



# Agriculture Act 2020

## 2020 CHAPTER 21

### PART 5

#### AGRICULTURAL PRODUCTS

#### **39 Organic products: supplementary**

- (1) Regulations under section 38 may be made by—
  - (a) the Secretary of State;
  - (b) the Scottish Ministers, if and to the extent that provision made by the regulations would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament;
  - (c) the Welsh Ministers, if and to the extent that provision made by the regulations would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd (ignoring any requirement for the consent of any person);
  - (d) DAERA, if and to the extent that provision made by the regulations would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the Secretary of State's consent.
- (2) The Secretary of State may only make regulations under section 38 containing provision which could be made under that section by an authority referred to in subsection (1)(b) to (d) with the consent of that authority.
- (3) Regulations under section 38 are subject to affirmative resolution procedure where—
  - (a) the regulations are made under subsection (1) of that section and contain provision referred to in subsection (3) of that section, or
  - (b) the regulations are made under subsection (1), (5) or (7) of that section and they are the first regulations to be made under that subsection by the authority making them.
- (4) Regulations under section 38 to which subsection (3) does not apply are subject to negative resolution procedure (unless section 50(5) applies).

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**Changes to legislation:** Agriculture Act 2020, Section 39 is up to date with all changes known to be in force on or before 14 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](#)

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#### **Commencement Information**

**II** [S. 39](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

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**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\(4\)](#)