



# Agriculture Act 2020

## 2020 CHAPTER 21

### PART 3

#### TRANSPARENCY AND FAIRNESS IN THE AGRI-FOOD SUPPLY CHAIN

### CHAPTER 3

#### PRODUCER ORGANISATIONS

#### **30 Producer and interbranch organisations etc: application for recognition**

- (1) An organisation of agricultural producers that meets the conditions in subsection (2) may apply to the Secretary of State to become a recognised producer organisation.
- (2) The conditions are—
  - (a) that the organisation is made up only of agricultural producers (its “members”);
  - (b) that the organisation was formed on the initiative of one or more of its members;
  - (c) that the organisation has a specified minimum number of members, or its members have a specified minimum production, or both;
  - (d) that the constitution of the organisation meets specified requirements;
  - (e) that the organisation carries out, on behalf of its members, one or more specified activities;
  - (f) that the organisation does not engage in specified unlawful activities.
- (3) An association of recognised producer organisations that meets the conditions in subsection (4) may apply to the Secretary of State to become a recognised association of producer organisations.
- (4) The conditions are—
  - (a) that the association is made up only of recognised producer organisations (its “members”);

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*Status: This is the original version (as it was originally enacted).*

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- (b) that the association was formed on the initiative of one or more of its members.
- (5) An organisation of agricultural businesses that meets the conditions in subsection (6) may apply to the Secretary of State to become a recognised interbranch organisation.
- (6) The conditions are—
- (a) that the organisation is made up only of businesses carrying on—
    - (i) activities as an agricultural producer, or
    - (ii) activities linked to any one or more agricultural sectors, (its “members”);
  - (b) that the organisation has—
    - (i) at least one member that is an agricultural producer, and
    - (ii) at least one member involved in the processing or distribution of agricultural products;
  - (c) that the organisation was formed on the initiative of one or more of its members;
  - (d) that the organisation has a specified minimum number of members, or its members who are agricultural producers have a specified minimum production, or both;
  - (e) that the organisation carries out, on behalf of its members, one or more specified activities;
  - (f) that the organisation does not engage in specified unlawful activities.
- (7) In subsections (2)(f) and (6)(f) “unlawful activities” means activities which involve breaching a prohibition or failing to comply with a duty.
- (8) In subsection (6)(a) the reference to activities linked to an agricultural sector are to activities carried on by the business as—
- (a) a processor or distributor of agricultural products within that sector, or
  - (b) a producer, processor or distributor of products made (to any extent) from agricultural products within that sector.
- (9) The Secretary of State may by regulations specify additional conditions that an organisation of agricultural producers, an association of recognised producer organisations or an organisation of agricultural businesses must meet in order to be able to make an application under this section.
- (10) The Secretary of State must by regulations specify the time period within which an application under subsection (1), (3) or (5) must be determined.
- (11) The Secretary of State must notify a decision on whether to grant an application to—
- (a) the applicant, and
  - (b) the Competition and Markets Authority,
- and, in the case of a decision to grant an application, must publish the decision online.
- (12) The Secretary of State may by regulations make further provision about applications under this section, such as provision about—
- (a) the evidence to be supplied with an application;
  - (b) the factors to be taken into account in deciding an application;
  - (c) time periods and deadlines;
  - (d) application fees;
  - (e) reviews and appeals.

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(13) In this section—

“agricultural producer” means a producer operating in one or more agricultural sectors;

“agricultural product” means a product produced by a producer operating within any agricultural sector (including, where relevant, a live animal or plant);

“agricultural sector” means a sector listed in Schedule 1;

“specified” means specified in regulations made by the Secretary of State.

(14) The Secretary of State may by regulations amend Schedule 1 for the purpose of—

- (a) adding, altering or removing an entry in the list of sectors;
- (b) giving further detail on the sectors in that list (for example by adding definitions, making provision as to what falls, or does not fall, within a sector or including any other interpretative material).