

Production of a certificate of analysis

107. (1) In any prosecution under this Act, a certificate of analysis purporting to be under the hand of an analyst shall, on production thereof by the prosecutor, be sufficient evidence of the facts stated therein unless the accused requires that the analyst be called as a witness, in which case he shall give notice thereof to the prosecutor not less than three clear days before the commencement of the trial:

Provided always that in any case in which the Public Prosecutor intends to give in evidence any certificate of analysis he shall deliver a copy thereof to the accused not less than ten clear days before the commencement of the trial.

(2) Analysts are bound to state the truth in the certificate of analysis under their hands.

(3) For the purposes of this section, “analyst” means—

- (a) a person employed as a Chemist in the Department of Chemistry, or as a Chemist or Assistant Chemist at the Institute for Medical Research;
- (b) a Senior Chemist in the Department of Agriculture;
- (c) a person employed as a Chemist or Geologist in the Department of Minerals and Geoscience;
- (d) any chemist in the employment of the Government of Malaysia or Singapore;
- (e) any other person or class of persons who is or are declared by the Minister charged with responsibility for the Department of Chemistry, by notification in the *Gazette*, to be an analyst or analysts;
- (f) any police officer or officer of customs who is declared by the Minister, by notification in the *Gazette*, to be an analyst;
- (g) any person appointed by the Minister under section 399 of the Criminal Procedure Code to be a Document Examiner;
- (h) any Inspector of Weights and Measures appointed under any written law relating to weights and measures; and
- (i) any person or class of persons who is or are declared by the Minister, by notification in the *Gazette*, to whom the provisions of this section shall apply.

(4) If an analyst is called by the accused under subsection (1), he shall be called at the expense of the accused unless the court otherwise directs.

(5) For the purposes of subsection (3), “Minister” means the Minister responsible for the matter in connection with which the reference is made.