

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Food Hygiene (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCOTTISH STATUTORY INSTRUMENTS

2005 No. 505

The Food Hygiene (Scotland) Regulations 2005

PROSPECTIVE

PART 3

ADMINISTRATION AND ENFORCEMENT

Analysis etc. of samples

13.—(1) An authorised officer of an enforcement authority who has procured a sample under regulation 12 shall—

- (a) if that officer considers that the sample should be analysed, submit it to be analysed—
 - (i) by the public analyst for the area in which the sample was procured, or
 - (ii) by the public analyst for the area which consists of or includes the area of the authority;
- (b) if that officer 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 area 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 area in question is vacant, the sample shall be submitted to the public analyst for some other area.

(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 is for any reason unable to perform the analysis or examination, the sample shall be submitted or, as the case may be, sent by the food analyst or examiner to such other food analyst or examiner as that person may determine.

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

- (a) that person is the public analyst for the area in question; and
- (b) the sample is submitted for analysis by an authorised officer of an enforcement authority, demand in advance the payment of such reasonable fee as the food analyst or examiner 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 the food analyst or examiner, but the analysis or examination may be made by any person acting under the direction of the food analyst or examiner.

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- (8) In any proceedings under these Regulations, 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 that party 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) In this regulation where two or more public analysts are appointed for any area, any reference in these Regulations to the public analyst for that area shall be construed as a reference to either or any of them.

Commencement Information

II Reg. 13 in force at 1.1.2006, see [reg. 1\(a\)](#)

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Changes and effects yet to be applied to :

- Regulations applied by [S.S.I. 2005/616 reg. 13\(7\)](#)
- Regulations revoked by [S.S.I. 2006/3 Sch. 8](#)
- reg. 13 coming into force by [S.S.I. 2005/505 reg. 1\(a\)](#)