
WELSH STATUTORY INSTRUMENTS

2009 No. 1551

**The Marketing of Fresh Horticultural
Produce (Wales) Regulations 2009**

PART 4

Controlled horticultural produce and related powers and offences

Controlled horticultural produce — further provision

14.—(1) An authorised officer may, at any time, give written consent to the movement of controlled horticultural produce and to the lifting of the stop notice.

(2) An authorised officer must, upon request, give written consent to the movement of controlled horticultural produce and to the lifting of the stop notice if the circumstances in paragraph (3) apply.

(3) The circumstances in which this paragraph applies are where—

- (a) the authorised officer is satisfied that no offence under these Regulations would be committed in respect of the horticultural produce if it were sold in circumstances in which [^{F1}marketing rules] apply; or
- (b) the authorised officer, or another authorised officer, has been given a written undertaking that the horticultural produce will be sold or disposed of in a specified manner and the authorised officer is satisfied that if the horticultural produce is sold or disposed of in that manner no offence under these Regulations will be committed in respect of it and the authorised officer has no reason to doubt that the terms of the undertaking will be met.

(4) An authorised officer must, upon request, give written consent to the movement of controlled horticultural produce if the circumstances in paragraph (5) apply.

(5) The circumstances in which this paragraph applies are where—

- (a) the authorised officer, or another authorised officer, has been given a written undertaking to the effect that—
 - (i) the horticultural produce will be moved to a place approved by an authorised officer;
 - (ii) at the approved place the steps required to ensure that the horticultural produce may be sold in circumstances in which [^{F2}marketing rules] apply without an offence under these Regulations being committed in respect of it will be taken;
 - (iii) the horticultural produce will not be moved from that place without the written consent of an authorised officer; and
- (b) the authorised officer has no reason to doubt that the terms of the undertaking will be met.

(6) A consent given by an authorised officer under this regulation must—

- (a) specify the horticultural produce to which it relates; and
- (b) where the consent is given under paragraph (4), state that the horticultural produce continues to be controlled.

Changes to legislation: There are currently no known outstanding effects for the The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, Section 14. (See end of Document for details)

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Textual Amendments

- F1** Words in [reg. 14\(3\)\(a\)](#) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), [2\(3\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 14\(5\)\(a\)\(ii\)](#) substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), [2\(3\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009, Section 14.