
WELSH STATUTORY INSTRUMENTS

2006 No. 590

The Official Feed and Food Controls (Wales) Regulations 2006

PART III

**OFFICIAL CONTROLS ON FEED AND FOOD OF
NON-ANIMAL ORIGIN FROM THIRD COUNTRIES**

Analysis etc. of samples

36.—(1) An authorised officer of a food authority who has procured a sample under regulation 35 must—

- (a) if the officer considers that the sample should be analysed, submit it to be analysed by a public analyst;
- (b) if the officer considers that the sample should be examined, submit it to be examined by a food examiner.

(2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it—

- (a) to be analysed by the public analyst for the area in which the purchase was made; or
- (b) to be examined by a food examiner.

(3) If, in any case where a sample is proposed to be submitted for analysis under this regulation, the office of public analyst for the area in question is vacant, the sample must be submitted to the public analyst for some other area.

(4) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this regulation, the food analyst or examiner determines that he or she is for any reason unable to perform the analysis or examination, the sample must be submitted or, as the case may be, sent by him or her to such other food analyst or examiner as he or she may determine.

(5) A food analyst or examiner must analyse or examine as soon as practicable any sample submitted or sent to him or her under this regulation, but may, except where—

- (a) he or she is the public analyst for the area in question; and
- (b) the sample is submitted to him or her for analysis by an authorised officer of an enforcement authority,

demand in advance the payment of such reasonable fee as he or she may require.

(6) Any food analyst or examiner who has analysed or examined a sample must give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.

(7) Any certificate given by a food analyst or examiner under paragraph (6) must be signed by him or her, but the analysis or examination may be made by any person acting under his or her direction.

(8) In any proceedings under the Import Provisions, the production by one of the parties—

- (a) of a document purporting to be a certificate given by a food analyst or examiner under paragraph (6); or

(b) of a document supplied to him or her by the other party as being a copy of such a certificate, will be sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a), the other party requires that the food analyst or examiner be called as a witness.

(9) Any reference in this regulation to a public analyst for a given area will, where two or more public analysts are appointed for any area, be construed as a reference to either or any of them.

(10) The Food Safety (Sampling and Qualifications) Regulations⁽¹⁾ apply to a sample procured by an authorised officer of an enforcement authority under regulation 35 as if it were a sample procured by an authorised officer under section 29 of the Act.

(11) The certificate given by a food analyst or examiner under paragraph (6) must be in the form set out in Schedule 3 to the Food Safety (Sampling and Qualifications) Regulations 1990.

(1) S.I.1990/2463, to which there are amendments not relevant to these Regulations.