
WELSH STATUTORY INSTRUMENTS

2016 No. 387

**The Animal Feed (Hygiene, Sampling etc. and
Enforcement) (Wales) Regulations 2016**

PART 3

Sampling and analysis

Secondary analysis by the Government Chemist

16.—(1) Where a part of a sample sent under regulation 15(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 the analysis of that part of the sample,

paragraphs (2) to (6) apply.

(2) The authorised officer—

- (a) may, of his or her 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 Government Chemist.

(3) The Government Chemist 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 Government Chemist or by a person authorised by the Government Chemist to sign.

(4) An analysis required to be made under paragraph (3) may be performed by a person acting under the direction of the Government Chemist.

(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)(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,

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—

“defendant” (“*diffynnydd*”) includes a prospective defendant; and

“the appropriate fee” (“*y ffi briodol*”) means such fee as may be fixed in accordance with the provisions of section 78(10) of the Act.