



Food Safety Act 1990

1990 CHAPTER 16

PART III **E+W+S**

ADMINISTRATION AND ENFORCEMENT

Sampling and analysis etc.

29 Procurement of samples. **E+W+S**

An authorised officer of an enforcement authority may—

- (a) purchase a sample of any food, or any substance capable of being used in the preparation of food;
- (b) take a sample of any food, or any such substance, which—
 - (i) appears to him to be intended for sale, or to have been sold, for human consumption; or
 - (ii) is found by him on or in any premises which he is authorised to enter by or under section 32 below;
- (c) take a sample from any food source, or a sample of any contact material, which is found by him on or in any such premises;
- (d) take a sample of any article or substance which is found by him on or in any such premises and which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Act or of regulations or orders made under it.

Modifications etc. (not altering text)

- C1** S. 29 modified (1.1.1993) by [S.I. 1992/3145, reg.11\(3\)](#) (which S.I. was revoked (1.7.1998) by [S.I. 1998/1376, reg. 14](#))
- S. 29 modified (1.7.1998) by [S.I. 1998/1376, reg. 12\(3\)](#)
- S. 29 modified (E.) (18.6.2002) by [S.I. 2002/890, reg. 5](#)
- S. 29 modified (S.) (1.7.2002) by [S.S.I. 2002/267, reg. 5](#)
- S. 29 modified (W.) (2.8.2002) by [S.I. 2002/1886, reg. 5](#)

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- C2** S. 29 applied (3.10.1994) by S.I. 1994/2328, **reg. 11(c)**
 S. 29 applied (E.) (4.4.2002) by S.I. 2002/931, **reg. 4(3)(b)**
 S. 29 applied (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(5)**
- C3** S. 29 applied (with modifications) (11.8.1997) by S.I. 1997/1729, **reg. 34(4)**
 S. 29 applied (with modifications): (E.) (23.3.2002) by S.I. 2002/773, **reg. 5(5)(6)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2351, **reg. 7**); (E.) (23.3.2002) by S.I. 2002/774, **reg. 5(5)(6)** (which S.I. was revoked (13.9.2002) by S.I. 2002/2350, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/148, **regs. 1(1), 5(5)(6)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/424, **reg. 7**); (S.) (25.3.2002) by S.S.I. 2002/149, **regs. 1(1), 5(5)(6)** (which S.S.I. was revoked (13.9.2002) by S.S.I. 2002/425, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/820, **reg. 5(5)(6)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2295, **reg. 7**); (W.) (26.3.2002) by S.I. 2002/821, **reg. 5(5)(6)** (which S.I. was revoked (9.9.2002) by S.I. 2002/2296, **reg. 7**); (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(c)**; (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(5)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(5)**; (E.) (20.6.2002) by S.I. 2002/1614, **reg. 5(5)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(5)**; (W.) (12.7.2002) by S.I. 2002/1798, **reg. 5(5)-(12)**; (W.) (9.9.2002) by S.I. 2002/2295, **reg. 5(2)-(8)** and S.I. 2002/2296, **reg. 5(2)-(8)**; (E.) (13.9.2002) by S.I. 2002/2350, **reg. 5(2)-(8)** and S.I. 2002/2351, **reg. 5(2)-(8)**; (S.) (13.9.2002) by S.S.I. 2002/424, **reg. 5(2)-(8)** and S.S.I. 2002/425, **reg. 5(2)-(8)**

30 Analysis etc. of samples. **E+W+S**

- (1) An authorised officer of an enforcement authority who has procured a sample under section 29 above shall—
- (a) if he considers that the sample should be analysed, submit it to be analysed either—
 - (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 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 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 section, 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 section, 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 section, but may, except where—
- (a) he is the public analyst for the area in question; and
 - (b) the sample is submitted to him for analysis by an authorised officer of an enforcement authority,
- demand in advance the payment of such reasonable fee as he may require.

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- (6) A 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 subsection (6) above 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 this Act, the production by one of the parties—
- (a) of a document purporting to be a certificate given by a food analyst or examiner under subsection (6) above; 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 paragraph (a) above, the other party requires that the food analyst or examiner shall be called as a witness.

- (9) In this section—

“food analyst” means a public analyst or any other person who possesses the requisite qualifications to carry out analyses for the purposes of this Act;

“food examiner” means any person who possesses the requisite qualifications to carry out examinations for the purposes of this Act;

“the requisite qualifications” means such qualifications as may be prescribed by regulations made by [^{F1}the Secretary of State], or such other qualifications as [^{F1}the Secretary of State] may approve;

“sample”, in relation to an authorised officer of an enforcement authority, includes any part of a sample retained by him in pursuance of regulations under section 31 below;

and where two or more public analysts are appointed for any area, any reference in this section to the public analyst for that area shall be construed as a reference to either or any of them.

Textual Amendments

- F1** Words in s. 30(9) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

Modifications etc. (not altering text)

- C4** S. 30 extended (with modifications) (8.1.1992) by S.I. 1991/2843, **reg. 22(3)**
- C5** S. 30 applied (with modifications) (31.12.1992) by S.I. 1992/3236, **reg. 11(4)**
S. 30 applied (with modifications) (11.8.1997) by S.I. 1997/1729, **reg. 34(5)**
S. 30 applied (with modifications) (19.3.1999) by S.I. 1996/1499, **reg. 48** (as substituted by S.I. 1999/747, **reg. 11**)
S. 30 applied (with modifications): (E.) (4.4.2002) by S.I. 2002/931, **reg. 5(1)(c)**; (S.) (4.4.2002) by S.S.I. 2002/179, **reg. 6(1)(d)**; (W.) (16.4.2002) by S.I. 2002/1090, **reg. 5(1)(c)**; (S.) (24.6.2002) by S.S.I. 2002/300, **reg. 5(1)(b)**
- C6** S. 30 modified (1.1.1993) by S.I. 1992/3145, **reg. 11(3)** (which S.I. was revoked (1.7.1998) by S.I. 1998/1376, **reg. 14**)
S. 30 modified (1.7.1998) by S.I. 1998/1376, **reg. 12(3)**
- C7** S. 30 applied (3.10.1994) by S.I. 1994/2328, **reg. 11(c)**
- C8** S. 30(8) applied by S.I. 1991/370, **reg. 3** (1)

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- S. 30(8) applied: (9.4.1992) by S.I. 1992/496, **reg. 7(1)(e)**; (29.5.1992) by S.I. 1992/1122, **reg. 4** (which S.I. was revoked (24.7.1992) by S.I. 1992/1601, **reg. 6**); (24.7.1992) by S.I. 1992/1601, **reg. 4**; (13.9.1992) by S.I. 1992/1971, **reg. 9(f)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(f)**
- S. 30(8) applied: (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(f)**; (29.7.1993) by S.I. 1993/1658, **reg. 7(e)**
- S. 30(8) applied: (10.7.1995) by S.I. 1995/1544, **reg. 10**; (15.9.1995) by S.I. 1995/1763, **reg. 7(e)**
- S. 30(8) applied (1.1.1996) by: S.I. 1995/3116, **reg. 8**; S.I. 1995/3123, **reg. 9(f)**; S.I. 1995/3124, **reg. 11(f)**; S.I. 1995/3240, **reg. 10(e)** (which S.I. was revoked (1.7.1996) by S.I. 1996/1499, reg. 49, **Sch. 9**)
- S. 30(8) applied (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**
- S. 30(8) applied (W.) (1.4.2001) by S.I. 2001/1360, **reg. 7(1)(d)**
- C9** S. 30(8) applied (with modifications) (5.11.1991) by S.I. 1991/2486, **reg. 7(1)**
- S. 30(8) applied (with modifications): (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3163, **regs. 1, 18(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, reg. 59(1), **Sch. 5**); (1.1.1993 for certain purposes and 15.1.1993 otherwise) by S.I. 1992/3164, **regs. 1, 19(1)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, reg. 59(1), **Sch. 5**); (18.12.1992 for certain purposes and 1.1.1993 otherwise) by S.I. 1992/3165, **regs. 1, 7(2)** (which S.I. was revoked (29.4.1998) by S.I. 1998/994, reg. 59(1), **Sch. 5**); (31.12.1992) by S.I. 1992/3236, **reg. 11(1)**
- S. 30(8) applied (with modifications): (1.4.1994) by S.I. 1994/743, **reg. 8(1)(e)**; (2.9.1994) by S.I. 1994/2127, **reg. 5**
- S. 30(8) applied (with modifications): (1.3.1995) by S.I. 1995/77, **reg. 23**; (9.5.1995) by S.I. 1995/1086, **reg. 20(1)(e)**; (15.6.1995) by S.I. 1995/1372, **reg. 20(1)(e)**; (15.9.1995) by S.I. 1995/2200, **reg. 18**; (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**
- S. 30(8) applied (with modifications) (1.7.1996) by S.I. 1996/1499, **reg. 48**
- S. 30(8) applied (with modifications): (16.6.1997) S.I. 1997/1335, **reg. 6(e)**; (30.6.1997) by S.I. 1995/1544, **reg. 10(1)** (as substituted (30.6.1997) by S.I. 1997/1414, **reg. 3**); (4.7.1997) by S.I. 1997/1499, **reg. 6(1)** (which S.I. was revoked (18.6.2002 (E.), 1.7.2002 (S.), 2.8.2002 (W.)) by S.I. 2002/890, reg. 11, **Sch.**; S.S.I. 2002/267, reg. 11, **Sch.**; S.I. 2002/1886, reg. 11, **Sch.**); (1.1.1998) by S.I. 1997/2965, **reg. 30**
- S. 30(8) applied (with modifications): (19.2.1998) by S.I. 1998/141, **reg. 10(f)**; (1.4.1998) by S.I. 1998/616, **reg. 6(1)(d)**; (29.4.1998) by S.I. 1998/994, **reg. 55(1)(d)**; (31.10.1998) by S.I. 1998/2424, **reg. 8(e)**
- S. 30(8) applied (with modifications): (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(f)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**
- S. 30(8) applied (with modifications): (E.) (10.4.2000) by S.I. 2000/768, **reg. 10(1)**; (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(f)**; (S.) (10.4.2000) by S.S.I. 2000/83, **reg. 10(1)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(f)**; (W.) (25.7.2000) by S.I. 2000/1925, **reg. 10(1)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(f)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(f)**
- S. 30(8) applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)**; (W.) (1.5.2001) by S.I. 2001/1440, **reg. 10(f)**
- S. 30(8) applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(f)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(f)**; (E.) (19.4.2002) by S.I. 2002/843, **reg. 77(1)(b)**; (W.) (27.5.2002) by S.I. 2002/1416, **reg. 77(1)(b)**; (E.) (18.6.2002) by S.I. 2002/890, **reg. 7(1)(d)**; (S.) (19.6.2002) by S.S.I. 2002/255, **reg. 76(1)(b)**; (S.) (1.7.2002) by S.S.I. 2002/267, **reg. 7(1)(d)**; (W.) (2.8.2002) by S.I. 2002/1886, **reg. 7(1)(d)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, regs. 1(2)(3), **9(f)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, regs. 1(2)(3), **8(f)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, regs. 1(2)(3), **9(f)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(f)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(f)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(f)**
- C10** S. 30(8) applied (with modifications) (S.) (28.3.2003) by The Fish Labelling (Scotland) Regulations 2003 (S.S.I. 2003/145), regs. 1(1), **10(d)**
- C11** S. 30(8) applied (with modifications) (E.) (28.3.2003) by Fish Labelling (England) Regulations 2003 (S.I. 2003/461), regs. 1, **10(d)**

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31 Regulation of sampling and analysis etc. **E+W+S**

- (1) [^{F2}The Secretary of State] may by regulations make provision for supplementing or modifying the provisions of sections 29 and 30 above.
- (2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may make provision with respect to—
- (a) the matters to be taken into account in determining whether, and at what times, samples should be procured;
 - (b) the manner of procuring samples, including the steps to be taken in order to ensure that any samples procured are fair samples;
 - (c) the method of dealing with samples, including (where appropriate) their division into parts;
 - (d) the persons to whom parts of samples are to be given and the persons by whom such parts are to be retained;
 - (e) the notices which are to be given to, and the information which is to be furnished by, the persons in charge of any food, substance, contact material or food source of or from which samples are procured;
 - (f) the methods which are to be used in analysing or examining samples, or parts of samples, or in classifying the results of analyses or examinations;
 - (g) the circumstances in which a food analyst or examiner is to be precluded, by reason of a conflict of interest, from analysing or examining a particular sample or part of a sample; and
 - (h) the circumstances in which samples, or parts of samples, are to be or may be submitted for analysis or examination—
 - (i) to the Government Chemist, or to such other food analyst or examiner as he may direct; or
 - (ii) to a person determined by or under the regulations.
- (3) In this section “food analyst” and “food examiner” have the same meanings as in section 30 above.

Textual Amendments

- F2** Words in s. 31(1) substituted (1.4.2000) by 1999 c. 28, s. 40(1), **Sch. 5 para. 8** (with ss. 38, 40(2)); S.I. 2000/1066, **art. 2**

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