
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 5

The Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016

PART 3

Sampling and analysis

Secondary analysis by the Chief Agricultural Analyst

15.—(1) Where a part of a sample sent under regulation 14(1)(b) has been analysed and—

- (a) proceedings are intended to be or have been commenced against a person for an offence under specified feed law; and
- (b) the prosecution intends to adduce evidence of the result of that part of the sample,

paragraphs (2) to (6) apply.

(2) The authorised officer —

- (a) may, of his own volition;
- (b) must, if requested by the prosecutor (if a person other than the authorised officer); or
- (c) must (subject to paragraph (6)), if requested by the defendant,

send the retained part of the sample to be analysed by the Chief Agricultural Analyst.

(3) The Chief Agricultural Analyst must analyse in the prescribed manner the part of the sample sent under paragraph (2) and send to the authorised officer a certificate of the analysis which must be signed by the Chief Agricultural Analyst or by a person authorised by the Chief Agricultural Analyst to sign.

(4) Any analysis required to be made under paragraph (3) may be performed by any person acting under the direction of the Chief Agricultural Analyst.

(5) The authorised officer must immediately on receipt supply the prosecutor (if a person other than the authorised officer) and the defendant with a copy of the Chief Agricultural Analyst certificate of analysis.

(6) Where a request is made under paragraph (2)(c) the authorised officer may give notice in writing to the defendant requesting payment of a fee specified in the notice in respect of the functions mentioned in paragraph (3), and if the specified fee does not exceed either —

- (a) the cost of performing those functions; or
- (b) the appropriate fee for the performance of any similar function under section 78 of the Act^{MI},

the authorised officer may in the absence of agreement by the defendant to pay the fee refuse to comply with the request made under paragraph (2)(c).

(7) In this regulation —

- (a) “defendant” includes a prospective defendant; and

Changes to legislation: There are currently no known outstanding effects for the The Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016, Section 15. (See end of Document for details)

- (b) “the appropriate fee” means such fee as may be fixed in accordance with the provisions of section 78(10) of the Act.

Marginal Citations

M1 As modified in its application to Northern Ireland by section 86 of the Act

Changes to legislation:

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