

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

SCHEDULES

SCHEDULE 1

Section 1

THE ADJUDICATOR

Status

1 The Adjudicator is a corporation sole.

Commencement Information

I1 Sch. 1 para. 1 in force at 25.6.2013 by S.I. 2013/1236, art. 2

2 The Adjudicator carries out functions on behalf of the Crown.

Commencement Information

I2 Sch. 1 para. 2 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Appointment

3 The Adjudicator is to be appointed by the Secretary of State.

Commencement Information

I3 Sch. 1 para. 3 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Deputy Adjudicator

4 The Secretary of State may appoint a Deputy Adjudicator.

Commencement Information

I4 Sch. 1 para. 4 in force at 25.6.2013 by S.I. 2013/1236, art. 2

5 The Deputy Adjudicator may carry out any of the Adjudicator's functions.

Commencement Information

I5 Sch. 1 para. 5 in force at 25.6.2013 by S.I. 2013/1236, art. 2

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Term of office etc

- 6 A person holds and vacates office as the Adjudicator or Deputy Adjudicator in accordance with the terms of his or her appointment, but—
- (a) a person's initial term of office may not be more than four years;
 - (b) a person may be appointed for one or two further terms of office;
 - (c) a further term may not be more than three years;
 - (d) a person may resign by giving written notice to the Secretary of State; and
 - (e) the Secretary of State may dismiss the person if satisfied that the person is unable, unwilling or unfit to perform his or her functions.

Commencement Information

I6 Sch. 1 para. 6 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 7 Service as the Adjudicator, or as the Deputy Adjudicator, is not service in the civil service of the state.

Commencement Information

I7 Sch. 1 para. 7 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Remuneration

- 8 (1) The Adjudicator may pay to or in respect of the person holding office as the Adjudicator or the Deputy Adjudicator—
- (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.
- (2) The Secretary of State must determine rates and eligibility criteria for the payments.

Commencement Information

I8 Sch. 1 para. 8 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Staff

- 9 (1) The Adjudicator may make arrangements with the Secretary of State or any other public authority for staff to be seconded to the Adjudicator.
- (2) The arrangements may include provision for payments by the Adjudicator.

Commencement Information

I9 Sch. 1 para. 9 in force at 25.6.2013 by S.I. 2013/1236, art. 2

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Conflicts of interest

- 10 (1) The Adjudicator must make procedural arrangements for dealing with any conflict of interest affecting—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator; or
 - (c) staff working for the Adjudicator.
- (2) The Adjudicator must consult the Secretary of State before making or revising the arrangements.
- (3) The Adjudicator must publish a summary of the arrangements.

Commencement Information

I10 Sch. 1 para. 10 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 11 (1) This paragraph applies if both the Adjudicator and the Deputy Adjudicator are unable to act in relation to a matter because of conflicts of interest.
- (2) The Secretary of State must appoint a person to act as a Deputy Adjudicator if asked to do so by the Adjudicator.
- (3) An acting Deputy Adjudicator may carry out any of the Adjudicator's functions for the purpose of dealing with the matter in respect of which he or she is appointed.
- (4) A person holds and vacates office as an acting Deputy Adjudicator in accordance with the terms of his or her appointment (subject to sub-paragraph (5)).
- (5) Paragraphs 6(d) and (e) and 7 and 8 apply to an acting Deputy Adjudicator as they apply to the Deputy Adjudicator.

Commencement Information

I11 Sch. 1 para. 11 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Validity of acts

- 12 A defect in appointment does not affect the validity of things done by—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator; or
 - (c) an acting Deputy Adjudicator.

Commencement Information

I12 Sch. 1 para. 12 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Application of seal and proof of documents

- 13 The application of the Adjudicator's seal must be authenticated by the signature of—
- (a) the Adjudicator; or

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- (b) some other person who has been authorised by the Adjudicator for that purpose (whether generally or specially).

Commencement Information

I13 Sch. 1 para. 13 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 14 A document purporting to be duly executed under the seal—
- (a) is to be received in evidence; and
 - (b) is to be treated as duly executed unless the contrary is shown.

Commencement Information

I14 Sch. 1 para. 14 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Accounts

- 15
- (1) The Adjudicator must keep proper accounts and proper records in relation to the accounts.
 - (2) For each financial year the Adjudicator must prepare a statement of accounts in respect of that financial year.
 - (3) The statement must be in whatever form the Secretary of State directs.
 - (4) The Adjudicator must send a copy of the statement, within a period specified by the Secretary of State, to—
 - (a) the Secretary of State; and
 - (b) the Comptroller and Auditor General.
 - (5) After the Adjudicator has sent a copy of a statement of accounts to the Comptroller and Auditor General, the Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement; and
 - (b) send a copy of the certified statement and the report to the Secretary of State as soon as possible.
 - (6) The Secretary of State must lay before Parliament a copy of the certified statement and of the report.

Commencement Information

I15 Sch. 1 para. 15 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Incidental powers

- 16 The Adjudicator may do anything that is calculated to facilitate the carrying out of the Adjudicator's functions or is conducive or incidental to the carrying out of those functions.

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Commencement Information

I16 Sch. 1 para. 16 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Assistance from Office of Fair Trading

- 17 The [^{F1}Competition and Markets Authority] may provide staff, premises, facilities or other assistance to the Adjudicator (with or without charge).

Textual Amendments

F1 Words in Sch. 1 para. 17 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. 208 (with art. 3)

Commencement Information

I17 Sch. 1 para. 17 in force at 25.6.2013 by S.I. 2013/1236, art. 2

Exemption from liability for damages

- 18 (1) The following are exempt from liability in damages for anything done or omitted in the exercise or purported exercise of their functions—
- (a) the Adjudicator;
 - (b) the Deputy Adjudicator;
 - (c) acting Deputy Adjudicators;
 - (d) staff working for the Adjudicator.
- (2) But sub-paragraph (1) does not apply—
- (a) if the act or omission is shown to have been in bad faith; or
 - (b) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful as a result of section 6(1) of the Human Rights Act 1998.

Commencement Information

I18 Sch. 1 para. 18 in force at 25.6.2013 by S.I. 2013/1236, art. 2

SCHEDULE 2

Sections 4 and 7

INFORMATION POWERS

- 1 (1) The Adjudicator may, for the purposes of an investigation, require a person—
- (a) to provide documents in the person's possession or control;
 - (b) to provide other information in the person's possession or control.
- (2) The Adjudicator may, for the purposes of monitoring whether a large retailer has followed a recommendation made under section 7, require the retailer—

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- (a) to provide documents in the retailer's possession or control;
 - (b) to provide other information in the retailer's possession or control.
- (3) A requirement imposed under this paragraph may include a requirement for information to be provided orally.
- (4) A requirement is imposed by giving a written notice specifying—
- (a) to whom the information is to be provided;
 - (b) where it is to be provided;
 - (c) when, or the time by which, it is to be provided;
 - (d) the form and manner in which it is to be provided.
- (5) A notice must also explain the possible consequences of failing to comply.
- (6) If a notice requires an individual to attend at a particular place the Adjudicator must offer to pay necessary travelling expenses.
- (7) A person may not be required under this paragraph to do anything that the person could not be compelled to do in civil proceedings before—
- (a) the High Court in England and Wales or Northern Ireland; or
 - (b) the Court of Session in Scotland.

Commencement Information

I19 Sch. 2 para. 1 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 2 (1) It is an offence for a person intentionally to fail to comply with a requirement under this Schedule.
- (2) It is a defence for a person charged with that offence to prove that there was a reasonable excuse for the person's failure.

Commencement Information

I20 Sch. 2 para. 2 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 3 It is an offence for a person knowingly to provide false information in response to a requirement under this Schedule.

Commencement Information

I21 Sch. 2 para. 3 in force at 25.6.2013 by S.I. 2013/1236, art. 2

- 4 A person guilty of an offence under this Schedule is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.

Commencement Information

I22 Sch. 2 para. 4 in force at 25.6.2013 by S.I. 2013/1236, art. 2

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