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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 2**

The Official Feed and Food Controls  
Regulations (Northern Ireland) 2006

PART 3

OFFICIAL CONTROLS ON FEED AND FOOD OF  
NON-ANIMAL ORIGIN FROM THIRD COUNTRIES

**Analysis etc. of samples**

**36.**—(1) An authorised officer of a district council who has procured a sample under regulation 35 shall—

- (a) if he considers that the sample should be analysed, submit it to be analysed by a public analyst;
- (b) if he considers that the sample should be examined, submit it to be examined by a food examiner.

(2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it—

- (a) to be analysed by the public analyst for the district in which the purchase was made; or
- (b) to be examined by a food examiner.

(3) If, in any case where a sample is proposed to be submitted for analysis under this regulation, the office of public analyst for the district in question is vacant, the sample shall be submitted to the public analyst for some other district.

(4) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this regulation, the food analyst or examiner determines that he is for any reason unable to perform the analysis or examination, the sample shall be submitted or, as the case may be, sent by him to such other food analyst or examiner as he may determine.

(5) A food analyst or examiner shall analyse or examine as soon as practicable any sample submitted or sent to him under this regulation, but may, except where—

- (a) he is the public analyst for the district in question; and
- (b) the sample is submitted to him for analysis by an authorised officer of a district council, demand in advance the payment of such reasonable fee as he may require.

(6) Any food analyst or examiner who has analysed or examined a sample shall give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.

(7) Any certificate given by a food analyst or examiner under paragraph (6) shall be signed by him, but the analysis or examination may be made by any person acting under his direction.

(8) In any proceedings under the Import Provisions, the production by one of the parties—

(a) of a document purporting to be a certificate given by a food analyst or examiner under paragraph (6); 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 a case falling within sub-paragraph (a), the other party requires that the food analyst or examiner shall be called as a witness.

(9) Any reference in this regulation to a public analyst for a given district shall, where two or more public analysts have been appointed for that district, be construed as a reference to either or any of them.

(10) The Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991<sup>(1)</sup> shall apply to a sample procured by an authorised officer of a district council under regulation 35 as if it were a sample procured by an authorised officer under Article 29 of the Order.

(11) The certificate given by a food analyst or examiner under paragraph (6) shall be in the form set out in Schedule 3 to the Food Safety (Sampling and Qualifications) Regulations (Northern Ireland) 1991.

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(1) [S.R. 1991 No. 198](#), to which there are amendments not relevant to these Regulations