

Status: Point in time view as at 05/11/1993.

Changes to legislation: Medicines Act 1968, Cross Heading: Analysis under direction of court is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

SAMPLING

Modifications etc. (not altering text)

- C1** Sch. 3 modified (3.4.1992) by S.I. 1992/605, **regs. 2(3), 3**
Sch. 3 applied (3.10.1994) by S.I. 1994/2328, **reg. 11(c)**
Sch. 3 applied (with modifications) (1.1.1995) by S.I. 1994/3144, **reg.10, Sch. 4**
Sch. 3 applied (31.3.1997) by S.I. 1997/322, **reg. 34, Sch.5**
Sch. 3 applied (1.2.2000) by S.I. 2000/7, **reg. 5**

Analysis under direction of court

- 24 (1) In any proceedings for an offence under this Act, where the proceedings relate to a substance or article of which a sample has been obtained as mentioned in paragraph 1 of this Schedule, the part of the sample retained in pursuance of paragraph 10(a) of this Schedule shall be produced as evidence; and the court—
- at the request of either party to the proceedings shall, and
 - in the absence of any such request may if it thinks fit,
- cause that part of the sample to be sent for analysis to the Government Chemist (or, in Northern Ireland, the Government Chemist for Northern Ireland) or to be sent for other appropriate examination to the person having the management or control of a laboratory specified by the court.
- (2) If, in a case where an appeal is brought, no action has been taken under the preceding sub-paragraph, the provisions of that sub-paragraph shall have effect in relation to the court by which the appeal is heard.
- (3) A person to whom a part of a sample is sent under this paragraph for analysis or other examination shall analyse or examine it, or cause it to be analysed or examined on his behalf, and shall transmit to the court a certificate specifying the result of the analysis or examination.
- (4) Any such certificate shall be signed by that person, or signed on his behalf by the person who made the analysis or examination or a person under whose direction it was made.
- (5) Any such certificate shall be evidence (and, in Scotland, shall be sufficient evidence) of the facts stated in the certificate unless any party to the proceedings requires that the person by whom it was signed shall be called as a witness; and, in any proceedings in Scotland, if that person is called as a witness, his evidence shall be sufficient evidence of those facts.

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- 25 The costs of any analysis or examination under paragraph 24 of this Schedule shall be paid by the prosecutor or the defendant (or, in Scotland, the accused) as the court may order.

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