
STATUTORY INSTRUMENTS

2009 No. 1361

The Marketing of Fresh Horticultural Produce Regulations 2009

PART 3

Powers of authorised officers

Power to affix an out-graded label

10.—(1) Where an authorised officer, who has lawfully entered premises for the purposes of the enforcement of these Regulations, finds any horticultural produce which either has affixed to it a label or is accompanied by a notice or a document required by ^{F1}...[^{F2} marketing rules], or is in a container to which such a label is affixed or which is accompanied by such a notice or document, indicating in either case that one of the situations in paragraphs (2) to (4) applies, an authorised officer may amend or cancel the label, notice or document and may affix to the horticultural produce, or, as the case may be, to the notice or container, a label indicating that fact (an “out-graded label”).

(2) Situation 1 is where the label, notice or document indicates that horticultural produce is of a class marketable under the specific marketing standard applicable to it but the authorised officer has reasonable cause to believe that the horticultural produce does not comply with any class of that specific marketing standard but only complies with the general marketing standard.

(3) Situation 2 is where the label, notice or document indicates that horticultural produce is of a class marketable under the specific marketing standard applicable to it but the authorised officer has reasonable cause to believe that the horticultural produce is not of a standard marketable under ^{F1}...[^{F2}marketing rules].

(4) Situation 3 is where the label, notice or document indicates that horticultural produce complies with the general marketing standard but the authorised officer has reasonable cause to believe that the horticultural produce is not of a standard marketable under ^{F1}...[^{F2}marketing rules].

(5) The out-graded label is a label which—

(a) shows the following information—

(i) the personal number assigned to the authorised officer who carried out the inspection;

(ii) the date of the inspection;

(iii) the logotype of the Department for Environment, Food and Rural Affairs (Defra) the design of which is displayed on the website: www.defra.gov.uk or the logotype of Defra's successor;

(iv) the logotype of the Rural Payments Agency the design of which is displayed on the website: www.rpa.gov.uk/rpa/index.nsf/home and the wording—

“The Rural Payments Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra)”

or equivalent wording agreed by any successor to the Rural Payments Agency with the Secretary of State, and that successor's logotype;

(v) the wording—

“It is an offence under the Marketing of Fresh Horticultural Produce Regulations 2009 to remove, conceal, deface or alter this label without lawful authority”;

- (b) shows one of the following, as appropriate—
- (i) in the case of paragraph (2) of this regulation the words “SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD COMPLIANT”;
 - (ii) in the case of paragraph (3) of this regulation the words “SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD NON-COMPLIANT”;
 - (iii) in the case of paragraph (4) of this regulation the words “GENERAL MARKETING STANDARD NON-COMPLIANT”.

Textual Amendments

- F1** Word in [reg. 10](#) omitted (31.12.2020) by virtue of [The Market Measures \(Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/824), regs. 1, **5(9)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), art. 2, **Sch. 1 para. 13** (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Marketing of Fresh Horticultural Produce Regulations 2009, Section 10.