



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Food supply

25 Power to require information relating to food supply chains

- (1) An appropriate authority may, subject as follows, require—
 - (a) a person who is in a food supply chain, or
 - (b) a person who is closely connected with a food supply chain, to provide relevant information to the authority.
- (2) In subsection (1) “relevant information” means information about matters which relate to an activity of the person, where the activity is connected with the food supply chain mentioned in that subsection.
- (3) An appropriate authority may require a person to provide information under this section only if the conditions in subsections (4) and (5) are met.
- (4) The condition in this subsection is that the appropriate authority considers that the provision of the information is necessary (on its own or when put together with other information) for the purpose of establishing—
 - (a) whether the whole or part of a food supply chain is being disrupted or is at risk of disruption, or
 - (b) where a food supply chain is in the view of the appropriate authority being disrupted or at risk of disruption, the nature of the disruption.
- (5) The condition in this subsection is that the appropriate authority has previously requested the person to provide the information (before or after the passing of this Act) and the person—
 - (a) has not done so, or
 - (b) has provided information that is false or misleading to a material extent.

Status: This is the original version (as it was originally enacted).

- (6) A requirement under this section may not be imposed on an individual.
- (7) A requirement under this section must be in writing and must specify—
 - (a) how the information is to be provided (and may in particular specify the form in which and means by which it is to be provided), and
 - (b) when the information is to be provided (and may in particular specify the time or times at or before which it is to be provided).

26 Authorities which may require information

- (1) The following are appropriate authorities in relation to a requirement under section 25—
 - (a) the Secretary of State,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers, and
 - (d) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland (“DAERA”).
- (2) The Scottish Ministers may impose a requirement under section 25 only if, and to the extent that, an Act of the Scottish Parliament could have authorised the Scottish Ministers to impose the requirement.
- (3) The Welsh Ministers may impose a requirement under section 25 only if, and to the extent that, provision of an Act of the National Assembly for Wales could have authorised the Welsh Ministers to impose the requirement (including any provision of such an Act that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (4) DAERA may impose a requirement under section 25 only if, and to the extent that, an Act of the Northern Ireland Assembly made without the Secretary of State’s consent could have authorised DAERA to impose the requirement.
- (5) The Secretary of State may not impose a requirement under section 25 without the consent of an authority referred to in subsection (1)(b) to (d) (a “devolved authority”) if, and to the extent that, that authority could itself have imposed the requirement.
- (6) Subsection (5) does not require the consent of a devolved authority to the extent that the activity to which the requirement relates is carried on outside the area of that authority.
- (7) Where the Secretary of State imposes a requirement under section 25 with the consent of a devolved authority, the Secretary of State must disclose to that authority any information which—
 - (a) is provided in response to the requirement, and
 - (b) relates to the carrying on in the devolved authority’s area of the activity to which the requirement relates.
- (8) For the purposes of this section—
 - (a) the Scottish Ministers’ area is Scotland,
 - (b) the Welsh Ministers’ area is Wales, and
 - (c) DAERA’s area is Northern Ireland.

27 Restrictions on use and disclosure of information

- (1) A person who holds information which has at any time been provided under section 25 may use it if, and only if, the use is for—
 - (a) the purpose referred to in section 25(4),
 - (b) the purpose of mitigating or eliminating the effects of disruption to a food supply chain, or
 - (c) the purpose of preventing or reducing the risk of future disruption to a food supply chain.
- (2) A person who holds information which has at any time been provided under section 25 (“the holder”) may disclose it to another person (“the recipient”) if, and only if—
 - (a) the disclosure is for a purpose specified in subsection (1)(a) to (c),
 - (b) in a case where the holder is not a government authority, the disclosure is in accordance with the terms on which the information was disclosed to that person, and
 - (c) in a case where the recipient is not a government authority, the information is anonymised.
- (3) Subsection (2) does not apply where the disclosure of information is required by section 26(7).
- (4) A disclosure made in accordance with this Act does not breach any obligation of confidence owed by the person making the disclosure or any other restriction on the disclosure of information (however imposed).
- (5) Personal data may not be used or disclosed under this section if the use or disclosure would contravene the data protection legislation (but in determining whether it would do so, take into account the powers conferred by subsections (1) and (2)).
- (6) In this section—

“data protection legislation” and “personal data” have the same meanings as in the Data Protection Act 2018 (see section 3 of that Act);

“government authority” means—

 - (a) a Minister of the Crown,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the First Minister of Northern Ireland, the deputy First Minister of Northern Ireland and any Northern Ireland Minister,
 - (e) a Northern Ireland department, and
 - (f) any other person exercising functions on behalf of the Crown.
- (7) The provisions of this section bind the Crown.

28 Enforcement of requirement to provide information

- (1) This section applies if an appropriate authority which has imposed a requirement under section 25 is satisfied on the balance of probabilities that a person has, without reasonable excuse—
 - (a) failed to comply with the requirement, or
 - (b) provided information that is false or misleading to a material extent in response to the requirement.

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

- (2) The authority may impose a financial penalty on the person in accordance with Schedule 15.

29 Meaning of “food supply chain” and related expressions

- (1) This section has effect for the purposes of sections 25 to 28.
- (2) A “food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption, where the items consist of or include, or have been produced to any extent using—
- (a) anything grown or otherwise produced in carrying on agriculture, or
 - (b) anything taken, grown or otherwise produced in carrying on fishing or aquaculture.
- (3) The persons “in” a food supply chain are—
- (a) the persons carrying on the agriculture, fishing or aquaculture (“producers”), and
 - (b) any persons in the supply chain between the producers and the individuals referred to in subsection (2) (“intermediaries”).
- (4) The persons “closely connected” with a food supply chain are—
- (a) persons supplying seeds, stock, equipment, feed, fertiliser, pesticides or similar items to producers for use in agriculture, fishing or aquaculture,
 - (b) persons providing goods or services to producers or intermediaries, where the goods or services relate to—
 - (i) the safety or quality of food or drink, or
 - (ii) the welfare of animals, and
 - (c) bodies representing persons in or closely connected with a food supply chain by virtue of the preceding provisions of this section.
- (5) In this section—
- “agriculture” includes any growing of plants, and any keeping of animals, for the production of food or drink;
 - “aquaculture” means the breeding, rearing, growing or cultivation of—
 - (a) any fish or other aquatic animal,
 - (b) seaweed or any other aquatic plant, or
 - (c) any other aquatic organism;
 - “plants” includes fungi;
 - “seeds” includes bulbs and other things from which plants grow.