
WELSH STATUTORY INSTRUMENTS

2007 No. 3165

**The Natural Mineral Water, Spring Water and
Bottled Drinking Water (Wales) Regulations 2007**

PART 5

Miscellaneous and supplemental

Arrangements for samples taken for analysis

17.—(1) An authorised officer of a food authority who has procured a sample under section 29 of the Act and who considers that it should be analysed for the purposes of these Regulations must deal with the sample in accordance with this regulation and for the purposes of this regulation “sample” includes one or more bottles of any water.

(2) The authorised officer must forthwith divide the sample into three parts, each part to be marked and sealed or fastened up in such manner as its nature will permit, and must —

- (a) with respect to one part of the sample comply with paragraphs (3) to (6); and
- (b) deal with the remaining parts in accordance with paragraph (7).

(3) If the sample was purchased by the authorised officer, the officer must give the part of the sample to the person from whom it was purchased.

(4) If the sample is a sample of water brought into Wales and was taken by the authorised officer before delivery to a person who intends to sell that water in Wales, the officer must give the part of the sample to that person.

(5) If neither paragraph (3) nor paragraph (4) applies, the authorised officer must give the part of the sample to the person appearing to be the owner of the water from which the sample was taken.

(6) In every case to which paragraph (3), (4) or (5) applies, the authorised officer must inform the person to whom the part of the sample is given that the sample was purchased or taken, as appropriate, for the purpose of analysis by a public analyst.

(7) The authorised officer must, unless he or she decides not to have an analysis made, submit one of the remaining parts of the sample for analysis in accordance with section 30 of the Act and retain the other.

(8) Any part of a sample which under this regulation is to be given to any person may be given by delivering it to that person or to his or her agent or by sending it to that person by registered post or the recorded delivery service; but where after reasonable enquiry the authorised officer is unable to ascertain the name and address of the person to whom the part of the sample is to be given the officer may, in lieu of giving the part to that person, retain it.

(9) If it appears to the authorised officer that any water, of which the officer has procured a sample for the purpose of analysis by a public analyst, was exploited or bottled by a person (not being a person to whom one part of the sample is required to be given by this regulation) having his or her name and an address in the United Kingdom displayed on the bottle or any other container, the officer must, unless the officer decides not to have an analysis made, within three days of procuring the sample send to that person a notice informing him or her—

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- (a) that the sample has been procured by the officer; and
- (b) where the sample was taken or, as the case may be, from whom it was purchased.

(10) Where a sample taken or purchased by an authorised officer has been analysed by a public analyst, any person to whom a part of the sample was given under this regulation is entitled, upon request to the food authority, to be supplied with a copy of the certificate of analysis by that authority.