
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 243

**The Materials and Articles in Contact
with Food (Scotland) Regulations 2005**

PART 5

General

Analysis by Government Chemist

13.—(1) The sheriff before whom any criminal proceedings are taken under these Regulations shall, on the application of either the prosecutor or the accused, cause—

- (a) any material or article which is the subject of the proceedings and which, if it has already been tested is capable of being further tested; or
- (b) any food which has been in contact with any such material or article,

to be sent to the Government Chemist who shall carry out such testing as is appropriate and transmit to the court a certificate of the result and the costs of the testing shall be borne by the prosecutor or the accused as the sheriff may order.

(2) Any certificate of the results of testing transmitted by the Government Chemist under this regulation shall be signed by or on behalf of the Government Chemist, and the testing may be carried out by any person under the direction of the person who signs the certificate.

(3) Any certificate transmitted by the Government Chemist in accordance with paragraph (2) shall be taken as sufficient evidence of the facts stated therein unless any party to the proceedings requests that the person by whom the certificate is signed be called as a witness.

(4) In this regulation “testing” includes examination and analysis, and “tested” shall be construed accordingly.

Commencement Information

II Reg. 13 in force at 21.5.2005, see [reg. 1\(1\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Materials and Articles in Contact with Food (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2007/471 reg. 22\(b\)](#)