

SCOTTISH STATUTORY INSTRUMENTS

2006 No. 543

The EC Fertilisers (Scotland) Regulations 2006

PART III

Enforcement

Powers of entry

12.—(1) An inspector shall, on producing, if so required, some duly authenticated document of authority, have a right at all reasonable hours to enter any premises for the purpose of ensuring that the provisions of these Regulations or the Community Regulation are being complied with.

(2) An inspector may be accompanied by—

(a) such other persons as the inspector considers necessary; ^{F1}...

^{F2}(b)

(3) Admission to any premises used only as a private dwellinghouse shall not be demanded under paragraph (1) unless 24 hours notice of the intended entry has been given to the occupier, or the entry is in accordance with a warrant granted under this regulation.

(4) If a sheriff or a justice of the peace is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations or the Community Regulation and—

- (a) admission has been refused or a refusal is expected and (in either case) that notice of intention to apply for a warrant has been given to the occupier;
- (b) asking for admission or the giving of a notice of intention to apply for a warrant would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the sheriff or the justice of the peace may by warrant authorise the inspector to enter the premises, by reasonable force if necessary.

(5) A warrant granted under this regulation shall continue in force for one month or until the purpose for which the warrant was granted has been fulfilled, whichever period is shorter.

(6) If an inspector enters any unoccupied premises that inspector shall leave them as effectively secured against unauthorised entry as that inspector found them.

F1 Word in reg. 12(2) omitted (31.12.2020) by virtue of [The Fertilisers and Pesticides \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.S.I. 2019/25\)](#), regs. 1, **2(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F2 Reg. 12(2)(b) omitted (31.12.2020) by virtue of [The Fertilisers and Pesticides \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.S.I. 2019/25\)](#), regs. 1, **2(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The EC Fertilisers (Scotland) Regulations 2006, Section 12.