

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2002 No. 541**

**The Genetically Modified Organisms (Deliberate  
Release) (Scotland) Regulations 2002**

**PART V**

**GENERAL PROVISION FOR CONSENTS**

**Proof of compliance with consent conditions**

**30.** In section 119 of the Act (onus of proof as regards techniques and evidence) in subsection (1) (accused to prove use of best available techniques) after “the accused to prove” insert

“the matters described in subsection (1A) below.

(1A) The matters referred to in subsection (1) above are—

- (a) in the case of an offence under section 118(1)(c) above consisting in a failure to comply with the general condition implied by section 112(5)(c) above—
  - (i) that no measures, other than the measures taken by him, were necessary to prevent damage being caused to the environment from the release or, as the case may be, marketing of the organisms, or
  - (ii) in a case where he took no measures, that no measures were necessary; and
- (b) in any other case,”.