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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 169**

**The Marketing of Horticultural Produce and Bananas  
(EU Exit) (Scotland) (Amendment) Regulations 2019**

**PART 3**

**AMENDMENT OF SECONDARY LEGISLATION RELATING  
TO WITHDRAWAL FROM THE EUROPEAN UNION**

**Amendment of the Marketing of Horticultural Produce (Scotland) Regulations 2009**

**3.—**(1) The Marketing of Horticultural Produce (Scotland) Regulations 2009<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “EU marketing rules”,
- (b) in the definition of “horticultural produce” omit “EU”,
- (c) after the definition of “label” insert—

““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 Council Regulation 2013 and includes the rules relating to those standards contained in Articles 74, 75 and 76 of that Council Regulation and in Title II of Commission Implementing Regulation 543/2011;”,

(d) in the definition of “non compliance label” omit “EU”.

(3) In regulation 3(2) (designations and information disclosure)—

- (a) omit “EU”,
- (b) for “Secretary of State,” substitute “Secretary of State or”,
- (c) omit “or the European Commission”.

(4) In regulation 5(1)(h) (authorised officer: other powers) omit “EU”.

(5) In regulation 6(1) (authorised officer: power to affix a non compliance label) omit “EU”.

(6) In regulation 7 (authorised officer: power to affix a non compliance label)—

- (a) in paragraph (1) omit “EU”,
- (b) in paragraph (3)(b) omit “EU”,
- (c) in paragraph (4)(b) omit “EU”.

(7) In regulation 8(1) (authorised officer: power to affix a non compliance label) omit “EU” in each place it occurs.

(8) In regulation 9(2) (authorised officer: requirement to serve a notice in terms of regulations 6, 7 and 8) omit “EU” in each place it occurs.

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<sup>(1)</sup> S.S.I. 2009/225, amended by S.S.I. 2011/324, S.I. 2011/1043, S.I. 2013/3235 and S.S.I. 2018/391.

(9) In regulation 10(2)(e) (authorised officer: powers to control the movement of horticultural produce) omit “EU”.

(10) In regulation 13 (authorised officer: consents to the movement of controlled horticultural produce)—

- (a) in paragraph (2)(a) omit “EU”,
- (b) in paragraph (3)(a)(ii) omit “EU”.

(11) In regulation 15 (EU marketing rules offences)—

- (a) in the heading, omit “EU”,
- (b) in paragraph (3)(a) omit “EU”,
- (c) in paragraph (4) omit “EU”,
- (d) in paragraph (5) omit “EU”,
- (e) in paragraph (6)(a) omit “EU” in both places it occurs,
- (f) in paragraph (7)—
  - (i) for “European Union” substitute “United Kingdom”,
  - (ii) omit “EU”.

(12) In regulation 18(1)(c) (obstruction) omit “EU” in both places it occurs.

(13) After regulation 24 (disapplication) insert—

**“Transitional provisions: withdrawal from the EU**

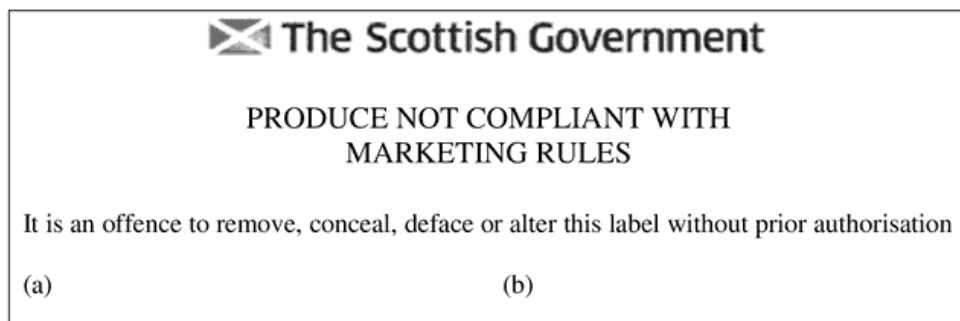
**25.—**(1) An authorised officer must not exercise the powers under regulation 8(1) in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market on or before 31 December 2020, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.

(2) Regulation 15 does not apply in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market on or before 31 December 2020, and
- (b) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”.

(14) In schedule 1 (form and completion of labels), for the non compliance label in Part 1 (form of non compliance label), substitute—

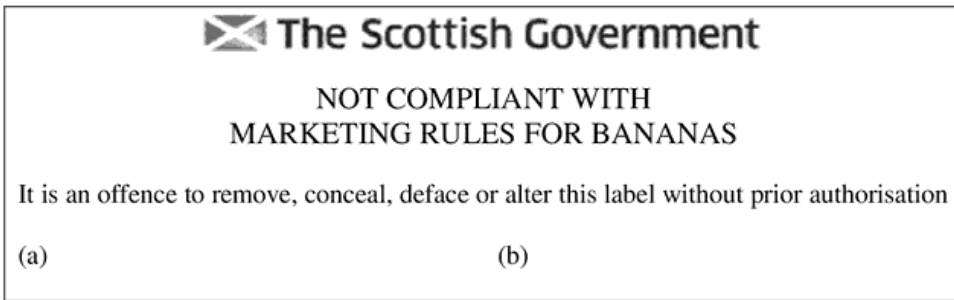


#### **Amendment of the Marketing of Bananas (Scotland) Regulations 2012**

- 4.—(1) The Marketing of Bananas (Scotland) Regulations 2012 are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) omit the definition of “EU marketing rules”,
  - (b) in the definition of “inspection body” omit “of a member State”,
  - (c) after the definition of “label” insert—
    - ““marketing rules” means any of the minimum requirements, classification, sizing, presentation and marking standards provided for in Article 1 and Annex I of Commission Regulation 1333/2011, subject to the tolerances in Point IV of that Annex;”,
  - (d) in the definition of “non compliance label” omit “EU”.
- (3) In regulation 3(2) (designations, provision of information and appointment of authorised officers)—
- (a) omit “EU”,
  - (b) omit “in other member States and”,
  - (c) omit “or” before sub-paragraph (b),
  - (d) omit sub-paragraph (b).
- (4) In regulation 4 (EU marketing rules: offences)—
- (a) in the heading omit “EU”,
  - (b) in paragraph (1) omit “EU”,
  - (c) in paragraph (3)(a) omit “EU”,
  - (d) in paragraph (4) omit “EU”,
  - (e) in paragraph (5) omit “EU”,
  - (f) in paragraph (6) omit “EU” in both places it occurs,
  - (g) in paragraph (7)—
    - (i) for “European Union” substitute “United Kingdom”,
    - (ii) omit “EU”.
- (5) In regulation 7(1)(f) (other powers) omit “EU”.
- (6) In regulation 8 (power to affix labels) omit “EU”.
- (7) In regulation 9 (power to affix a non compliance label)—

- (a) in paragraph (1)(a) omit “EU”;
  - (b) in paragraph (2)(a) omit “EU”;
  - (c) in paragraph (3)(a) omit “EU”.
- (8) In regulation 10 (power to affix a non compliance label) omit “EU” in each place it occurs.
- (9) In regulation 11(2) (requirement to serve a notice in terms of regulation 9 or 10) omit “EU” in each place it occurs.
- (10) In regulation 12(2)(e) (powers to control the movement of bananas) omit “EU”.
- (11) In regulation 14(3)(a)(ii) (consents to the movement of controlled bananas) omit “EU”.
- (12) In schedule 1 (provisions under Commission Regulation 1333/2011), in column 2 of the table omit “Article 4,” in both places it occurs.
- (13) In schedule 2 (form and completion of labels), for the non compliance label in Part I (form of non compliance label) substitute—

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