



Agriculture (Poisonous Substances) Act (Northern Ireland) 1954

1954 CHAPTER 5

This Act has been repealed subject to a saving for the application of section 6(2)#(7) (reproduced below) by section 5(2) of the Welfare of Animals Act (Northern Ireland) 1972 (see SR 1981/94)

6 Provisions as to samples.

- (1) ...
- (2) An inspector taking a sample under the preceding sub-section with the intention of having it analysed shall, if practicable, forthwith after taking it give information of his intention to the employer of any person then working as mentioned in sub-section (1) of section one of this Act on the land or premises in question, and shall then and there divide the sample into parts, each part to be marked, and sealed or fastened up, in such manner as its nature will permit, and shall—
 - (a) if required so to do by an employer so informed, deliver one part to him;
 - (b) retain one part for future comparison; and
 - (c) if the inspector thinks fit to have an analysis made, submit one part to an analyst approved by the Minister for the purposes of this Act.
- (3) Where it is not practicable for the inspector to give information of his intention as mentioned in the last preceding sub-section to an employer, the inspector shall, if he intends to have the sample analysed and if he can ascertain the name and address of the employer, forward one part of the sample to him by registered post^{F1} or otherwise, together with a notice informing him that he intends to have the sample analysed.
- (4) A document purporting to be a certificate by an analyst approved by the Minister for the purposes of this Act as to the result of an analysis of a sample shall in proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.
- (5) In any proceedings under this Act in which the prosecutor intends to rely on evidence relating to a sample taken under this section, the summons shall not be made returnable

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less than fourteen days from the day on which it is served, and a copy of any certificate of analysis obtained on behalf of the prosecutor shall be served with the summons.

- (6) In any proceedings under this Act in which the prosecutor relies on evidence relating to a sample taken under this section, the part of the sample retained by the inspector for future comparison shall be produced at the hearing.
- (7) The court before which any proceedings are taken under this Act may, if it thinks fit, and upon the request of either party shall, cause the part of any sample produced before the court under the last preceding sub-section to be sent to the officer appointed under section two of the Administrative Provisions Act (Northern Ireland), 1928 , to be the government chemist for Northern Ireland, who shall make an analysis, and transmit to the court a certificate of the result thereof, and the cost of the analysis shall be paid by the prosecutor or the defendant as the court may order.

If, in a case where an appeal is brought, no action has been taken under the preceding provisions of this sub-section, those provisions shall apply also in relation to the court by which the appeal is heard.

F1 Recorded delivery service may be used as an alternative, 1963 c. 5 (NI)

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