



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)

Changes to legislation: There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013, Section 15. (See end of Document for details)

- (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).”

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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)
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Commencement Information

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

Changes to legislation:

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