



European Union (Future Relationship) Act 2020

2020 CHAPTER 29

PART 2

TRADE AND OTHER MATTERS

Information about non-food product safety

14 Disclosure of non-food product safety information within UK

- (1) This section applies to information which relates to the safety of non-food products and is supplied by the European Commission, or such person as the Commission may specify by written notice to the Secretary of State, to a relevant authority for the purpose of giving effect to a provision of—
 - (a) [F1 Article 96] of the Trade and Cooperation Agreement (including any annex to that Article), or
 - (b) a non-food product safety annex.
- (2) A relevant authority may disclose that information for a permitted purpose.
- (3) The following are the “permitted purposes” for the purpose of subsection (2)—
 - (a) to ensure health and safety,
 - (b) to ensure the protection of consumers, and
 - (c) to ensure the protection of the environment.
- (4) A person who receives information as a result of subsection (2) may not—
 - (a) use the information for a purpose other than a permitted purpose, or
 - (b) further disclose that information except with the consent of the relevant authority who disclosed the information.

Status: Point in time view as at 28/04/2022.

Changes to legislation: There are currently no known outstanding effects for the European Union (Future Relationship) Act 2020, Cross Heading: Information about non-food product safety. (See end of Document for details)

Textual Amendments

- F1** Words in s. 14(1)(a) substituted (23.7.2021) by [The European Union \(Future Relationship\) Act 2020 \(References to the Trade and Cooperation Agreement\) Regulations 2021 \(S.I. 2021/884\)](#), reg. 1(2), [Sch.](#) (with reg. 1(3)(a))

Commencement Information

- I1** S. 14 in force at 31.12.2020 by [S.I. 2020/1662](#), [reg. 2\(m\)](#)

15 Disclosure of non-food product safety information to Commission

- (1) This section applies to information held by a relevant authority which relates to the safety of non-food products.
- (2) A relevant authority may disclose information to the European Commission, or such person as the Commission may specify by written notice to the Secretary of State, for the purpose of giving effect to a provision of—
 - (a) [^{F2}Article 96] of the Trade and Cooperation Agreement (including any annex to that Article), or
 - (b) a non-food product safety annex.

Textual Amendments

- F2** Words in s. 15(2)(a) substituted (23.7.2021) by [The European Union \(Future Relationship\) Act 2020 \(References to the Trade and Cooperation Agreement\) Regulations 2021 \(S.I. 2021/884\)](#), reg. 1(2), [Sch.](#) (with reg. 1(3)(a))

Commencement Information

- I2** S. 15 in force at 31.12.2020 by [S.I. 2020/1662](#), [reg. 2\(n\)](#)

16 Offence relating to disclosure under section 14(4)(b)

- (1) A person commits an offence if the person, in contravention of section 14(4)(b), discloses information which relates to a person whose identity—
 - (a) is specified in the disclosure, or
 - (b) can be deduced from it.
- (2) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already lawfully been made available to the public.
- (3) A prosecution for an offence under this section—
 - (a) may be brought in England and Wales only with the consent of the Director of Public Prosecutions;
 - (b) may be brought in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) A person guilty of an offence under this section is liable—

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- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.
- (5) In relation to an offence committed before [F32 May 2022], the reference in subsection (4)(b)(i) to 12 months is to be read as a reference to 6 months.

Textual Amendments

- F3** Words in s. 16(5) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

Commencement Information

- I3** [S. 16](#) in force at 31.12.2020 by [S.I. 2020/1662](#), [reg. 2\(o\)](#)

17 General provisions about disclosure of non-food product safety information

- (1) Nothing in section 14 or 15 limits the circumstances in which information may be disclosed under any other enactment or rule of law.
- (2) A disclosure under section 14 or 15 does not breach—
 - (a) any obligation of confidence owed by the relevant authority, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (3) Nothing in this section, or in section 14 or 15, authorises a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, the powers conferred by sections 14(2) and 15(2) are to be taken into account).

Commencement Information

- I4** [S. 17](#) in force at 31.12.2020 by [S.I. 2020/1662](#), [reg. 2\(p\)](#)

18 Interpretation of sections 14 to 17

- (1) In sections 14 to 17 and this section—
 - “market surveillance” means any activity conducted or measure taken for the purpose of ensuring that a product complies with relevant legal requirements;
 - “market surveillance authority” means—
 - (a) a person in the United Kingdom with any function of carrying out market surveillance that is conferred by an enactment or rule of law, and

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- (b) a person in any other country or territory with any corresponding function;
- “non-food product safety annex” means one of the following annexes to the Trade and Cooperation Agreement—
- (a) [^{F4}Annex 11]: Motor vehicles and equipment and parts thereof, or
- (b) [^{F5}Annex 13] : Chemicals;
- “permitted purpose” has the meaning given by section 14(3);
- “relevant authority” means—
- (a) a Minister of the Crown, or
- (b) the Health and Safety Executive;
- “relevant legal requirements” means such requirements of the law relating to a product as apply in the territory in which the product is made available on the market, put into service or put into use.
- (2) For the purposes of sections 14 and 15 and this section, information which relates to the safety of non-food products includes—
- (a) information about whether, and the extent to which, a non-food product complies, or may comply, with any—
- (i) relevant legal requirement, or
- (ii) other assessment that relates to product safety,
- (b) information about developments, or potential developments, in the field of safety of non-food products, and
- (c) the exercise of functions by market surveillance authorities in relation to non-food products.

Textual Amendments

- F4** Words in s. 18(1) substituted (23.7.2021) by [The European Union \(Future Relationship\) Act 2020 \(References to the Trade and Cooperation Agreement\) Regulations 2021 \(S.I. 2021/884\)](#), reg. 1(2), [Sch.](#) (with reg. 1(3)(a))
- F5** Words in s. 18(1) substituted (23.7.2021) by [The European Union \(Future Relationship\) Act 2020 \(References to the Trade and Cooperation Agreement\) Regulations 2021 \(S.I. 2021/884\)](#), reg. 1(2), [Sch.](#) (with reg. 1(3)(a))

Commencement Information

- I5** S. 18 in force at 31.12.2020 by [S.I. 2020/1662](#), [reg. 2\(q\)](#)

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Changes to legislation:

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