



# Agriculture (Wales) Act 2023

2023 asc 4

## PART 3

### MATTERS RELATING TO AGRICULTURE AND AGRICULTURAL PRODUCTS

#### CHAPTER 1

##### COLLECTION AND SHARING OF DATA

#### **25 Agri-food supply chains: requirement to provide information**

- (1) The Welsh Ministers may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities take place in Wales.
- (2) The Welsh Ministers may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities take place in Wales.
- (3) See section 26 for provision about—
  - (a) the meaning of “agri-food supply chain”,
  - (b) who is in such a supply chain, and
  - (c) who is closely connected with such a supply chain.
- (4) A requirement under subsection (1) or (2) may not be imposed on an individual in a supply chain so far as they are in the supply chain because they, or members of their households, are the ultimate consumers (see section 26).
- (5) A requirement imposed on a person under subsection (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under subsection (1) must be in writing.

## 26 Meaning of “agri-food supply chain”

- (1) This section has effect for the purposes of this Chapter.
- (2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—
  - (a) anything grown or otherwise produced in carrying on agriculture,
  - (b) any animal kept in carrying on agriculture, or
  - (c) any animal or other thing taken from the wild.
- (3) The persons in an agri-food supply chain are—
  - (a) the individuals being provided with items of food and drink as described in subsection (2) (“the ultimate consumers”),
  - (b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and
  - (c) any person in the supply chain between those persons and the ultimate consumers.
- (4) The persons “closely connected” with an agri-food supply chain are—
  - (a) any person supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within subsection (3)(b) for use in the agriculture or taking,
  - (b) any person providing, to persons within subsection (3)(b) or (c), services related to—
    - (i) the health of animals, or plants, involved in the supply chain, or
    - (ii) the safety or quality of the food or drink to be provided to the ultimate consumers,
  - (c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and
  - (d) bodies representing persons within any of paragraphs (b) and (c) of subsection (3) and paragraphs (a), (b) and (c) of this subsection.
- (5) Activities of the kind mentioned in subsection (4)(c) are to be treated for the purposes of section 25(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in section 25(1) and (2).
- (6) In this section, “seeds” includes bulbs and other things from which plants grow.

## 27 Relevant activity: requirement to provide information

- (1) The Welsh Ministers may require a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) to provide information about matters connected with the activity so far as the activity takes place in Wales.
- (2) The Welsh Ministers may make regulations requiring a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) to provide information about matters connected with the activity so far as the activity takes place in Wales.
- (3) See section 28 for provision about the meaning of “relevant activity”.

- (4) A requirement under subsection (1) or (2) may not be imposed on a person in relation to a relevant activity so far as the activity is carried on otherwise than for profit or reward.
- (5) A requirement imposed on a person under subsection (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under subsection (1) must be in writing.

## **28 Meaning of “relevant activity”**

In this Chapter, “relevant activity” means—

- (a) an activity listed in section 51(1) (meaning of “agriculture”);
- (b) an ancillary activity.

## **29 Requirement to specify purposes for which information may be processed**

- (1) This section applies to a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) The requirement must specify the purposes for which the information may be processed.
- (3) Each purpose specified must be in, or covered by, the list of purposes in subsection (4).
- (4) The list of purposes is—
  - (a) helping persons in agri-food supply chains or persons carrying on relevant activities to—
    - (i) increase productivity,
    - (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or
    - (iii) manage market volatility;
  - (b) promoting transparency or fairness in agri-food supply chains or relevant activities;
  - (c) promoting the health, welfare or traceability of animals of a kind kept for the production of food, drink, fibres or leathers;
  - (d) promoting the health or quality of plants or soil;
  - (e) minimising adverse environmental effects of activities connected with agri-food supply chains or relevant activities;
  - (f) minimising waste arising from activities connected with agri-food supply chains or relevant activities;
  - (g) monitoring, or analysing, markets connected with agri-food supply chains or relevant activities;
  - (h) monitoring or analysing supply sources for food (including the availability to the public of food from those sources).
- (5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see section 26.
- (6) For the meaning of “relevant activity” see section 28.

### **30 Duty to publish requirement under section 25(1) or 27(1) in draft**

- (1) Before a particular requirement is imposed under section 25(1) or 27(1), the Welsh Ministers must—
  - (a) have published—
    - (i) a draft of the requirement,
    - (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and
    - (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and
  - (b) have decided, having had regard to the comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.
- (2) After the decision to impose a requirement has been made under subsection (1)(b), the Welsh Ministers may impose that requirement on a person (under section 25(1) or section 27(1), as the case may be) at any time when the person is within the description published under subsection (1)(a)(ii) in respect of the requirement.

### **31 Provision of required information and limitations on its processing**

- (1) This section applies to a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) Information provided in response to the requirement may be processed only for purposes specified in the requirement (see section 29).
- (3) Subsection (2) applies—
  - (a) to the person to whom the information is provided, and
  - (b) to a person to whom the information is disclosed,but, in the case of a person within paragraph (b), subsection (2) does not authorise processing contrary to the terms on which disclosure is made.
- (4) Subsections (2) and (3) are subject to subsections (7) to (10).
- (5) The requirement may specify how and when the required information is to be provided, including (among other things)—
  - (a) the person to whom the information is to be provided (who may be a person other than the Welsh Ministers);
  - (b) the form in which the information is to be provided;
  - (c) the means by which it is to be provided;
  - (d) the time or times at which, or by when, it is to be provided.
- (6) The requirement must specify—
  - (a) the types of processing to which the information may be subjected, and
  - (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.
- (7) Information provided in response to the requirement—
  - (a) may not be subjected to types of processing other than those specified in the requirement, and
  - (b) may not be disclosed in any form other than those specified in the requirement,

except in circumstances specified in the requirement.

- (8) Subsection (9) applies if—
- (a) information is provided in response to the requirement, and
  - (b) a person (“P”) proposes to make a disclosure of the information in a form that is permitted by subsection (7).
- (9) Where P proposes that the information be disclosed otherwise than in an anonymised form—
- (a) P must consider whether disclosure of the information in that form would, or might, prejudice the commercial interests of any person, and
  - (b) if P considers that it would or might do so, the information (if disclosed) must, instead, be disclosed in an anonymised form.
- (10) But if the Welsh Ministers consider that it is in the public interest for the information to be disclosed otherwise than in an anonymised form—
- (a) the information may be disclosed otherwise than in an anonymised form, as long as the disclosure is in a form that is permitted by subsection (7), and
  - (b) subsection (9)(b) does not apply.
- (11) In this Chapter, “processing”, in relation to information, means an operation, or set of operations, which is performed on information, or on sets of information, such as—
- (a) collection, recording, organisation, structuring or storage,
  - (b) adaptation or alteration,
  - (c) retrieval, consultation or use,
  - (d) disclosure by transmission, dissemination or otherwise making available,
  - (e) alignment or combination, or
  - (f) restriction, erasure or destruction.

## **32 Enforcement of information requirements**

- (1) The Welsh Ministers may by regulations make provision for enforcement of a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) In the following provisions of this section, “specified” means specified in regulations under subsection (1).
- (3) The provision that may be made by regulations under subsection (1) includes (among other things)—
- (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
    - (i) of a specified amount,
    - (ii) of an amount calculated in a specified manner,
    - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
    - (iv) by way of suspending, or withholding, payment of any amounts;
  - (b) provision for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (c) provision about the giving of advice or warnings;

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*Status: This is the original version (as it was originally enacted).*

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- (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
  - (e) provision conferring functions (including functions involving the exercise of a discretion) on a person;
  - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (4) In subsection (3)(a), “specified manner” includes (among other things) a manner framed by reference to a specified matter such as a person’s profits, income or turnover.

### **33 Review of operation and effect of sections 25 to 32**

- (1) The Welsh Ministers must prepare a report under this section, in relation to each reporting period, on the operation and effect of sections 25 to 32 during the period.
- (2) In preparing the report, the Welsh Ministers must consult any persons they consider appropriate.
- (3) The Welsh Ministers must, no later than 12 months after the end of each reporting period—
  - (a) publish the report that relates to the reporting period, and
  - (b) lay it before Senedd Cymru.
- (4) In this section, the “reporting period” means—
  - (a) in the case of the first report, the period of five years beginning with the day on which section 25 comes into force;
  - (b) in the case of subsequent reports, successive periods of five years.

## **CHAPTER 2**

### **MARKETING STANDARDS: AGRICULTURAL PRODUCTS**

### **34 Marketing standards**

- (1) The Welsh Ministers may, by regulations, make provision about the standards with which the agricultural products listed in Schedule 1 must conform when they are marketed in Wales.
- (2) The regulations may, among other things, make provision about—
  - (a) technical definitions, designation and sales descriptions;
  - (b) classification criteria such as grading into classes, weight, sizing, age and category;
  - (c) the species, plant variety or animal breed, or the commercial type;
  - (d) presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;
  - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
  - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
  - (g) farming and production methods, including oenological practices;

- (h) coupage of must and wine (including definitions of those terms), blending and restrictions on blending;
  - (i) the frequency of collection, delivery, preservation and handling;
  - (j) conservation methods and temperature, storage and transport;
  - (k) the place of farming or origin (but see subsection (3));
  - (l) restrictions as regards the use of certain substances and practices;
  - (m) specific use of products;
  - (n) conditions governing the disposal, holding, circulation and use of products that do not conform with the marketing standards, and the disposal of by-products;
  - (o) the use of terms communicating value-adding characteristics or attributes.
- (3) Regulations under subsection (1) may not make provision about the matters referred to in subsection (2)(k) (the place of farming or origin) so far as they relate to live poultry, poultrymeat or spreadable fats.
- (4) Regulations under subsection (1) may include provision about enforcement, which may (among other things) include provision—
- (a) about the provision of information;
  - (b) conferring powers of entry;
  - (c) conferring powers of inspection, search and seizure;
  - (d) about the keeping of records;
  - (e) imposing monetary penalties;
  - (f) for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (g) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
  - (h) about licences, accreditations, authorisations and registration requirements;
  - (i) about appeals;
  - (j) conferring functions (including functions involving the exercise of a discretion) on a person.
- (5) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (6) The Welsh Ministers may, by regulations—
- (a) amend Schedule 1 by adding an agricultural product to the list, removing a product from the list or altering the description of an agricultural product in the list;
  - (b) amend this section in connection with any such amendment.

## CHAPTER 3

### CLASSIFICATION OF CERTAIN CARCASSES ETC.

#### **35 Carcass classification**

- (1) The Welsh Ministers may, by regulations, make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Wales.
- (2) Regulations under subsection (1) may include provision about enforcement, which may (among other things) include provision—
  - (a) about the provision of information;
  - (b) conferring powers of entry;
  - (c) conferring powers of inspection, search and seizure;
  - (d) about the keeping of records;
  - (e) imposing monetary penalties;
  - (f) for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (g) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
  - (h) about licences, accreditations, authorisations and registration requirements;
  - (i) about appeals;
  - (j) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (4) In this section, “pigs” means porcine animals, including wild boar and other feral pigs.