



# Agriculture Act 2020

## 2020 CHAPTER 21

### PART 3

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

### CHAPTER 1

#### COLLECTION AND SHARING OF DATA

#### **28 Enforcement of information requirements**

- (1) The Secretary of State may by regulations make provision for enforcement of a requirement imposed under section 23(1) or (2).
- (2) In the following provisions of this section “specified” means specified in regulations under subsection (1).
- (3) In subsection (1) “enforcement” includes (in particular)—
  - (a) monitoring compliance,
  - (b) investigating non-compliance, and
  - (c) dealing with non-compliance.
- (4) The provision that may be made by regulations under subsection (1) includes (in particular)—
  - (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
    - (i) of a specified amount,
    - (ii) of an amount calculated in a specified manner,
    - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
    - (iv) by way of suspending, or withholding, payment of any amounts;

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*Status: This is the original version (as it was originally enacted).*

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- (b) provision for recovery of amounts due in respect of monetary penalties, including provision for any of interest, set-off and security for payment;
  - (c) provision about the giving of advice or warnings;
  - (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
  - (e) provision giving persons functions in connection with enforcement of requirements;
  - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (5) In subsection (4)(a) “specified manner” includes (in particular) a manner framed by reference to a specified matter such as a person’s profits, income or turnover.
- (6) Regulations under subsection (1) are subject to affirmative resolution procedure.