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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 543**

**The EC Fertilisers (Scotland) Regulations 2006**

**PART IV**

Approved laboratories, treatment of samples and further controls

**Safeguard measures**

**19.**—(1) Where the Scottish Ministers identify a risk of the type described in Article 15 (safeguard clause) in relation to a fertiliser they may, by notice served on the person whom they consider to be in charge of the fertiliser, direct that person to take such action for mitigation or elimination of the risk as is specified in the direction.

(2) If the Scottish Ministers consider that a direction should be given to a number of persons and that the most efficient way of bringing it quickly to their attention would be publicising it by other means then the direction may be given to them by publicising it by those other means.

(3) Any person who fails to comply with a direction shall be guilty of an offence unless the direction has been withdrawn.

(4) In any proceedings for an offence under paragraph (3) it shall be a defence for the person charged to show that they were—

- (a) not in charge of the fertiliser; or
- (b) not aware of the direction.

**Changes to legislation:**

There are currently no known outstanding effects for the The EC Fertilisers (Scotland) Regulations 2006, Section 19.