



Groceries Code Adjudicator Act 2013

2013 CHAPTER 19

How does the Adjudicator carry out investigations and enforce their findings?

9 Investigations: enforcement using financial penalties

- (1) If the Adjudicator chooses to enforce through imposing financial penalties, that means imposing a penalty on the large retailer of an amount not exceeding the amount of the permitted maximum (see subsection (6)).
- (2) The financial penalty is imposed by giving the large retailer written notice specifying—
 - (a) the grounds for imposing the penalty;
 - (b) the amount of the penalty;
 - (c) the period within which it must be paid; and
 - (d) how it must be paid.
- (3) The large retailer may appeal against the imposition of a financial penalty or its amount—
 - (a) to the High Court, in England and Wales or Northern Ireland; or
 - (b) to the Court of Session, in Scotland.
- (4) Financial penalties under this section are recoverable by the Adjudicator as a debt.
- (5) Financial penalties received by the Adjudicator must be paid into the Consolidated Fund.
- (6) The Secretary of State must make an order—
 - (a) specifying the amount of the permitted maximum, or
 - (b) specifying how that amount is to be determined.
- (7) The Adjudicator must, within 6 months beginning with the day on which section 1 comes into force, make a recommendation as to the amount that should be specified in the first order under subsection (6) or the method for determining the amount.
- (8) Before making a recommendation the Adjudicator must consult any person he or she thinks appropriate.

Changes to legislation: There are currently no known outstanding effects for the Groceries Code Adjudicator Act 2013, Section 9. (See end of Document for details)

- (9) The Secretary of State—
- (a) must have regard to the Adjudicator's recommendation when making the first order under subsection (6);
 - (b) may amend or replace an order under subsection (6) only if the Secretary of State has considered whether to do so as part of a review under section 15.
- (10) The Adjudicator may not impose a financial penalty in respect of a breach of the Groceries Code that occurs before the first order under subsection (6) comes into force.

Commencement Information

II [S. 9](#) in force at 25.6.2013 by [S.I. 2013/1236](#), [art. 2](#)

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