
WELSH STATUTORY INSTRUMENTS

2013 No. 479

**The Food Safety (Sampling and
Qualifications) (Wales) Regulations 2013**

Submission of the retained part of the sample

- 8.—(1) Where a part of the sample has been retained under regulation 7(3)(e) and—
- (a) proceedings are intended to be or have been commenced against a person for an offence in connection with that sample; and
 - (b) the prosecution intends to adduce as evidence the result of the analysis mentioned above,
- paragraphs (2) to (6) apply.
- (2) An authorised officer—
- (a) may of the officer's own volition;
 - (b) must, if requested by the prosecutor (if a person other than the authorised officer);
 - (c) must if the court so orders; or
 - (d) must, subject to paragraph (6), if requested by the person accused,
- send the retained part of the sample to the Government Chemist for analysis.
- (3) The Government Chemist must analyse, or direct a food analyst to analyse, the part sent under paragraph (2) and send to the authorised officer a Government Chemist's certificate of analysis.
- (4) Any certificate sent by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by a person under the direction of the person who signs the certificate.
- (5) On receipt of the certificate the authorised officer must, as soon as is reasonably practicable, supply a copy of it to the prosecutor (if a person other than the authorised officer) and to the person accused.
- (6) Where a request is made under paragraph (2)(d) the authorised officer may give notice in writing to the person accused 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 person accused to pay the fee specified in the notice the authorised officer may refuse to comply with the request.