



Agriculture (Retained EU Law and Data) (Scotland) Act 2020

2020 asp 17

PART 2

COLLECTION AND PROCESSING OF DATA

19 Enforcement of information requirements

- (1) The Scottish Ministers may by regulations make provision for or in connection with the enforcement of requirements imposed under section 14(1) or (2) or 15(1) or (2).
- (2) In subsection (1) “enforcement” includes in particular—
 - (a) monitoring compliance,
 - (b) investigating non-compliance,
 - (c) dealing with non-compliance.
- (3) The provision that may be made in regulations under subsection (1) includes in particular—
 - (a) provision for the imposition of monetary penalties for non-compliance, including 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,
 - (iv) by way of suspending or withholding payment of any amounts,
 - (b) provision for the recovery of amounts due in respect of monetary penalties, including provision for any interest, set-off and security for payment,
 - (c) provision about the giving of advice or warnings,
 - (d) provision for the imposition of restrictions (including prohibitions) on carrying out activities,
 - (e) provision for the acceptance of undertakings to take, or refrain from taking, particular actions,

Changes to legislation: *There are currently no known outstanding effects for the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, Section 19. (See end of Document for details)*

- (f) provision giving persons functions in connection with enforcement of requirements,
 - (g) provisions about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (4) In subsection (3) and this subsection—
“specified” means specified in regulations under subsection (1),
“specified manner” includes in particular a manner framed by reference to a specified matter such as a person's profits, income or turnover.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.

Commencement Information

II S. 19 in force at 1.12.2020 by [S.S.I. 2020/373](#), **reg. 2(1)(g)**

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