
WELSH STATUTORY INSTRUMENTS

2010 No. 2288

The Materials and Articles in Contact
with Food (Wales) Regulations 2010

PART 5

General

Secondary analysis by the Government Chemist

- 20.**—(1) Where a sample has been retained under regulation 19 and—
- (a) proceedings are intended to be or have been commenced against a person for an offence under these Regulations; and
 - (b) the prosecution intends to adduce as evidence the result of the analysis mentioned above,
- paragraphs (2) to (7) apply.
- (2) The authorised officer—
- (a) may of the officer's own volition; or
 - (b) must—
 - (i) if requested by the prosecutor (if a person other than the authorised officer),
 - (ii) if the court so orders, or
 - (iii) (subject to paragraph (6)) if requested by the defendant,
- send the retained part of the sample to the Government Chemist for analysis.
- (3) The Government Chemist must analyse the part sent under paragraph (2) and send to the authorised officer a certificate specifying the results of the analysis.
- (4) Any certificate of the results of analysis transmitted by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by any person under the direction of the person who signs the certificate.
- (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 Government Chemist's certificate of analysis.
- (6) Where a request is made under paragraph (2)(b)(iii) the authorised officer may give notice in writing to the defendant requesting payment of a fee specified in the notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3), and in the absence of agreement by the defendant to pay the fee specified in the notice the authorised officer may refuse to comply with the request.
- (7) In this regulation "defendant" includes a prospective defendant.