



# Agriculture Act 2020

## 2020 CHAPTER 21

### PART 8

#### GENERAL AND FINAL PROVISIONS

#### **49 Data protection**

- (1) This section applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of Parts 1 to 6.
- (2) A duty or power to which this section applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).
- (3) In this section “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

#### **50 Regulations**

- (1) Any power conferred on the Secretary of State or the Welsh Ministers to make regulations under this Act is exercisable by statutory instrument.
- (2) A power conferred on DAERA to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) Any power to make regulations under this Act includes power—
  - (a) to modify retained direct EU legislation;
  - (b) to make provision binding the Crown;
  - (c) to make different provision for different purposes;
  - (d) to make supplementary, incidental, consequential, transitional, transitory or saving provision.

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- (4) The provision which may be made by virtue of subsection (3)(d) includes provision modifying primary legislation, retained direct EU legislation or subordinate legislation.
- (5) Regulations which—
  - (a) contain provision made by virtue of subsection (3)(d) modifying primary legislation, and
  - (b) would, apart from this subsection, be subject to negative resolution procedure, are subject to affirmative resolution procedure.
- (6) Where regulations under this Act are subject to affirmative resolution procedure, the regulations—
  - (a) if made by the Secretary of State, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;
  - (d) if made by DAERA, may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (7) Where regulations under this Act are subject to negative resolution procedure—
  - (a) if made by the Secretary of State, the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) if made by the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10));
  - (c) if made by the Welsh Ministers, the statutory instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru;
  - (d) if made by DAERA, the regulations are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.
- (8) Any provision that may be made by regulations under this Act subject to negative resolution procedure may be made in regulations subject to affirmative resolution procedure.
- (9) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies in relation to the laying of a document before the Northern Ireland Assembly by virtue of this section as it applies in relation to the laying of a statutory document under an enactment (as defined in that Act).
- (10) This section does not apply to regulations under section 57.

## 51 Interpretation

In this Act—

“affirmative resolution procedure” is to be construed in accordance with section 50(6);

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“the CMO Regulation” means [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products;

“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

“EU regulation”, “EU decision” and “EU tertiary legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20 of that Act);

“modify” includes amend, revoke and repeal (and related expressions are to be construed accordingly);

“negative resolution procedure” is to be construed in accordance with section 50(7);

“primary legislation” means—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament;
- (c) a Measure or Act of Senedd Cymru;
- (d) Northern Ireland legislation;

“private dwelling” means so much of any land as consists of—

- (a) a building or other structure used wholly or mainly as a private dwelling,  
or
- (b) a garden, yard, private garage or outhouse enjoyed with such a building or structure;

“subordinate legislation” means an instrument made under primary legislation or under retained direct EU legislation.

## 52 Consequential amendments

Schedule 7 amends the CMO Regulation in consequence of—

- (a) Chapter 2 of Part 2 (intervention in agricultural markets: England);
- (b) Part 2 of Schedule 5 (intervention in agricultural markets: Wales);
- (c) Part 5 (agricultural products);
- (d) Part 4 of Schedule 5 (marketing standards and carcass classification: Wales);
- (e) Part 4 of Schedule 6 (marketing standards and carcass classification: Northern Ireland).

### Commencement Information

- 11** [S. 52](#) in force at 30.11.2022 for specified purposes for E. by [S.I. 2022/1255](#), [reg. 2\(c\)](#)
- 12** [S. 52](#) in force at 13.12.2022 for specified purposes for W. by [S.I. 2022/1204](#), [reg. 2\(b\)](#)

## 53 Power to make consequential etc provision

- (1) The Secretary of State may, subject to subsections (5) and (6), by regulations make supplementary, incidental or consequential provision in connection with any provision of this Act.
- (2) The Welsh Ministers may by regulations make supplementary, incidental or consequential provision in connection with—
  - (a) sections 33 to 35, so far as relating to Wales,

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- (b) section 36 and Schedule 3, so far as relating to Wales,
  - (c) sections 38 and 39, so far as relating to Wales,
  - (d) section 46 and Schedule 5,
  - (e) section 47, and
  - (f) section 52 and Schedule 7 so far as they apply in relation to Wales.
- (3) The Scottish Ministers may by regulations make supplementary, incidental or consequential provision in the law of Scotland in connection with—
  - (a) sections 33 to 35, so far as relating to Scotland, and
  - (b) sections 38 and 39, so far as relating to Scotland.
- (4) DAERA may by regulations make supplementary, incidental or consequential provision in the law of Northern Ireland in connection with—
  - (a) sections 33 and 34, so far as relating to Northern Ireland,
  - (b) sections 38 and 39, so far as relating to Northern Ireland,
  - (c) section 48 and Schedule 6, and
  - (d) section 52 and Schedule 7 so far as they apply in relation to Northern Ireland.
- (5) The Secretary of State may not make regulations under subsection (1) containing provision which could be made—
  - (a) by the Welsh Ministers under subsection (2)(a) or (b) or (d) to (f),
  - (b) by the Scottish Ministers under subsection (3)(a), or
  - (c) by DAERA under subsection (4)(a), (c) or (d).
- (6) The Secretary of State may make regulations under subsection (1) containing provision which could be made—
  - (a) by the Welsh Ministers under subsection (2)(c),
  - (b) by the Scottish Ministers under subsection (3)(b), or
  - (c) by DAERA under subsection (4)(b),
 only if the Secretary of State has first consulted (respectively) the Welsh Ministers, the Scottish Ministers or DAERA.
- (7) Regulations under this section may modify primary legislation, retained direct EU legislation or subordinate legislation.
- (8) Regulations under this section which contain provision modifying primary legislation (with or without other provision) are subject to affirmative resolution procedure.
- (9) Other regulations under this section are subject to negative resolution procedure.

## **54 Power to make transitional etc provision**

- (1) The appropriate authority may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (2) The appropriate authority is—
  - (a) the Welsh Ministers, for provision in connection with—
    - (i) sections 33 to 35, so far as relating to Wales,
    - (ii) section 36 and Schedule 3, so far as relating to Wales,
    - (iii) sections 38 and 39, so far as relating to Wales,
    - (iv) section 46 and Schedule 5,

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- (v) section 47, and
- (vi) section 52 and Schedule 7 so far as they apply in relation to Wales,
- (b) the Scottish Ministers, for provision in connection with—
  - (i) sections 33 to 35, so far as relating to Scotland,
  - (ii) sections 38 and 39, so far as relating to Scotland,
- (c) DAERA, for provision in connection with—
  - (i) sections 33 and 34, so far as relating to Northern Ireland,
  - (ii) sections 38 and 39, so far as relating to Northern Ireland,
  - (iii) section 48 and Schedule 6, and
  - (iv) section 52 and Schedule 7 so far as they apply in relation to Northern Ireland, and
- (d) the Secretary of State, for provision in connection with anything not mentioned in paragraphs (a) to (c).

## 55 Financial provision

There is to be paid out of money provided by Parliament—

- (a) sums required for the purpose of—
  - (i) giving financial assistance under section 1(1) or (2) or 21(2);
  - (ii) giving financial assistance by the Secretary of State under section 17;
  - (iii) continuing direct payments under the basic payment scheme for one or more years after 2020 by virtue of regulations under section 10;
  - (iv) making delinked payments by virtue of regulations under section 12;
  - (v) operating the public market intervention or aid for private storage mechanisms under retained direct EU legislation in response to a declaration under section 20;
- (b) administrative expenditure incurred by the Secretary of State by virtue of this Act;
- (c) any increase attributable to this Act in amounts payable out of money provided by Parliament by virtue of any other Act.

## 56 Extent

- (1) The following provisions of this Act extend to England and Wales only—
  - (a) Part 1, apart from sections 17 and 18;
  - (b) Chapter 2 of Part 2;
  - (c) Chapter 1 of Part 3;
  - (d) section 36 and Schedule 3;
  - (e) section 37 and Schedule 4;
  - (f) section 40;
  - (g) section 46 and Schedule 5.
- (2) Section 48 and Schedule 6 extend to Northern Ireland only.
- (3) The following provisions extend to England, Wales and Scotland only—
  - (a) section 34(2), and
  - (b) section 35.
- (4) Otherwise, this Act extends to England and Wales, Scotland and Northern Ireland.

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## 57 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 17 and 18;
  - (b) any provision of Parts 1 to 7 which—
    - (i) confers a power to make regulations, or
    - (ii) modifies legislation so as to confer a power to make regulations or a power to make an order by statutory instrument;
  - (c) any other provision of those Parts so far as it, or a modification of legislation it makes, affects the exercise of such a power (for example by defining an expression used in the provision conferring it);
  - (d) this Part, apart from section 52 and Schedule 7.
- (2) The following provisions, so far as not brought into force by subsection (1)(b) or (c), come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint—
  - (a) sections 20 and 21,
  - (b) sections 30 and 31 and Schedules 1 and 2,
  - (c) so far as relating to England—
    - (i) section 34(3) and (4),
    - (ii) paragraphs 10 to 16 and 18 of Schedule 3, and
    - (iii) section 36 so far as relating to those paragraphs,
  - (d) Parts 1 and 3 of Schedule 7, and section 52 so far as relating to those Parts.
- (3) The following provisions, so far as not brought into force by subsection (1)(b) or (c), come into force on such day as the Welsh Ministers may by regulations made by statutory instrument appoint—
  - (a) so far as relating to Wales—
    - (i) section 34(3) and (4),
    - (ii) paragraphs 10 to 16 and 18 of Schedule 3, and
    - (iii) section 36 so far as relating to those paragraphs,
  - (b) Part 2 of Schedule 5, and section 46 so far as relating to that Part, and
  - (c) Parts 2 and 4 of Schedule 7, and section 52 so far as relating to those Parts.
- (4) The following provisions, so far as not brought into force by subsection (1)(b) or (c), come into force on such day as DAERA may by regulations made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 appoint—
  - (a) Part 2 of Schedule 6, and section 48 so far as relating to that Part, and
  - (b) Part 5 of Schedule 7, and section 52 so far as relating to that Part.
- (5) Different days may be appointed for different purposes.
- (6) The other provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act is passed.

## 58 Short title

This Act may be cited as the Agriculture Act 2020.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(4A)(4B) inserted by [2021 c. 10 s. 9\(2\)](#)
- s. 42(6A)-(6C) inserted by [2021 c. 10 s. 9\(4\)](#)