
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 543

The EC Fertilisers (Scotland) Regulations 2006

PART IV

Approved laboratories, treatment of samples and further controls

Remedial action and seizure

18.—(1) Where an inspector has reasonable grounds to believe that a fertiliser designated as [F¹a UK] fertiliser is one in relation to which an offence under these Regulations has been committed the inspector may—

- (a) serve on the person whom the inspector considers to be in charge of the fertiliser a notice requiring that person to take such action as is specified in the notice; or
- (b) seize and retain the fertiliser and having done so shall make an application to a sheriff seeking its destruction or disposal.

(2) Where an inspector has served a notice under paragraph (1)(a)—

- (a) the notice shall specify the grounds for the inspector's belief; and
- (b) the action that may be specified is action to ensure that the fertiliser is removed from the market and not placed on the market again until it can be so placed without an offence under these Regulations being committed.

(3) Where an inspector has seized fertiliser under paragraph (1)(b)—

- (a) the inspector shall retain the fertiliser until the application to the sheriff is withdrawn or finally determined;
- (b) the inspector shall inform the person whom the inspector considers may be liable to prosecution under these Regulations of the grounds for the inspector's belief that an offence has been committed and that an application is to be made to the sheriff seeking destruction or disposal of the fertiliser;
- (c) the person in question may attend before the sheriff who deals with the application and shall be entitled to be heard and may call witnesses; and
- (d) if the sheriff finds that the fertiliser is one in relation to which an offence under these Regulations has been committed—

- (i) the sheriff shall order that it be destroyed or disposed of in an appropriate manner; and
- (ii) the sheriff may order that any expenses reasonably incurred in connection with the destruction or disposal shall be defrayed by the person in question.

(4) Any person who fails to comply with a notice given under paragraph (1)(a) shall be guilty of an offence.

Changes to legislation: There are currently no known outstanding effects for the The EC Fertilisers (Scotland) Regulations 2006, Section 18. (See end of Document for details)

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Textual Amendments

- F1** Words in [reg. 18\(1\)](#) substituted (31.12.2020) by [The Fertilisers and Pesticides \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments etc.\) Regulations 2019 \(S.S.I. 2019/25\)](#), regs. 1, **2(9)**; 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 18.