



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

2020 asp 17

PART 1

RETAINED EU 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, Cross Heading: Marketing standards and carcass classification. (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\(2\)\(d\)](#)

10 Marketing standards: agricultural products

- (1) The products referred to in section 9(1)(a) are products falling within any of the following—
- (a) entries (a) to (f) in the table in Part XVI of Annex I of the CMO Regulation (milk and milk products),
 - (b) paragraphs (a) to (c) in point I of Part VII of Annex VII of the CMO Regulation, where the product has a fat content of at least 10% but not more than 90% by weight (spreadable fats),
 - (c) the table in Part XV of Annex I of the CMO Regulation, but excluding any entry in the table for live animals (beef and veal),
 - (d) the table in Part XX of Annex I of the CMO Regulation, including any entry in the table for live poultry (poultry and poultry meat),
 - (e) the table in Part XIX of Annex I of the CMO Regulation (eggs and egg products),

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- (f) the table in any of Parts IX to XI of Annex I of the CMO Regulation (fruit and vegetables, other than olives),
 - (g) the table in Part VII of Annex I of the CMO Regulation (olive oil and table olives),
 - (h) the table in Part VI of Annex I of the CMO Regulation (hops),
 - (i) the table in Part XII of Annex I of the CMO Regulation (wine),
 - (j) the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation (aromatised wine).
- (2) In subsection (1)(j), the “Aromatised Wine Regulation” means Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products.
- (3) The Scottish Ministers may by regulations amend this section so as to—
- (a) add or remove an agricultural product,
 - (b) alter the description of an agricultural product listed in subsection (1).
- (4) Regulations under this section are subject to the affirmative procedure.

Commencement Information

I2 S. 10 in force at 1.1.2021 by S.S.I. 2020/373, reg. 2(2)(e)

11 Carcass classification

- (1) The Scottish Ministers may by regulations make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Scotland.
- (2) Regulations under this section 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.
- (3) Regulations under this section are subject to the affirmative procedure.
- (4) 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.

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

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Commencement Information

I3 [S. 11](#) in force at 1.1.2021 by [S.S.I. 2020/373](#), [reg. 2\(2\)\(f\)](#)

12 Marketing standards and carcass classification: consequential amendments and savings

The schedule—

- (a) modifies the CMO Regulation in consequence of sections 9 and 11, and
- (b) makes saving provision in connection with those modifications.

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Commencement Information

I4 [S. 12](#) in force at 1.1.2021 by [S.S.I. 2020/373](#), [reg. 2\(2\)\(g\)](#)

Changes to legislation:

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