



Agriculture Act 2020

2020 CHAPTER 21

PART 5

AGRICULTURAL PRODUCTS

38 Organic products

- (1) Regulations may make provision for and in relation to the certification of—
 - (a) organic products;
 - (b) activities relating to organic products;
 - (c) persons or groups of persons carrying out activities relating to organic products.
- (2) Regulations under subsection (1) may (without limitation) make provision—
 - (a) as to the persons (“certification authorities”) who are to carry out functions relating to certification in the United Kingdom or overseas;
 - (b) requiring persons carrying out activities in relation to organic products to notify certification authorities of those activities;
 - (c) relating to procedures for applications for certificates;
 - (d) as to the circumstances in which certificates may or may not be issued;
 - (e) for the suspension or withdrawal of certificates;
 - (f) prohibiting or restricting the sale or marketing of organic products—
 - (i) without certification provided for by regulations under this section, or
 - (ii) where activities are or have been carried out in relation to the products without certification provided for by regulations under this section.
- (3) Regulations under subsection (1) may, in relation to certification under the regulations, make provision (without limitation) about the objectives, principles and standards of organic production, including those whose purpose is—
 - (a) mitigating, or adapting to, climate change;
 - (b) protecting or improving natural resources;

Changes to legislation: Agriculture Act 2020, Section 38 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (c) protecting or improving biodiversity (including protecting endangered species);
 - (d) protecting or improving human health;
 - (e) protecting or improving the health or welfare of livestock or other animals;
 - (f) protecting or improving the health of plants;
 - (g) protecting or improving the quality of soil;
 - (h) protecting or improving the landscape;
 - (i) promoting organic production or innovation in, or research into, techniques of organic production;
 - (j) securing the maintenance of the principles of organic production;
 - (k) maintaining consumer confidence in organic products.
- (4) Regulations under subsection (1) may (without limitation) make provision about the labelling, marketing and sale of organic products which are certified under the regulations, including in particular prohibiting, requiring or permitting labelling of a description specified in the regulations.
- (5) Regulations may make provision in relation to the import of organic products into the United Kingdom, including provision—
- (a) as to the procedures to be followed in respect of the import of organic products;
 - (b) restricting or prohibiting the import of organic products.
- (6) The provision that may be made under subsection (5)(b) includes provision framed by reference to cases where—
- (a) imported organic products are certified by a person recognised in accordance with the regulations as competent to—
 - (i) certify organic products as complying with provision made by regulations under subsection (1), or
 - (ii) control or enforce standards relating to organic products equivalent to those applicable in the United Kingdom;
 - (b) imported organic products are produced in an overseas country which is recognised in accordance with the regulations as controlling or enforcing standards relating to organic products equivalent to those applicable in the United Kingdom;
 - (c) imported organic products comply with conditions specified in an international trade agreement.
- (7) Regulations may make provision relating to the export of organic products from the United Kingdom, including provision—
- (a) requiring exports to be notified to a person specified in the regulations;
 - (b) as to other procedures relating to exports.
- (8) Regulations under this section may include provision—
- (a) prohibiting the sale or marketing of organic products, or other activities relating to organic products, in cases of non-compliance with the regulations;
 - (b) for the charging of fees in respect of functions exercisable under the regulations (such fees not to exceed the reasonable cost of the exercise of the functions);
 - (c) relating to enforcement of the regulations.

Changes to legislation: Agriculture Act 2020, Section 38 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (9) The provision that may be made under subsection (8)(c) includes provision—
- (a) about the provision, use and retention of information (whether within or outside the United Kingdom),
 - (b) conferring powers of entry,
 - (c) conferring powers of inspection, search and seizure,
 - (d) for the keeping of records,
 - (e) imposing monetary penalties,
 - (f) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations), and
 - (g) conferring functions (including functions involving the exercise of a discretion) on a person.
- (10) Provision under subsection (9)(b) may not authorise entry to a private dwelling without a warrant issued by a justice of the peace (or, in Northern Ireland, lay magistrate).
- (11) In this section—
- “marketing” includes advertising;
 - “organic production” means production of organic products (as to which, see subsections (12) and (13)).
- (12) In this section “organic product” means a qualifying product which is or is to be—
- (a) marketed or sold as “organic”;
 - (b) included as an ingredient or component of another product and labelled as “organic” on the marketing or sale of that other product.
- (13) In subsection (12) “qualifying product” means—
- (a) an agricultural, horticultural or aquacultural product or a product of animal husbandry, or
 - (b) a product not falling within paragraph (a) which is intended for use as, or in, food and drink for human consumption or animal feed.

Commencement Information

II S. 38 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Changes to legislation:

Agriculture Act 2020, Section 38 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

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

- s. 42(4A)(4B) inserted by [2021 c. 10 s. 9\(2\)](#)
- s. 42(6A)-(6C) inserted by [2021 c. 10 s. 9\(4\)](#)