegated to it.

## **9.7 Matters Relating to Liaison Arrangements with Other Member States or Third Countries**

1. Food Authorities must notify the FSS whenever they become aware of a trans-border matter that should be referred to the FSA via FSS (see section 10 of this Code).

## **9.8 Lead Food Officer**

1. Food Authorities must notify FSS of the name, telephone numbers and electronic mail address of their appointed Lead Food Officer (see section 4.7) who has operational and management responsibility for Food Law matters, and notify any changes to these details and or change to any alternative arrangements which may be in place (see sub-section 4.7). All information held by FSS in this respect should be handled in accordance with the relevant Data Protection Law.

## **9.9 Chief Executive, Head of Food Service and Authorised Officers**

1. Food Authorities must notify FSS of the name, telephone number and electronic mail address of the Chief Executive, Head of Food Service and where requested the details of Authorised Officer(s) undertaking an Official Control. All information held by FSS in this respect should be handled in accordance with the relevant Data Protection Law.

## **9.10 The Scottish National Database**

1. The Food (Scotland) Act 2015 sections 19 to 26 details the powers available to FSS to acquire information.
2. Sections 23 and 25 of the Act details the powers available to set performance standards and report on enforcement action by others. Section 26 details specific

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<sup>47</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

<sup>48</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

<sup>49</sup> [As defined in Article 3\(5\) of Regulation 2017/625](#)

powers to FSS to request any information relating to enforcement action undertaken by an Enforcement Authority.

3. For the purposes of this Code enforcement action can be any Intervention necessary to secure compliance.
4. In exercising these powers, FSS have designated SND as the prescribed mechanism for Food Authorities to provide information to FSS on all Official Control activity that is undertaken.
5. This information includes (but is not restricted to)<sup>50</sup>:
  - Food Business Establishment details, including the Food Business Operator, Trading Name, Address, and food activity details.
  - All Intervention activity at a Food Business, including the risk rating and corresponding Authorised Officer details.
  - All official control activity relating to samples procured both informally and formally, including the Authorised Officer details.
  - Information relating to establishments subject to Approval under Regulation (EC) No 853/2004.
  - Information relating to the current status of establishments that are assessed under the Food Hygiene Information Scheme (FHIS).

## **10 Liaison with Member States of the EU and 3rd countries**

### **10.1 Introduction**

1. In the UK, the Food Standards Agency (FSA) is the designated liaison body for the purposes of Article 103 of Regulation (EU) 2017/625 and as such, is responsible for assisting and co-ordinating communication between Competent Authorities and the transmission and reception of requests for assistance. However, this does not preclude direct contacts, exchange of information or co-operation between the staff of Food Authorities in different Member States.
2. Trans-border matters that may have policy implications, matters relating to outbreaks of potential food-borne illness and matters connected with food hazards are dealt with by the FSA. In Scotland, FSS will act as a conduit for

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<sup>50</sup> [SND Data Protection Impact Assessment](#)

communications between Food Authorities and FSA. Food Authorities must therefore notify the FSS of all such matters at the earliest opportunity.

3. Detailed provisions on administrative assistance and co-operation with other Member States are set out in Articles 102 to 106 of Regulation (EU) 2017/625.

## 10.2 Trans-border Matters

1. Trans-border matters fall into three broad categories:
  - A. Trans-border matters that need to be referred directly to the FSA (via FSS).
  - B. Trans-border matters reported to the FSA (via FSS) after liaison has taken place.
  - C. Routine liaison between Food Authorities and food control authorities in other Member States.

## 10.3 Category A. Trans-border matters

1. Trans-border matters (**Category A**) to be referred directly to the FSA (via FSS) are as follows:
  - a. The identification of foods which appear to pose a risk to public health or safety,
  - b. Enquiries about a particular product which has been examined and the microbiological condition of which gives cause for concern,
  - c. The identification of foods which relate to previously identified food warnings, frauds or hazards,
  - d. Cases where malicious tampering of food is suspected,
  - e. Circumstances in which food products have been removed from the UK market with or without the agreement of the retailer or supplier,
  - f. Cases in which the Authorised Officer suspects that other significant national or EC policy matters are at issue,
  - g. Where repeated non-compliance has been identified in connection with different batches, lots or consignments from the same source.

## 10.4 Category B. Trans-border matters

1. Trans-border matters (**Category B**) reported to the FSA (via FSS) after liaison has taken place are as follows:

- a. Any issue when, after investigation, liaison or enquiry, it appears that circumstances as set out in the preceding sub-section 13.3 apply,
- b. Cases involving enforcement authorities in other EC Member States where there is undue delay, equivocation or a refusal to undertake action which appears to be warranted,
- c. Circumstances in which it appears that elements of the national Food Law of one Member State conflicts with that of another,
- d. Any issue listed for information which, after investigation, liaison or enquiry, appears to have such implications or is of such a serious nature that the FSA (via FSS) should be informed of it.

#### **10.5 Category C. Routine Liaison between Local Food Control Authorities of Member States**

1. Food Authorities should only deal directly with “For Information” matters. Other issues requiring action should be referred without delay to the FSA (via FSS). Food Authorities should seek advice from the FSS if there is doubt as to the appropriate procedure for dealing with a particular trans-border matter.
2. Matters of routine liaison between local food control authorities of Member States under **Category C** would include:
  - a. Enquiries about a particular product which has been analysed and found to have no food safety implications,
  - b. Enquiries about a product label or description which appears to be in breach of requirements,
  - c. If necessary enquiries about sampling records, company history or control systems likely to support legal action,
  - d. Enquiries to establish the integrity of documents, problem source and to avoid duplicating sampling or inspections,
  - e. Enquiries into the particular circumstances surrounding the rejection of, or cause for enforcement action relating to, a specific UK food product; and
  - f. Notification of other faults and infringements unlikely to require UK or Scottish action, but which are for note or action by the Authority in another EC Member State.

## 10.6 Enquiries to EU Member States

1. Food Authorities should address enquiries about Food Law enforcement issues in EU Member States to the appropriate liaison body or authority in the EU Member State concerned, either via the FSS or directly to FSA. FSS can provide assistance in identifying the relevant liaison body or authority if necessary.
2. Food Authorities should carry out a full investigation prior to referring a matter to the FSS with full supporting documentation.

## 10.7 Enquiries from EU Member States

1. Food Authorities should comply with any reasonable request for information or administrative assistance from another Food Authority, Food Control Body, or EU Member State. In doing so they should take the following action:
  - a. Acknowledge receipt of the request and advise the originating party that it is being dealt with,
  - b. Investigate if necessary,
  - c. Take appropriate enforcement action, if necessary,
  - d. Inform the originating party of the results of any enquiries, inspections, or other enforcement action, either directly or through FSS,
  - e. Ensure that responses to requests are open, helpful and provided without undue delay; and
  - f. Keep the originating party updated on progress when action is on-going and the outcome will not be known for some time.
2. Any request for information which, after investigation, liaison or enquiry, appears to be of a serious nature should be referred to FSS.

## 10.8 Disclosure of Information to EU Member States

1. Articles 8 and 11 of Regulation (EU) 2017/625 sets out the general requirements in respect of transparency and confidentiality. Detailed provisions on administrative assistance and co-operation with EU Member States are set out in Articles 102 to 106 of Regulation (EU) 2017/625. Article 102 stipulates that Articles 103 to 108 of that Regulation, which deal with administrative assistance and co-operation between Member States “*applicable to the release of documents and information that are the object of, or related to, judicial investigations and court proceedings, including criminal investigations; and aimed at the protection of natural or legal persons’ commercial interests.*” Food Authorities should therefore ensure that any release of information is compatible with Freedom of Information and data protection legislation.

## **11 Crown and Police Premises**

### **11.1 Introduction**

1. This section concerns the approach to enforcement in Crown premises and in premises that are occupied by the police. It does not apply to premises that are occupied by the National Health Service (NHS) or NHS Trusts since these are not Crown premises. Information on military ships and aircraft and Home Authority contacts for the Army, Royal Navy and Royal Air Force are provided in sub-section 30.4<sup>51</sup>.
2. If the premises occupied by Police Scotland are owned by the Local Authorities and are not Crown premises, they are to be treated for these purposes in the same way as Crown premises.

### **11.2 Powers of Entry Food Hygiene (Scotland) Regulations 2006**

1. The powers of entry under Regulation 14 of the Food Hygiene (Scotland) Regulations 2006 may be used in relation to Crown premises.
2. The Food Hygiene (Scotland) Regulations 2006 do not contain the specific exemptions for certain members of the Royal Family or certain Royal residences as afforded by the Act, Food Authorities should use discretion when exercising their powers in respect of Crown premises.
3. In practice, Food Authorities should adopt the same approach to the enforcement of the Food Hygiene (Scotland) Regulations 2006 in respect of Crown premises as they do in respect of the Act.

### **11.3 Powers of Entry (under the Act)**

1. The powers of entry under Section 32 of the Act may be used, in respect of Food Law standards issues, in relation to Crown premises (subject to exemptions for certain members of the Royal Family and certain Royal residences). However, a national security certificate may have been issued by a Secretary of State or Scottish Ministers certifying that powers of entry under the Act cannot be exercised. If an Authorised Officer seeks entry to Crown premises and is informed that such a certificate has been issued, the officer may ask to see the certificate or a copy of it.

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<sup>51</sup> [Food Law Code of Practice \(Scotland\) 2019](#)

## 11.4 Obtaining Entry to Crown and Police Premises

1. For the purposes of obtaining entry, Crown and police premises fall broadly into three categories, as seen below, although premises may move from one category to another between inspections.

**Category 1** - includes premises situated on Crown land where there are normally no security implications, e.g. restaurants in museums or Royal Parks. These premises should be treated like any other food business. Category 1 premises should normally be visited without prior arrangement.

**Category 2** - includes premises with controlled entry but normally minimal security implications. Most government and police premises fall within this category. They are similar to many private businesses with security systems. First visits to Category 2 premises should be by prior arrangement. Future visits may be unannounced, but arrangements for subsequent visits should be agreed at the first inspection and confirmed in writing.

**Category 3** – includes premises where unannounced entry is not possible because of security implications and/or for the personal safety of the Authorised Officer, e.g. HM Forces, defence and national security establishments, prisons, remand centres, and parts of police premises that accommodate prisoners. Category 3 premises should always be visited by prior arrangement with the appropriate contact at the establishment concerned, e.g. the defence establishment security officer, the commanding officer or nominated representative of an HM Forces establishment, the Governor of a prison service establishment, or the officer in charge of police premises. This will enable the Authorised Officer to obtain entry without undue delay. The contact may be reminded of the power of entry if an Authorised Officer considers that the suggested appointment is too far in advance.

2. Authorised Officers who have not been security cleared will be subject to visitor control procedures and may be escorted at all times. Authorised Officers should carry an identity card that incorporates their photograph.
3. Authorised Officers should bear in mind that there may be times when it will not be possible for an inspection to take place or continue in Category 3 premises. Any such reasonable restriction should not be regarded as obstruction.
4. The Authorised Officer's name, date of birth, card or pass number (if any) and the registration number of the officer's motor vehicle should be given in advance of a visit to Category 3 premises, if required.
5. If the Food Authority is in doubt as to how to classify particular premises to which this section applies, they should be treated as Category 3 premises and reviewed at a later stage, if necessary.

6. An incident such as a foodborne disease outbreak may require an Authorised Officer to visit premises at short notice even though prior notice would normally be required. A telephone notification that the officer is on the way is essential in Category 3 premises, and may save time in gaining entry to Category 2 premises. It should not normally be necessary in such circumstances to give more than the briefest notice of such a visit.

### **11.5 Conduct**

1. Authorised Officers should be aware of matters of confidentiality when visiting those parts of premises that accommodate prisoners. Such matters may be discussed when the visit is arranged.
2. Inspections should be confined to areas used by the food business or where records relating to it are held, unless the visit is connected with the investigation of an outbreak of food-borne illness and it is necessary, as part of the investigation, to inspect other areas.
3. Military activities should not be impeded or interrupted by a visit.
4. Authorised Officers should conform to the security requirements of the establishment concerned, including baggage inspections and identity checks.

### **11.6 Photographs**

1. The consent of the prison Governor is necessary before bringing a [camera](#) into a Scottish prison. In addition no person viewing the prison shall be permitted to take a photograph or sketch unless authorised to do so by the Governor. Therefore before taking any photographs, making sketches or taking measurements on Category 3 premises, the Authorised Officer should seek the necessary permissions and discuss such matters with the escorting officer taking account of any requirements. Unless absolutely necessary to illustrate a possible contravention of the legislation, photographs on Category 3 premises should not include individuals. It should not be possible to identify any individual from any photograph taken within a prison or remand establishment.

### **11.7 Liaison with the Home Authority and or FSA/FSS**

1. Food Authorities should report any difficulties encountered in the enforcement of Food Law in premises to which this section applies to the appropriate Home Authority or, if there is no Home Authority, to FSS.

## **12 Service Planning - Introduction**

1. This section details the obligations on Food Authorities on Official Controls arising from existing legislation, Codes of Practice and related guidance, and sets out the



requirements for the planning, management and delivery of Food Law regulation by Local Authorities.

2. Local Authorities will need to ensure that the services they provide support and achieve business compliance with Food Law and that they deliver appropriate activities and actions in accordance with [Scottish Regulators' Code of Practice](#).
3. Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered. Service plans will also help Local Authorities to:
  - a. follow the principles of better regulation as detailed in Annex 2;
  - b. focus on key delivery issues and outcomes;
  - c. provide an essential link with corporate and financial planning;
  - d. set objectives for the future, and identify major issues that cross service boundaries;
  - e. provide a means of managing performance and making performance comparisons; and
  - f. provide information on an Authority's service delivery to stakeholders, including businesses and consumers.
4. The service plan should set out how and at what level food controls will be provided, in accordance with this Code and the Interventions Code of Practice. When developing its Service Plan, an Authority should make it clear what period the plan covers, and what arrangements have been put in place for the regular review and updating of the plan.

## **12.1 Organisation and Management**

1. The Food Authority shall draw up, document and implement a service delivery plan in accordance with this Code and all other relevant Codes of Practice.
2. Annex 2 provides Local Authorities with a service plan template, to ensure that all the areas of Official Controls covered by this Code are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:
  - a. information about the services they provide;

- b. the means by which they will provide those services;
  - c. the means by which they will meet any relevant performance targets or performance standards;
  - d. and a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.
3. A performance review shall be carried out by the Food Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum, or where approval and management of service delivery plans has been delegated the relevant Senior Officer.
  4. Any variance in meeting the service delivery plan for any given year shall be addressed by the Food Authority in subsequent service plan.

## **12.2 Review and Updating of Documented Policies and Procedures**

1. The Food Authority shall ensure that all documented policies and procedures for each of the enforcement activities covered by this Code are reviewed at regular intervals, and whenever there are changes to legislation or relevant guidance.
2. The Food Authority shall set up, maintain and implement a control system for all documentation relating to its enforcement activities. Whichever medium is chosen, such as electronic format or hard copy, the system shall ensure that:
  - a. up to date copies of the appropriate documentation including legislation and guidance are available to all relevant staff;
  - b. all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and
  - c. Superseded documents are removed from use throughout the Food Authority.

## **12.3 Authorised Officers**

1. The Food Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any FSS guidance.
2. The Food Authority shall appoint Authorised Officer(s) with necessary knowledge and experience to undertake the full range of Food Law responsibilities. Where the Food Authority has specific responsibilities, for example it is a UK point of entry or

it has establishments Approved in accordance with Regulation (EC) No 853/2004, it should ensure that officers have the necessary specialist knowledge.

3. The Food Authority shall appoint a sufficient number of Authorised Officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Codes of Practice.
4. The Food Authority shall ensure that all Authorised Officers and appropriate support staff receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved, in accordance with all Codes of Practice.
5. The Food Authority must retain evidence of registration, qualifications and documents required by Section 4 of this Code and record on-going and/ or revision training undertaken by their Authorised Officers, including contract and temporary staff.

#### **12.4 Facilities and Equipment**

1. The Food Authority shall make available the necessary facilities and equipment that are required to the effective delivery of all activities associated with the delivery of Official Controls.
2. The Food Authority shall ensure that equipment is properly maintained and calibrated (where applicable), and is removed from service when found to be defective. To support this task, it shall set up, maintain and implement a documented procedure, which should include identification of equipment, evidence of maintenance and calibration, and the results of any in service checks.
3. The Management Information Software (MIS) used by the Food Authority shall be reliable and capable of providing any information reasonably requested by FSS. Such systems shall be up-to-date and operating to the current version and managed in such a way so as to be able to provide required information to FSS. (please see sections 8 and 9 of this Code)
4. The Food Authority shall set up, maintain and implement appropriate backup systems for any electronic databases, and systems or documented procedures which have been designed to minimise the risk of corruption or loss of information held on its databases. The Food Authority should ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons.

## **12.5 Food Establishments Interventions and Inspections**

1. The Food Authority shall carry out Interventions (as required by all relevant Codes of Practice) at all Food establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice, issued guidance and Authority's policies and procedures.
2. The Food Authority shall approve or register establishments in accordance with the relevant legislation, Codes of Practice, issued guidance and the Food Authority's policies and procedures.
3. The Food Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards. In assessing compliance, the Food Authority shall (as required by Article 14 of Regulation (EU) 2017/625) take into account any relevant Industry Guides to Good Practice and have regard to any other relevant guidance. The Food Authority shall take appropriate action on any non-compliance found, in accordance with the Food Authority's enforcement policy.
4. The Food Authority shall set up, maintain and implement documented procedures for the range of Interventions it carries out.
5. Observations made and/or data obtained in the course of an Intervention shall be recorded in a timely manner to prevent loss of relevant information. Officers' contemporaneous records of interventions shall be legible and stored in such a way that they are retrievable.

## **12.6 Food Establishments Complaints**

1. The Food Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about :
  - a. foods that originate within the UK;
  - b. foods originating from EU member states, or from third countries; and
  - c. in relation to complaints against food establishments.
2. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food controls at the UK point of entry.
3. The Food Authority shall investigate complaints received in accordance with all relevant Codes of Practice, FSS issued guidance and the Food Authority's policies and procedures.

4. The Food Authority shall take appropriate action on complaints received in accordance with the Food Authority's enforcement policy.

### **12.7 Home Authority, Originating Authority and Primary Authority**

1. Where a Primary Authority (only relevant in England and Wales) partnership has been established for a business, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act, the Primary Authority shall act in accordance with the relevant requirements and guidance. A Primary Authority partnership can cover the full range of regulatory service, or specific functions, such as Food Law.
2. Where a Primary Authority partnership has not been established for a business for a particular function, the Home Authority principle will continue to apply:
3. The Food Authority shall provide advice to businesses on legal compliance where they act as Home and/or Originating Authority.
4. The Food Authority shall have regard to any information or advice it has received from any liaison with Home and/or Originating Authorities.
5. The Food Authority shall liaise with the Home and/or Originating Authority of a business whose food and/or premises have been subject to an intervention, and offences identified which are, or appear to be, associated with the business's centrally defined policies and procedures.
6. During a complaint investigation, the Food Authority shall liaise with the Home and/or Originating Authority regarding matters which are or may be associated with the business's centrally defined policies or procedures.
7. The Food Authority shall liaise with the Home and/or Originating Authority of a business in relation to any unsatisfactory samples which are or may be associated with the business's centrally defined policies or procedures.
8. The Food Authority, having initiated liaison with any Home and/or Originating Authority, shall notify that authority of the outcome.

### **12.8 Advice to Business**

1. **The responsibility to comply with Food Law rests with the Food Business Operator.** As part of its approach to enforcement, the Food Authority shall work with businesses to help them comply with food legislation. This may include, for example:

- a. Running training courses/seminars (in accordance with the requirements in the Codes of Practice for avoiding potential conflicts of interest);
- b. providing advice during Interventions;
- c. business information sheets;
- d. responding to queries; and
- e. dialogue with business through local business partnerships or similar forums.

### **12.9 Food Establishments Database**

1. The Food Authority shall set up, maintain and implement a database of the food establishments in its area.
2. The Food Authority shall set up, maintain and implement a documented procedure to ensure that its MIS is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

### **12.10 Sampling & Inspection**

1. The Food Authority shall ensure that where appropriate food is sampled at food establishments, in accordance with relevant legislation, Codes of Practice and FSS issued guidance, to ensure that food meet legally prescribed standards.
2. The Food Authority shall take appropriate action on any non-compliance found in accordance with the Food Authority's enforcement policy.
3. The Food Authority shall set up, maintain and implement a documented sampling policy and programme which is designed to verify food safety management and standards by food businesses based on risk. It shall accord with relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme co-ordinated by FSS.
4. The Food Authority should consider the nature of all its food establishments and where applicable the nature of imported foods and have regard to any relevant sampling programmes which are centrally co-ordinated.
5. The Food Authority shall set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and associated guidance.

6. The Food Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.
7. The Food Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.
8. The Food Authority will ensure a Public Analyst, is appointed to carry out analyses of food samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination. The Food Examiner should also be appointed by the LA.<sup>52</sup>

#### **12.11 Control, Investigation and procedures of Outbreaks and Food Related Infectious Disease**

1. The Food Authority shall set up, maintain and implement a documented procedure which has been developed in association with all relevant organisations in relation to control of outbreaks of food related infectious disease in accordance with relevant guidance.
2. The Food Authority shall set up, maintain and implement a documented procedure which has been developed in accordance with guidance, and in association with all relevant organisations for the investigation of notifications of food related infectious disease.
3. All records relating to the control and investigation of outbreaks and food related infectious disease shall be kept for at least 6 years.

#### **12.12 Food Safety Incidents & Alerts & PRINs**

1. The Food Authority shall set up, maintain and implement a documented procedure for initiating and responding to food incidents and alerts, in accordance with the relevant Codes of Practice. For UK points of entry, this procedure should also address IMSOC notifications and relevant EC decisions. This procedure shall also include out of hours contact arrangements.
2. The Food Authority shall ensure they are capable of receiving food alerts and incidents.
3. The Food Authority shall record its response to and the outcome of each food alert.
4. The Food Authority shall set up, maintain and implement a documented procedure for responding to Food Safety incidents.

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<sup>52</sup> [The Food Safety \(Sampling and Qualifications\) \(Scotland\) Regulations 2013](#)

5. The Food Authority shall notify FSS of any serious localised incident or a wider Food Law problem in accordance with the relevant Codes of Practice.

#### **12.13 Enforcement**

1. The Food Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other associated guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer.
2. The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Food Authority's area.
3. The Food Authority shall set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and associated guidance.
4. The Food Authority shall carry out Food Law enforcement in accordance with the relevant Codes of Practice and associated guidance.
5. All decisions on enforcement action shall be made following consideration of the Food Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

#### **12.14 Food Crime and Fraud**

1. A statement in relation to the Authority's policy on handling food crime, including its use of the Memorandum of Understanding between The Society of Chief Officers of Environmental Health in Scotland and Food Standards Scotland, in relation to the investigation of food crime in Scotland, and its processes for ensuring its Officers record food crime intelligence on the agreed shared intelligence database; to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.

#### **12.15 Complaints about the Service**

1. The Food Authority shall set up, maintain, implement and make readily available to the public and the food businesses in its area, a documented complaints procedure regarding complaints about the service.
2. The Food Authority shall investigate complaints received in accordance with the relevant guidance.



3. A record shall be made of all complaints received and of the actions taken by the Food Authority in response to those complaints.

#### **12.16 Liaison with Other Organisations**

1. The Food Authority shall put in place liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the relevant Codes of Practice and relevant guidance.
2. The Food Authority shall also put in place liaison arrangements with other Official Control bodies or government organisations, aimed at a proportionate and consistent approach to reduce unnecessary regulatory burdens on businesses.

### **13 Monitoring of Inspections - Internal and FSS Monitoring of Interventions**

#### **13.1 Introduction**

1. This section deals with the internal monitoring of interventions by the Food Authority of its own service delivery and the monitoring of each Food Authority's enforcement actions by FSS.
2. The Food Authority shall set up, maintain and implement documented internal Monitoring procedures in accordance with Article 12 of Regulation (EU) 2017/625, the relevant Codes of Practice and associated guidance.
3. The Food Authority shall verify its conformance with, relevant legislation, Codes of Practice, associated guidance and the Food Authority's own documented policies and procedures.

#### **13.2 Internal monitoring**

1. Food Authorities must ensure that Interventions are carried out to a consistently high standard and that the planned Intervention programme is being maintained.

#### **13.3 Documented procedures**

1. Food Authorities must maintain documented procedures for monitoring progress of the planned intervention programme and the quality and consistency of Interventions undertaken by their Authorised Officers or staff supplied under contract, to ensure, so far as practicable, that Interventions are carried out competently. The procedures should include how the Food Authority will amend its programme to allow for in-year changes, such as newly opened Food Business Establishments, Food Business Establishments found to be closed and Food Business Establishments for which the Intervention rating has changed.

### **13.4 Monitoring system**

1. A monitoring system must include measures to assess:
  - a. Adherence to the Food Authority's planned Intervention programme.
  - b. Compliance with this Code and all other relevant Codes of Practice and guidance.
  - c. The consistent assessment of Intervention ratings.
  - d. Appropriate use of relevant Intervention documentation.
  - e. Compliance with internal procedures, policies and the Food Authority's Service Plan and Enforcement Policy.
  - f. That the interpretation and action taken by Authorised Officers following an intervention is consistent within that Food Authority and is consistent with FSS, SFELC or other guidance.
  - g. That Authorised Officers are aware of and have access to other published Industry Codes of Practice relevant to the businesses within the area of the Food Authority and in relation to Food Law interventions:
  - h. That Authorised Officers have due regard to published UK or EU Guides to Good Practice.

### **13.5 Food Standards Scotland monitoring of Food Authorities**

1. The Food Authority's database must retain the details of Food Law activity including Interventions, Intervention ratings and enforcement actions for all Food Businesses for a maximum of 6 years (this should include details for Businesses that have closed) unless required for longer retention because of litigation, Local Government Ombudsman review, the document retention policy of the Food Authority or instruction by FSS.
2. Food Authorities should use the SFSD (Scottish Food Sampling Database) to record all food sampling activity. This information is sent directly to SND for monitoring of sampling activity. (Please see also section 8.2 and 9.10.)
3. Food Authorities are subject to regular audit by FSS as part of its functions under the Food (Scotland) Act 2015, and in accordance with the requirements of Article 6 of Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products. FSS is responsible for monitoring and reporting the performance of enforcement authorities for enforcing relevant legislation on Food Law.

4. FSS will use the data provided to assess both the levels of Authorities' actions to deliver Official Controls, and the outcomes (in terms of business compliance levels) achieved by those actions.
5. The data collected via SND will be used by FSS for the following purposes:
  - a. to report national data on food control activities, trends and (for food businesses) compliance levels;
  - b. to identify levels of business compliance achieved and of food control activity, by individual authority, to:
  - c. ensure effective Food Law services are in place locally;
  - d. inform FSS audit programmes;
  - e. provide benchmarks for LAs; and
  - f. help inform the UK enforcement strategy.

## ANNEXES

### ANNEX 1: Glossary of Terms

BEIS	Department for Business, Energy and Industrial Strategy
CCP	Critical Control Point
CIEH	Chartered Institute of Environmental Health
Competent Authority	<p>Regulation (EU) 2017/625 Article 3(3) defines 'competent authorities' as (a) the central authorities of a Member State responsible for the organisation of official controls and of other official activities, in accordance with Regulation (EU) 2017/625 and the rules referred to in Article 1(2); (b) any other authority to which that responsibility has been conferred; (c) where appropriate, the corresponding authorities of a third country;</p> <p>Articles 4 and 5 describe the designation and general obligations of competent authorities for the purposes of official controls.</p>
CPD	Continuing Professional Development
CPHM (CD/EH)	Consultant in Public Health Medicine (Communicable Disease/Environmental Health)
DCA	Diploma in Consumer Affairs
DCATS	Diploma in Consumer Affairs and Trading Standards
Delegated Body	<p>Regulation (EU) 2017/625 Article 3(5) defines a 'delegated body' as meaning a separate legal person to which the competent authorities have delegated certain official control tasks or certain tasks related to other official activities.</p>
DG SANTE	Directorate-General for Health and Food Safety (formerly Food and Veterinary Office of the European Commission (FVO))
DTS	Diploma in Trading Standards
<i>E. coli</i> O157	<i>Escherichia coli</i> O157
EHO	Environmental Health Officer
EHRB	Environmental Health Registration Board

Enforcement Authority	Interchangeable with Food Authority and Local Authority
EU	European Union
Food Authority	Interchangeable with Enforcement Authority and Local Authority
Food Business	Food business - any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food. As defined in Regulation (EC) No 178/2002.
FBO	Food Business Operator - the natural or legal persons responsible for ensuring that the requirements of Food Law are met within the food business under their control. As defined in Regulation (EC) No 178/2002.
FSA	Food Standards Agency
FSS	Food Standards Scotland
Home Authority (HA)	The Home Authority for a Food Business is the Local Authority where the decision making base of a business is located. For Food Businesses with more than one branch, the Home Authority is generally the Local Authority where the head office (or another decision making centre) is located.
HACCP	Hazard Analysis and Critical Control Point
HDCATS	Higher Diploma in Consumer Affairs and Trading Standards
HPS	Health Protection Scotland (formerly SCIEH)
IMSOC	Integrated Management System for Official Controls
IFST	Institute of Food Science and Technology
Local Authority	Interchangeable with Food Authority and Enforcement Authority
MOD	Ministry of Defence
NHS	National Health Service

Originating Authority	The Food Authority in whose area food is produced from a decentralised Food Business unit or branch The Food Business' Home Authority is located elsewhere.
Primary Authority	Agreements that exist in England but have no legal standing in Scotland in relation to food.
PHE	Public Health England
PHS	Public Health Scotland
REHIS	Royal Environmental Health Institute of Scotland
SFSD	Scottish Food Sampling Database
SFELC	Scottish Food Enforcement Liaison Committee
SFSORB	Scottish Food Safety Officers' Registration Board
SND	Scottish National Database
TSI	Trading Standards Institute
TSO	Trading Standards Officer
UKAS	United Kingdom Accreditation Service

## **ANNEX 2: Official Food Controls Service Plan Guidance**

### **1 Introduction**

1. This guidance provides Local Authorities with a service plan template, to ensure that all the areas of Official Controls are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:
  - a. information about the services they provide;
  - b. the means by which they will provide those services;
  - c. the means by which they will meet any relevant performance targets or performance standards; and
  - d. a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.

### **2 Scottish Government's Better Regulation**

1. Local authorities should take account of the Government's Better Regulation agenda and the Scottish Regulators' Strategic Code of Practice when planning and delivering their services. Regulators should adopt the following high level operational approaches:
  - a. Adopt a positive enabling approach in pursuing outcomes that contribute to sustainable economic growth.
  - b. In pursuing their core regulatory remit be alive to other interests, including relevant community and business interests; taking business factors appropriately and proportionately into account in their decision making processes; and protecting public health and safety.
  - c. Adopt risk and evidence based protocols which help target action where it's needed and help to ensure the achievement of measurable outcomes.
  - d. Develop effective relationships with those they regulate and have clear two-way communication in place.
  - e. Tailor their approach depending on the nature of the sector they are regulating and the desired outcomes. This includes a commitment to advice and support for those who seek to comply, allied with robust and effective enforcement when justified.
  - f. Recognise, in their policies and practice, a commitment to the five principles of better regulation: regulation should be transparent, accountable, consistent, proportionate and targeted only where needed.
  - g. Pursue continuous improvement in regulatory practice based on the principles of better regulation.

2. The [Scottish Regulators' Strategic Code of Practice](#) includes a number of principles which Local authorities will need to take account of in their Service plans.
3. The targeting of resources where they are most effective and at areas of highest risk is essential in providing the public with an effective service. It is the desired outcome, which may alter with changing circumstances that should be the key influence when Local Authorities are selecting the appropriate Interventions to be used. Attention should be given to longer term outcomes as well as short-term ones.

### **3 Common Format**

1. Service Plans are an expression of Local Authorities' own commitment to the development of the Food Service. However, it is also important to consider the use made of the plans by the FSS, which will require information about Official Food control activities in a common format to enable it to assess local authorities' delivery of the service. In addition, service plans may be of use to other local authorities who will find analysis and comparison of their relative performance greatly facilitated by a common format. The guidelines are therefore structured in terms of a common format – with chapter and subject headings specified - and a general description of the content that should form part of each. There is no intention to remove Local Authority flexibility to include additional items under particular headings.
2. It is recognised that Local Authorities have had service plans for many years, and may have corporate style or templates that they wish to maintain. It is also recognised that some Local Authorities undertake the planning and review processes at separate times and issue the results of review as a separate document. Some Local Authorities include their plans for the food delivery service as part of a larger plan of Authority services. While there is flexibility for Local Authorities to continue with a corporate format, they shall ensure that the information requirements in this guidance are included.
3. Authorities should cover at least the following areas in their service plans for delivery of Official Controls:
  - a. Service Aims and Objectives
  - b. Background
  - c. Service Delivery
  - d. Resources
  - e. Quality Assessment



f. Review

#### 4 Local Governance Approval

1. Authorities have the flexibility to decide locally whether or not service plans should be approved at local governance level. To help to ensure local transparency and accountability, and to show their contribution to the Food Authority's corporate plan, food service plans and performance reviews should be approved at the relevant level established for that Local Authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans and annual reviews have received appropriate approval in a timely manner.

#### 5 Service Planning Guidance

##### 1. Service Aims and Objectives

1.1 Aims and Objectives	A statement of the service's aims and objectives.
1.2 Links to corporate objectives and plans	This section should identify how the service plan(s) fit into the Food Authority's corporate planning process and how it plays its part in meeting the Food Authority's objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Food Authority.

##### 2. Background

2.1 Profile of the Local Authority	This section should include details of the population, size and nature of the Food Authority.
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<p>2.2 Organisational Structure</p>	<p>A simple chart showing the council services and committee structure which shows where the food service fits in. The structure should identify the Chief executive officer and Senior Manager(s) Controls. Lead Officers and the Authorised Officer(s) with specialist responsibility for Food Law, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.</p>
<p>2.3 Scope of the Food Service</p>	<p>A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the food service are provided by another organisation e.g. contractors. Any other services that are delivered alongside the food service, e.g. health and safety inspections, can also be described here.</p>
<p>2.4 Demands on Food Service</p>	<p>This section should include a brief outline of the Food Business Establishments profile, the number of Approved and Registered establishments in the Food Authority's area; Any particular local requirements associated with specialist or complex processes.</p> <p>The section should detail the service delivery Key Performance Indicators used by the Food Authority and the times at which the service is available...</p> <ul style="list-style-type: none"> <li>• the service delivery points used</li> <li>• the times at which the service is available from these points</li> </ul> <p>This section also enables the Food Authority to describe any external factors that may impact on their</p>

	service. For example: the percentage of food establishments that are manufacturing high foods, imported or exported food responsibilities, or seasonal activities.
2.5 Enforcement Policy	A brief reference statement to the Food Authority's documented Enforcement Policy.

### 3. Service Delivery

3.1 Interventions at Food Business Establishment	<p>A statement in relation to the Food Authority's policy on interventions and how they will be selected in individual cases, including details of the programme of interventions For Food Business Establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required e.g. staffing. The plan should also detail any targeted intervention activity that the Food Authority intends to carry out including any extra resources this may require; this could include specific project work.</p> <p>The Food Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section should include, where appropriate, the arrangements the Food Authority has made to ensure that they have access to adequate appropriate expertise to enable a competent inspection of any specialised processes identified in Section 2.4 Demands on Food Service above.</p>
3.2 Food Complaints	A statement in relation to the Food Authority's policy regarding the

	<p>investigation of food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.</p>
<p>3.3 Home Authority, Originating Authority and Primary Authority</p>	<p>A statement in relation to the Food Authority's policy on the Home and/or Originating Authority Principle including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, and responding to enquiries from other enforcing authorities.</p>
<p>3.4 Advice to Business</p>	<p>A statement in relation to the Food Authority's policy regarding advice to business (as part of the overall interventions policy) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Food Authority has to business partnerships or forums.</p>
<p>3.5 Food Sampling</p>	<p>A statement in relation to the Food Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, as a result of imported food responsibilities and control arrangements or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Food Authority has made for the analysis and/or examination of the samples.</p>
<p>3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease</p>	<p>A statement in relation to the Food Authority's policy on the investigation of food poisoning notifications and</p>

	<p>outbreak control including an estimation based on previous years' trends of likely demand on the service and an estimation of the resources required.</p>
<p>3.7 Food Law Incidents</p>	<p>A statement in relation to the Food Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.</p>
<p>3.8 Liaison with Other Organisations</p>	<p>The Food Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring Local Authorities. This section should include:</p> <ul style="list-style-type: none"> <li>• any liaison the Food Authority has with other Authorities;</li> <li>• any liaison, where appropriate, with LGA</li> <li>• any arrangements with other Official Control bodies or other government departments to co-ordinate Official Controls (where applicable);</li> <li>• any representation on Government working groups or committees;</li> <li>• liaison with professional body working groups;</li> <li>• liaison and involvement/participation with SFELC advisory groups and similar or related bodies;</li> <li>• any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities;</li> <li>• any formalised liaison with other services within the Food Authority e.g. review of building control applications;</li> <li>• any commitment to local/regional groups.</li> </ul>

	<ul style="list-style-type: none"> <li>• an estimation of the resource allocation should be included.</li> </ul>
3.9 Food Law promotional work, and other non-Official Controls interventions	A statement of any promotional work, or information/intelligence gathering work, which the Food Authority intends to carry out in the year and the measures it will use to evaluate its effectiveness, with an estimate of the resource allocation including staffing to undertake this work.
3.10 Food Crime and Fraudulent activities	A statement in relation to the Authority's policy on food crime and fraud, including its use of the Memorandum of Understanding between The Society of Chief Officers of Environmental Health in Scotland and Food Standards Scotland, in relation to the investigation of food crime in Scotland, and its processes for ensuring its Officers record food crime intelligence on the agreed shared intelligence database; to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.

#### 4. Finance and Staffing

4.1 Financial Allocation	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Food Authority for any legal action necessary as part of their enforcement function.
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4.2 Staffing Allocation	A statement of the number of FTE posts required to deliver the service, and the number of staff working on delivery of Official Controls and related matters. This should distinguish qualified staff from support staff. These figures should be expressed in terms of levels of competency and authorisation levels with reference to the appropriate Codes of Practice, including support staff.
4.3 Staff Development Plan	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.

## 5. Monitoring

5.1 Quality assessment and internal monitoring	A statement specifying the measures to be taken to assess the quality of the Food Authority's service including any relevant <a href="#">internal</a> or external independent monitoring arrangements developed by the Food Authority to assess performance against the this code. This should include any agreed inter-authority audit or peer review arrangements. The Food Authority should include details of any externally accredited or self-assessment models used.
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## 6. Review

6.1 Review against the Service Plan	The Food Authority should set out the process, for reviewing and reporting delivery of the service plan. This should include timescales, structures and information on the previous year's performance against the service plan and any specified performance targets, performance standards and targeted outcomes should include information on the previous year's performance against the service plan and any specified performance targets and performance standards and targeted outcomes.
6.2 Areas of Improvement	The Food Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.



### **ANNEX 3: Hazard Analysis and Critical Control Point (HACCP)**

Standards of Competence for Food Authority Authorised Officers in relation to procedures based on HACCP principles

1. Food Authorities must satisfy themselves that staff engaged in the food hygiene inspection of Food Business Establishments, based on HACCP principles, in addition to holding the relevant qualification prescribed in sub-section 4.8 for the category of business to be inspected, are able to demonstrate the following competencies.
  - a. To identify, by conducting an audit, the need for improved food safety control in establishments, having regard to the nature and size of the business.
  - b. Assess the quality of food safety hazard identification in a Food Business.
  - c. Assess the quality of Critical Control Point (CCP) identification in a Food Business.
  - d. Assess the suitability of controls in place and their monitoring at CCPs.
2. Assess the Food Business Operator's verification and review of procedures based on HACCP principles.
  - a. To promote and support the implementation of procedures based on HACCP principles appropriate to the nature and size of the business.
  - b. Explain the principles of hazard analysis to Food Business Operators or managers in terms appropriate to the nature and size of the business.
  - c. Specify targets for improved control of food safety hazards.
  - d. Provide advice on carrying out hazard analysis and implementing controls in terms appropriate to the nature and size of the business.
  - e. Explain, where appropriate, the relationship between HACCP systems (based on Codex Alimentarius) and other procedures based on HACCP principles.
3. To secure compliance with procedures based upon HACCP principles as required in legislation, appropriate to the nature and size of the business.
  - a. Explain the legal requirements in relation to procedures based on HACCP principles.
  - b. Secure progress towards compliance by discussion and persuasion.
4. Secure compliance by the issue of notices. Secure compliance through the courts (and gather and preserve evidence in a form usable in court).

#### **ANNEX 4: Associated Guidance**

Food Law Code of Practice (Scotland) 2019:

<https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019>

Interventions – Food Law Code of Practice (Scotland) 2019:

<https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019>

The Scottish Prison Service:

<http://www.sps.gov.uk/Corporate/AboutUs/AboutUs.aspx>

The Codex Alimentarius:

<http://www.codexalimentarius.org/>

The Scottish National Protocol:

[https://www.foodstandards.gov.scot/downloads/Approved\\_establishments\\_working\\_group\\_-\\_2019\\_-\\_Scottish\\_National\\_Protocol\\_Update\\_-\\_January\\_2020.pdf](https://www.foodstandards.gov.scot/downloads/Approved_establishments_working_group_-_2019_-_Scottish_National_Protocol_Update_-_January_2020.pdf)

Internal Monitoring Advice for Local Authority Food and Feed Law Enforcement Services:

[https://www.foodstandards.gov.scot/downloads/FSSNF10010-Internal\\_Monitoring\\_Guidance\\_-\\_Updated\\_Dec\\_19.pdf](https://www.foodstandards.gov.scot/downloads/FSSNF10010-Internal_Monitoring_Guidance_-_Updated_Dec_19.pdf)

Scottish Regulators' Strategic Code of Practice:

<https://www.gov.scot/publications/scottish-regulators-strategic-code-of-practice/>

## ANNEX 5: Superseded Sub-sections of the Food Law Code of Practice (Scotland) 2019

The Administration and Service Planning Code 2019 supersedes the following sub-sections in the Food Law Code of Practice (Scotland) 2019 (see Figure 2).

Figure 2 – Superseded Sections of the Food Law Code of Practice (Scotland) 2019

Section 1 – Administration	
Sub-sections 1	All
Sub-section 2	All
Sub-section 3	All
Sub-section 4	All
Sub-section 5	All
Sub-Section 6	6.1, 6.2, 6.3
Sub-section 7	All
Section 2 – Communication	
Sub-section 10	All
Sub-section 11	All
Sub-section 12	12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9, 12.10
Sub-section 13	All
Section 7 – Monitoring of Inspections	
Sub-section 39	All
Annex 2: Hazard Analysis and Critical Control Point (HACCP)	
Annex 2: Hazard Analysis and Critical Control Point (HACCP)	Annex 3: Hazard Analysis and Critical Control Point (HACCP)

## **ANNEX 6: OCR Tertiary Legislation**

[Commission Implementing Regulation \(EU\) 2018/329](#) designating a European Union Reference Centre for Animal Welfare;

[Commission Delegated Regulation \(EU\) 2018/631](#) supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants;

[Commission Implementing Regulation \(EU\) 2019/66](#) on rules on uniform practical arrangements for the performance of official controls on plants, plant products and other objects in order to verify compliance with Union rules on protective measures against pests of plants applicable to those goods;

[Commission Delegated Regulation \(EU\) 2019/478](#) amending Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the categories of consignments to be subjected to official controls at border control posts;

[Commission Implementing Regulation \(EU\) 2019/530](#) designating European Union reference laboratories for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, viruses, viroids, and phytoplasmas;

[Commission Delegated Regulation \(EU\) 2019/624](#) concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council;

[Commission Delegated Regulation \(EU\) 2019/625](#) supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption;

[Commission Implementing Regulation \(EU\) 2019/626](#) concerning lists of third countries or regions thereof authorised for the entry into the European Union of certain animals and goods intended for human consumption, amending Implementing Regulation (EU) 2016/759 as regards these lists;

[Commission Implementing Regulation \(EU\) 2019/627](#) laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls;

[Commission Implementing Regulation \(EU\) 2019/628](#) concerning model official certificates for certain animals and goods and amending Regulation (EC) No 2074/2005 and Implementing Regulation (EU) 2016/759 as regards these model certificates;

[Commission Implementing Regulation \(EU\) 2019/723](#) laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States;

[Commission Delegated Regulation \(EU\) 2019/1012](#) supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by derogating from the rules on

the designation of control points and from the minimum requirements for border control posts;

[Commission Implementing Regulation \(EU\) 2019/1013](#) on prior notification of consignments of certain categories of animals and goods entering the Union;

[Commission Implementing Regulation \(EU\) 2019/1014](#) to lay down detailed rules on minimum requirements for border control posts, including inspection centres, and for the format, categories and abbreviations to use for listing border control posts and control points;

[Commission Delegated Regulation \(EU\) 2019/1081](#) establishing rules on specific training requirements for staff for performing certain physical checks at border control posts;

[Commission Delegated Regulation \(EU\) 2019/1602](#) concerning the Common Health Entry Document accompanying consignments of animals and goods to their destination;

[Commission Delegated Regulation \(EU\) 2019/1666](#) supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union;

[Commission Implementing Regulation \(EU\) 2019/1715](#) laying down rules for the functioning of the information management system for official controls and its system components;

[Commission Implementing Regulation \(EU\) 2019/1793](#) on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660;

[Commission Implementing Regulation \(EU\) 2019/1873](#) on the procedures at border control posts for a coordinated performance by competent authorities of intensified official controls on products of animal origin, germinal products, animal by-products and composite products;

[Commission Implementing Regulation \(EU\) 2019/2007](#) laying down rules for the application of Regulation (EU) 2017/625 as regards the lists of animals, products of animal origin, germinal products, animal by-products and derived products and hay and straw subject to official controls at border control posts and amending Decision 2007/275/EC;

[Commission Delegated Regulation \(EU\) 2019/2074](#) supplementing Regulation (EU) 2017/625 as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country;

[Commission Delegated Regulation \(EU\) 2019/2090](#) supplementing Regulation (EU) 2017/625 regarding cases of suspected or established non-compliance with Union rules applicable to the use or residues of pharmacologically active substances authorised in veterinary medicinal products or as feed additives or with Union rules applicable to the use or residues of prohibited or unauthorised pharmacologically active substances.