
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 198

**The Marketing of Fresh Horticulture
Produce Regulations (Northern Ireland) 2010**

Interpretation

2.—(1) In these Regulations—

“authorised officer” means an officer appointed by the Department in accordance with Regulation 3(3);

[^{F1}“Commission Implementing Regulation 543/2011” means Commission Implementing Regulation (EU) No 543/2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors(2), as amended from time to time;]

[^{F2}“ [^{F3} marketing rules] ” means the general marketing standard and the specific marketing standards covering fresh fruit and vegetables listed in Part IX of Annex I to C [^{F4} Regulation (EU) 2013, and includes the rules relating to those standards contained in Articles 74, 75 and 76] and in Title II of Commission Implementing Regulation 543/2011;]

“container” includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

“controlled” in relation to horticultural produce, means that the power conferred by regulation 10 (1) has been exercised in relation to it and that no consent to its movement has been given under regulation 13(1) when the circumstances in paragraph 13(2) and (3) apply;

^{F5}...(1)

“the Department” means the Department of Agriculture and Rural Development(2)

[^{F6}“general marketing standard” means the requirements of [^{F7} Article 76(1) of Regulation (EU) 2013] as detailed in Article 3(1) of, and Part A of Annex I to, Commission Implementing Regulation 543/2011]

“horticultural produce” means fruit and vegetables listed in Part IX of Annex I to [^{F8} Regulation (EU) 2013] to which [^{F3} marketing rules] apply;

“label” includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any horticultural produce or container, and references to the affixing of a label are construed accordingly;

“Lay magistrate” means a lay magistrate appointed under section 9 of the Justice (Northern Ireland) Act 2002(3);

“non compliance label” means a label indicating that a produce is not compliant with [^{F3}marketing rules;]

(2) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(1) OJ No L 299, 16.11.2007, p 1, last amended by Commission Regulation (EC) No 183/2009 (OJ No L63, 7.3.2009, p 9)
(2) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(3) 2002 c.26 (N.I.)

“premises” includes any place, vehicle or trailer, stall, vessel, container, moveable structure, aircraft, or hovercraft;

[^{F9}“specific marketing standards” means the marketing standards provided for under [^{F10} Article 76(1) of Regulation (EU) 2013] as detailed in Article 3(2) of, and Part B of Annex I to, Commission Implementing Regulation 543/2011;]

“stop notice label” has the meaning given in regulation 12.

[^{F11}“Regulation (EU) 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time;]

(2) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in [^{F12} Regulation (EU) 2013] and [^{F13} Commission Implementing Regulation 543/2011] .

(3) A reference in these Regulations to anything done “in writing” or produced “in written form” includes a reference to an electronic communication as defined in the Electronic Communications Act (Northern Ireland) 2001(4).

(4) The Interpretation Act (Northern Ireland) 1954(5), except section 20(2) and (3), shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Textual Amendments

- F1** Words in reg. 2(1) substituted (27.8.2012) by [The Marketing of Fresh Horticulture Produce \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/299\)](#), regs. 1, **3(a)(i)**
- F2** Words in reg. 2(1) substituted (27.8.2012) by [The Marketing of Fresh Horticulture Produce \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/299\)](#), regs. 1, **3(a)(ii)**
- F3** Words in reg. 2(1) substituted (31.12.2020) by [The Agriculture, Environment and Rural Affairs \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1101\)](#), regs. 1(2)(b), **10(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 2(1) substituted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(i)**
- F5** Words in reg. 2(1) omitted (21.3.2014) by virtue of [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(ii)**
- F6** Words in reg. 2(1) substituted (27.8.2012) by [The Marketing of Fresh Horticulture Produce \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/299\)](#), regs. 1, **3(a)(iii)**
- F7** Words in reg. 2(1) substituted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(iii)**
- F8** Words in reg. 2(1) substituted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(iv)**
- F9** Words in reg. 2(1) substituted (27.8.2012) by [The Marketing of Fresh Horticulture Produce \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/299\)](#), regs. 1, **3(a)(iv)**
- F10** Words in reg. 2(1) substituted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(v)**
- F11** Words in reg. 2(1) inserted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(a)(vi)**
- F12** Words in reg. 2(2) substituted (21.3.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/92\)](#), regs. 1, **7(2)(b)**

(4) 2001 c.26 c.9; amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c.21)

(5) 1954 c.33 (N.I.)

Changes to legislation: *There are currently no known outstanding effects for the The Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010, Section 2. (See end of Document for details)*

F13 Words in [reg. 2\(2\)](#) substituted (27.8.2012) by [The Marketing of Fresh Horticulture Produce \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/299\)](#), regs. 1, **3(b)**

Commencement Information

I1 Reg. 2 in operation at 25.6.2010, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010, Section 2.