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SCHEDULES

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO MARKING OF HEAVY OILS

PART II

SAMPLING

- 2 (1) The result of an analysis of a sample shall not be admissible on behalf of the prosecution in any proceedings in respect of an offence under section two hundred or two hundred and eight of the Act of 1952 (which respectively impose restrictions on the use and mixing of heavy oils in respect of which rebate has been allowed and not repaid) or under any regulations made under section one hundred and ninety-eight of that Act unless the analysis was made by an authorised analyst and the requirements of the foregoing paragraph (where applicable) and of the following provisions of this paragraph have been complied with.
- (2) The person taking a sample must at the time have divided it into three parts (including the part to be analysed), marked and sealed or fastened up each part, and—
- (a) delivered one part to the owner or person in charge of the vehicle or, as the case may be, the occupier or person in charge of the premises, if he requires it; and
 - (b) retained one part for future comparison.
- (3) Where it was not practicable to comply with the relevant requirements of paragraph 1 of this Schedule, the person taking the sample must have served notice on the owner or person in charge of the vehicle or, as the case may be, the occupier of the premises informing him that the sample has been taken and that one part of it is available for delivery to him, if he requires it, at such time and place as may be specified in the notice.