
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 543

The EC Fertilisers (Scotland) Regulations 2006

PART IV

Approved laboratories, treatment of samples and further controls

Treatment of samples

17. In any proceedings for an offence under these Regulations (including an application to a sheriff under regulation 18(1)(b)) to which the content of a fertiliser is relevant—

- (a) a court shall not conclude that a sample is representative of the fertiliser unless the sample—
 - (i) has been taken in accordance with Annex IV (methods of sampling and analysis); and
 - (ii) has been subjected to analysis in accordance with Annex IV in a laboratory listed in accordance with Article 30 ^{F1}...;
- (b) a certificate given by a person that that person is an inspector and took a sample in accordance with Annex IV shall, unless the contrary is proved, be taken as evidence of that person being an inspector and having done so;
- (c) a certificate given by an operator of a laboratory that the laboratory is approved for the purposes set out in Article 30(1) and that a sample was analysed in accordance with Annex IV shall, unless the contrary is proved, be evidence of the laboratory being so approved and the analysis having been so carried out; and
- (d) the combination of the certificates referred to in paragraphs (b) and (c) shall, unless the contrary is proved, be taken as evidence that a sample is representative of the fertiliser.

Textual Amendments

- F1** Words in [reg. 17\(a\)\(ii\)](#) 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\(8\)](#); 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 17.