



Groceries Code Adjudicator Act 2013

2013 CHAPTER 19

How does the Adjudicator carry out investigations and enforce their findings?

4 Investigations

- (1) The Adjudicator may investigate whether a large retailer has broken the Groceries Code if the Adjudicator has reasonable grounds to suspect that—
 - (a) the retailer has broken the Code; or
 - (b) the retailer has failed to follow a recommendation made under section 7.
- (2) For powers to require a person to provide information, see Schedule 2.
- (3) The Adjudicator may not carry out an investigation until the guidance required by section 12(1) has been published.

Commencement Information

II S. 4 in force at 25.6.2013 by S.I. 2013/1236, art. 2

5 Investigation reports

- (1) Following an investigation the Adjudicator must—
 - (a) publish a report on the outcome of the investigation; and
 - (b) consider whether to use any of the enforcement powers mentioned in section 6.
- (2) An investigation report must, in particular, specify—
 - (a) any findings that the Adjudicator has made;
 - (b) any action that the Adjudicator has taken or proposes to take; and
 - (c) the reasons for the findings and any action taken or proposed.
- (3) It is not necessary for an investigation report to identify the retailer concerned.
- (4) If a retailer is identified in a report, the retailer must have been given a reasonable opportunity to comment on a draft of the report before publication.

Changes to legislation: There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013, Cross Heading: How does the Adjudicator carry out investigations and enforce their findings?. (See end of Document for details)

Commencement Information

I2 S. 5 in force at 25.6.2013 by S.I. 2013/1236, art. 2

6 Investigations: forms of enforcement

If, as a result of an investigation, the Adjudicator is satisfied that a large retailer has broken the Groceries Code, the Adjudicator may take one or more of the following enforcement measures—

- (a) make recommendations;
- (b) require information to be published;
- (c) impose financial penalties.

Commencement Information

I3 S. 6 in force at 25.6.2013 by S.I. 2013/1236, art. 2

7 Investigations: enforcement using recommendations

- (1) If the Adjudicator chooses to enforce through making recommendations, that means recommending what the large retailer should do in order to comply with the Groceries Code.
- (2) The Adjudicator must monitor whether a recommendation has been followed.
- (3) For powers to require a person to provide information, see Schedule 2.

Commencement Information

I4 S. 7 in force at 25.6.2013 by S.I. 2013/1236, art. 2

8 Investigations: enforcement using requirements to publish information

- (1) If the Adjudicator chooses to enforce through requiring information to be published, that means requiring the large retailer to publish information relating to the investigation.
- (2) The publication requirement is imposed by giving written notice to the large retailer specifying—
 - (a) what information is to be published;
 - (b) how it must be published; and
 - (c) the time by which it must be published.
- (3) The Adjudicator may enforce the requirement to publish information by bringing civil proceedings to obtain—
 - (a) in England and Wales or Northern Ireland, an injunction or any other appropriate remedy or relief; or
 - (b) in Scotland, an order for specific performance under section 45 of the Court of Session Act 1988 or any other appropriate remedy or relief.

Changes to legislation: There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013, Cross Heading: How does the Adjudicator carry out investigations and enforce their findings?. (See end of Document for details)

Commencement Information

I5 S. 8 in force at 25.6.2013 by S.I. 2013/1236, art. 2

9 Investigations: enforcement using financial penalties

- (1) If the Adjudicator chooses to enforce through imposing financial penalties, that means imposing a penalty on the large retailer of an amount not exceeding the amount of the permitted maximum (see subsection (6)).
- (2) The financial penalty is imposed by giving the large retailer written notice specifying—
 - (a) the grounds for imposing the penalty;
 - (b) the amount of the penalty;
 - (c) the period within which it must be paid; and
 - (d) how it must be paid.
- (3) The large retailer may appeal against the imposition of a financial penalty or its amount—
 - (a) to the High Court, in England and Wales or Northern Ireland; or
 - (b) to the Court of Session, in Scotland.
- (4) Financial penalties under this section are recoverable by the Adjudicator as a debt.
- (5) Financial penalties received by the Adjudicator must be paid into the Consolidated Fund.
- (6) The Secretary of State must make an order—
 - (a) specifying the amount of the permitted maximum, or
 - (b) specifying how that amount is to be determined.
- (7) The Adjudicator must, within 6 months beginning with the day on which section 1 comes into force, make a recommendation as to the amount that should be specified in the first order under subsection (6) or the method for determining the amount.
- (8) Before making a recommendation the Adjudicator must consult any person he or she thinks appropriate.
- (9) The Secretary of State—
 - (a) must have regard to the Adjudicator's recommendation when making the first order under subsection (6);
 - (b) may amend or replace an order under subsection (6) only if the Secretary of State has considered whether to do so as part of a review under section 15.
- (10) The Adjudicator may not impose a financial penalty in respect of a breach of the Groceries Code that occurs before the first order under subsection (6) comes into force.

Commencement Information

I6 S. 9 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Changes to legislation: There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013, Cross Heading: How does the Adjudicator carry out investigations and enforce their findings?. (See end of Document for details)

10 Recovery of investigation costs

- (1) The Adjudicator may require a large retailer to pay some or all of the costs of an investigation (including any costs incurred in exercising the enforcement powers) if satisfied that the retailer has broken the Groceries Code.
- (2) The Adjudicator may require a person to pay some or all of the costs of an investigation if the Adjudicator carried out the investigation as a result of a complaint by the person which, the Adjudicator is satisfied, was vexatious or wholly without merit.
- (3) A requirement to pay costs is imposed by giving written notice specifying—
 - (a) the grounds for imposing the requirement to pay costs;
 - (b) how much is to be paid; and
 - (c) by when the costs are to be paid.
- (4) A person required to pay costs under this section may appeal against the imposition of the requirement or the amount to which it relates—
 - (a) to the High Court, in England and Wales or Northern Ireland; or
 - (b) to the Court of Session, in Scotland.
- (5) Costs required to be paid under this section are recoverable by the Adjudicator as a debt.

Commencement Information

I7 [S. 10](#) in force at 25.6.2013 by [S.I. 2013/1236](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013,
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