
STATUTORY INSTRUMENTS

2002 No. 3026

The Forest Reproductive Material
(Great Britain) Regulations 2002

PART VII

Compliance

Use of samples in criminal proceedings

29.—(1) Evidence shall not be adduced in proceedings for an offence under regulation 30 respecting a sample of seeds taken by an authorised officer unless the sample was dealt with in accordance with the manner prescribed in regulation 28 and the provisions of this regulation have been and are observed.

(2) A certificate in the form prescribed by regulation 28(2) purporting to be issued by an authorised officer and stating that a sample was dealt with in a particular manner shall be sufficient evidence of the facts stated in the certificate.

(3) If part of a sample taken by an authorised officer is sent to a third party for independent testing, it shall be so sent as soon as practicable after the sample is taken, and the person to whom any other part of the sample is given shall be informed before the part to be sent to the third party is sent.

(4) A copy of a test result issued by an independent third party in documentary form in respect of a test of part of a sample taken by an authorised officer shall be sent to the person to whom any other part of the sample was or is being sent.

(5) In any proceedings for an offence in respect of which evidence obtained pursuant to this regulation and regulation 28 is to be relied on by the prosecutors of the offence, a copy of a test result issued by an independent third party in documentary form shall accompany the summons or complaint.

(6) Where proceedings are brought for an offence—

(a) under regulation 30(1)(e) in respect of providing false information about seed assessments undertaken for the purposes of regulation 19(2) as read with regulation 20, or

(b) under regulation 30(1)(f),

if any sample of the seeds has been taken by an authorised officer, the third part of that sample required by regulation 28(1) to be kept by the authorised officer shall be produced at the hearing, and the court may, if it thinks fit, upon the request of a party to the proceedings, cause the part so produced to be sent to an independent third party for testing.

(7) If, in a case where an appeal is brought, no action has been taken under paragraph (6), the provisions of that paragraph shall apply also to the court by which the appeal is heard.