
STATUTORY INSTRUMENTS

2024 No. 537

The Fair Dealing Obligations (Milk) Regulations 2024

PART 9

Enforcement

Appeals

26.—(1) A business purchaser on whom a requirement has been imposed under regulation 21(1) may appeal against—

- (a) the imposition of the requirement;
- (b) the amount of any civil penalty they have been ordered to pay; or
- (c) the amount of any compensation they have been ordered to pay.

(2) A relevant producer may appeal against—

- (a) a decision of the Secretary of State under regulation 25(1) not to impose a requirement on a relevant business purchaser; or
- (b) the amount of any compensation a relevant business purchaser has been ordered to pay.

(3) An appeal under paragraph (1) or (2) is to be made to the First-Tier Tribunal.

(4) The time limit for payment of a civil penalty or compensation under regulation 25(3) is paused until the appeal is concluded.

(5) Paragraph (6) applies where, following an appeal under this regulation, the First-Tier Tribunal affirms the decision of the Secretary of State or orders the business purchaser to pay any amount to the Secretary of State or producer.

(6) The business purchaser must make the payment before the expiry of 28 days beginning with the date of the First-Tier Tribunal's judgment, minus the number of days that expired (if any) between the date on which the business purchaser received the notice of decision and the date on which the appeal was filed.

(7) An appeal under this regulation may be determined having regard to matters of which the Secretary of State was unaware.

(8) In this regulation—

“notice of decision” has the meaning given in regulation 25(4);

“relevant producer” means the producer who referred the complaint to the Secretary of State that resulted in the Secretary of State making a decision under regulation 25(1) and “relevant business purchaser” means the business purchaser against whom the complaint was made.