



# Agriculture (Retained EU Law and Data) (Scotland) Act 2020

## 2020 asp 17

### PART 1

#### [<sup>F1</sup>ASSIMILATED] LAW

#### *Marketing standards and carcass classification*

### 9 Marketing standards

- (1) The Scottish Ministers may by regulations make provision about the standards with which the following products must conform (“marketing standards”), that is products which—
  - (a) are listed in section 10(1), and
  - (b) are marketed in Scotland.
- (2) The provision that may be made under subsection (1) includes in particular provision for or about—
  - (a) technical definitions, designation and sales descriptions,
  - (b) classification criteria such as grading into classes, weight, sizing, age and category,
  - (c) the species, plant variety or animal breed or the commercial type,
  - (d) presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms,
  - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content,
  - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification,
  - (g) the type of farming and production method, including oenological practices,
  - (h) coupage of must and wine (including definitions of those terms), blending and restrictions on blending,
  - (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport,

---

**Changes to legislation:** There are currently no known outstanding effects for the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, Section 9. (See end of Document for details)

---

- (j) the place of farming or origin, excluding poultry meat and spreadable fats,
  - (k) restrictions as regards the use of certain substances and practices,
  - (l) specific use of products,
  - (m) the conditions governing—
    - (i) the disposal, holding, circulation and use of products not in conformity with the marketing standards, and
    - (ii) the disposal of by-products,
  - (n) the use of terms communicating value-added characteristics or attributes.
- (3) Regulations under subsection (1) may include provision about enforcement, including in particular provision—
- (a) about the provision of information,
  - (b) conferring powers of entry,
  - (c) conferring powers of inspection, search and seizure,
  - (d) conferring powers to restrict the movement of anything,
  - (e) about keeping records,
  - (f) imposing monetary penalties,
  - (g) creating offences,
  - (h) about appeals,
  - (i) conferring functions, including functions involving the exercise of a discretion, on a person.
- (4) Regulations under this section are subject to the affirmative procedure.
- (5) Before laying a draft of a Scottish statutory instrument containing regulations under this section before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider are representative of the interests of persons likely to be affected by the regulations as they consider appropriate.

---

**Commencement Information**

**II** S. 9 in force at 1.1.2021 by S.S.I. 2020/373, reg. 2(2)(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, Section 9.