
WELSH STATUTORY INSTRUMENTS

2005 No. 3368

The Feed (Hygiene and Enforcement) (Wales) Regulations 2005

PART 4

Administration and Enforcement Generally

Secondary sampling by the Government Chemist

- 31.**—(1) Where a part of a sample sent under regulation 30(1)(b) has been analysed and—
- (a) proceedings are intended to be or have been commenced against a person for an offence under specified feed law; and
 - (b) the prosecution intends to adduce evidence of the result of that part of the sample,
- paragraphs (2) to (6) will apply.
- (2) The authorised officer—
- (a) may of his or her own volition;
 - (b) must if requested by the prosecutor (if a person other than the authorised officer); or
 - (c) must (subject to paragraph (5)) if requested by the defendant,
- send the retained part of the sample to the Government Chemist for analysis.
- (3) the Government Chemist must analyse in the prescribed manner the part of the sample sent to him or her under paragraph (2) and send to the authorised officer a certificate of the analysis which must be—
- (a) completed in the form set out in Part I of Schedule 3 to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and in accordance with the notes set out in Part II of Schedule 3 to those Regulations; and
 - (b) signed by the Government Chemist or by a person authorised by the Government Chemist to sign.
- (4) The authorised officer must immediately on receipt supply the prosecutor (if a person other than the authorised officer) and the defendant with a copy of the Government Chemist's certificate of analysis
- (5) Where a request is made under paragraph (2)(c), the authorised officer may give notice in writing to the defendant requesting payment of a fee specified in the notice in respect of the functions mentioned in paragraph (3), and if the specified fee does not exceed either—
- (a) the cost of performing those functions; or
 - (b) the appropriate fee for the performance of any similar function under section 78 of the Act,
- the authorised officer may in the absence of agreement by the defendant to pay the fee refuse to comply with the request made under paragraph (2)(c).
- (6) In this regulation—
- (a) “defendant” (“*diffynnydd*”) includes a prospective defendant; and

- (b) “the appropriate fee” (“*y ffi biodol*”) means such fee as may be fixed in accordance with the provisions of section 78(10) of the Act.