Groceries Code Adjudicator Act 2013

2013 CHAPTER 19

How is the Adjudicator supervised?

15 Review of Adjudicator and guidance from Secretary of State

(1) The Secretary of State must review the Adjudicator's performance for each review period.

(2) The first review period is the period ending on the first 31 March that is at least 2 years after section 1 comes into force.

(3) Subsequent review periods are each successive period of 3 years after the first review period.

(4) A review must, in particular—

(a) consider how much the Adjudicator's powers have been exercised; and

(b) assess how effective the Adjudicator has been in enforcing the Groceries Code.

(5) The review must also consider whether it would be desirable—

(a) for an order to be made under subsection (11) (if no order under that subsection is in force), or

(b) for any order under that subsection to be revoked.

(6) A review may consider whether it would be desirable to amend or replace the order for the time being in force under section 9(6).

(7) As soon as practicable after a review period, the Secretary of State must—

(a) publish a report of the findings of the review for that period; and

(b) lay a copy of the report before Parliament.

(8) In carrying out a review, the Secretary of State must consult—

(a) the Adjudicator;

(b) the [[F1]Competition and Markets Authority];

[F2](c) . . . . . .

(d) the retailers mentioned in Article 4(1)(a) and (b) of the Groceries Supply Order;

(e) one or more persons appearing to the Secretary of State to represent the interests of suppliers;

(f) one or more persons appearing to the Secretary of State to represent the interests of consumers; and

(g) any other person the Secretary of State thinks appropriate.

(9) As a result of the findings of a review, the Secretary of State may give guidance to the Adjudicator about any matter relating to the Adjudicator's functions.

(10) The Adjudicator is to take account of the guidance in carrying out functions.

(11) The Secretary of State may by order provide that this Act has effect as if the section set out in subsection (13) below were inserted after section 4.

(12) An order under subsection (11)—

(a) may be made only if, as a result of the findings of a review, the Secretary of State thinks that making the order would enable the Adjudicator to be more effective;

(b) may be revoked only if, as a result of the findings of a review, the Secretary of State thinks that revoking the order would not impair the Adjudicator's effectiveness.

(13) This is the section referred to in subsection (11)—

"**4A Information that may be considered when deciding whether to investigate**

(1) In deciding whether to carry out an investigation the Adjudicator may consider only—

(a) information provided by a supplier;

(b) information that is publicly available;

(c) information provided by a person who obtained the information at a time when the person was a worker employed by the retailer in question or a company in the same group;

(d) information provided by the retailer in question about whether it has complied with a recommendation made under section 7.

(2) When carrying out an investigation the Adjudicator may consider any information that it seems appropriate to consider and is not limited to considering the information mentioned in subsection (1).

(3) In this section—

"group" has the same meaning as in Part 15 of the Companies Act 2006 (see section 474(1) of that Act);

"worker" and "employed" have the same meaning as in Part 4A of the Employment Rights Act 1996 (see sections 43K and 230 of that Act)."

Textual Amendments

F1 Words in s. 15(8)(b) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 207(a)** (with art. 3)

F2 S. 15(8)(c) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 207(b)** (with art. 3)

Commencement Information

I1 S. 15 in force at 25.6.2013 by S.I. 2013/1236, **art. 2**

16 Transfer of Adjudicator functions and abolition etc

(1) The Secretary of State may by order transfer some or all of the Adjudicator's functions to a public body and in deciding whether to do so must take account of the desirability of—

(a) increasing efficiency, effectiveness and economy in the exercise of public functions; and

(b) ensuring appropriate accountability to Ministers in the exercise of public functions.

(2) The Secretary of State may by order abolish the Adjudicator—

(a) if, as a result of the findings of a review, the Secretary of State is satisfied that the Adjudicator has not been sufficiently effective in enforcing the Groceries Code to justify the continued existence of an Adjudicator;

(b) if, as a result of the findings of a review, the Secretary of State is satisfied that it is no longer necessary for there to be an Adjudicator to enforce the Groceries Code;

(c) if the Secretary of State transfers all of the Adjudicator's functions under subsection (1); or

(d) if the Groceries Supply Order is revoked and not replaced.

(3) An order under subsection (2) may include provision transferring the Adjudicator's property, rights and liabilities.

(4) The Secretary of State may by order amend this Act in consequence of any order amending or replacing the Groceries Supply Order.

(5) For the purpose of giving effect to a transfer of functions or to the abolition of the Adjudicator an order under this section may amend or repeal this Act or any other enactment.

Commencement Information

I2 S. 16 in force at 25.6.2013 by S.I. 2013/1236, **art. 2**

17 Information to Secretary of State

(1) The Secretary of State may require the Adjudicator to provide information to assist the Secretary of State in carrying out functions under this Act.

(2) The requirement to provide information to the Secretary of State does not override section 18.

Commencement Information

I3 S. 17 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 is the Adjudicator supervised?.