



Food Act 1984

1984 CHAPTER 30

PART VI

ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

Legal proceedings

[^{F1}97] Evidence of analysis.

- (1) In any proceedings under this Act, the production by one of the parties—
 - (a) of a document purporting to be a certificate of a public analyst in the form prescribed under section 79(5), or
 - (b) of a document supplied to him by the other party as being a copy of such a certificate,shall be sufficient evidence of the facts stated in it, unless, in the first-mentioned case, the other party requires that the analyst shall be called as a witness.
- (2) In any such proceedings, if a sample of milk has been taken by an officer of one authority at the request of an officer of another authority, a document—
 - (a) which purports to be a certificate signed by the officer who took the sample, and
 - (b) which states that the provisions of this Act with respect to the manner in which samples are to be dealt with were complied with,shall, if a copy of it has been served on the defendant with the summons, be sufficient evidence of compliance with those provisions, unless the defendant requires that the officer shall be called for as a witness.
- (3) In any such proceedings, if a defendant intends—
 - (a) to produce a certificate of a public analyst, or
 - (b) under subsection (1), to require that a public analyst shall be called as a witness, or
 - (c) under subsection (2), to require that a sampling officer shall be called as a witness,

Changes to legislation: There are currently no known outstanding effects for the Food Act 1984, Section 97. (See end of Document for details)

notice of his intention, together, in the first-mentioned case, with a copy of the certificate, shall be given to the other party at least three clear days before the day on which the summons is returnable, and, if this requirement is not complied with, the court may, if it thinks fit, adjourn the hearing on such terms as it thinks proper.

(4) Regulations made under section 4 or section 7 may prescribe a method of analysis for the purpose of ascertaining the presence in, or absence from, any food of any substance specified in the regulations, or the quantity of any such substance which is present in any food; and in any proceedings under this Act—

- (a) for a contravention of any regulations made under either of those sections, or
- (b) for an offence under section 2 or section 6,

in respect of any food alleged to contain, or not to contain, any substance specified as mentioned above, or any particular quantity of such a substance, evidence of an analysis carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

^{F2}(5)]

<p>Textual Amendments</p> <p>F1 S. 97 repealed (E.W.) by Food Safety Act 1990 (c. 16, SIF 53:1, 2), ss. 54, 59(4), Sch. 5</p> <p>F2 S. 97(5) repealed (N.I.) (4.11.1991) by S.I. 1991/762, art. 51(4), Sch.4; S.R. 1991/175, art. 2(2).</p>

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