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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 225**

**The Marketing of Horticultural  
Produce (Scotland) Regulations 2009**

**Offences relating to movement of controlled horticultural produce**

17.—<sup>F1</sup>(1) A person is guilty of an offence if he or she moves controlled horticultural produce or a container with controlled horticultural produce in it, or causes or permits it to be moved—

- (a) without the written consent; or
- (b) other than in accordance with the written consent,

of an authorised officer given under regulation 13(1).]

(2) A person, other than an authorised officer, is guilty of an offence if he or she removes or causes or permits to be removed from that controlled horticultural produce or its container a stop notice label affixed by an authorised officer under regulation 12(1).

<sup>F2</sup>(3) .....

(4) It is a defence for a person charged with an offence under this Regulation, to prove that, when the power conferred by regulation 10(1) was exercised, there was no failure to comply with these Regulations in respect of the horticultural produce concerned.

**Textual Amendments**

- F1** [Reg. 17\(1\) substituted \(10.10.2011\) by \*The Marketing of Horticultural Produce \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/324\)\*, regs. 1\(1\), \*\*11\(a\)\*\*](#)
- F2** [Reg. 17\(3\) omitted \(10.10.2011\) by virtue of \*The Marketing of Horticultural Produce \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/324\)\*, regs. 1\(1\), \*\*11\(b\)\*\*](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Marketing of Horticultural Produce (Scotland) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 25 inserted by [S.S.I. 2019/169 reg. 3\(13\)](#) (This amendment not applied to legislation.gov.uk. Reg. 13(3) revoked immediately before IP completion day by virtue of S.S.I. 2019/289, regs. 1(b), 7)
- reg. 25 inserted by [S.S.I. 2019/209 reg. 3](#)
- reg. 25 words substituted in earlier amending provision S.S.I. 2019/209, reg. 3 by [S.S.I. 2020/368 reg. 5\(2\)](#)
- reg. 25(1)(a) words substituted by [S.S.I. 2022/265 reg. 9\(a\)](#)
- reg. 25(2)(a) words substituted by [S.S.I. 2022/265 reg. 9\(b\)](#)