

Agriculture Bill

[With corrected text of Amendment 27]

CORRECTED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 9th September 2020, as follows –

| | |
|------------------|-------------------|
| Clauses 1 to 28 | Clauses 36 to 43 |
| Schedule 1 | Schedule 5 |
| Clause 29 | Clauses 44 and 45 |
| Schedule 2 | Schedule 6 |
| Clauses 30 to 34 | Clauses 46 to 49 |
| Schedule 3 | Schedule 7 |
| Clause 35 | Clauses 50 to 54 |
| Schedule 4 | Title |

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD GREAVES

1★ Page 2, line 10, after “supporting” insert “and enhancing”

THE EARL OF DEVON

2★ Page 2, line 10, leave out “enjoyment of” and insert “health and wellbeing benefits from”

Member’s explanatory statement

This amendment removes the subjective term "enjoyment of" and replaces it with an objective public benefit to "health and wellbeing".

LORD ADDINGTON

3 Page 2, line 11, after “farmland” insert “, water”

LORD ADDINGTON
LORD GREAVES

4 Page 2, line 11, at end insert “, including the provision of new public access or improved accessibility, navigation and enjoyment of existing public rights of way and waterways”

Clause 1 - continued

THE EARL OF CAITHNESS
 THE EARL OF DUNDEE
 LORD RANDALL OF UXBRIDGE

- 5★ Page 2, line 11, at end insert “, when such access is granted voluntarily by the recipient of the assistance”

BARONESS MCINTOSH OF PICKERING
 BARONESS RITCHIE OF DOWNPATRICK
 THE LORD BISHOP OF ST ALBANS
 LORD JUDD

- 6 Page 2, line 25, at end insert –
 “() protecting or improving the food security of citizens and access to food that promotes good health and wellbeing.”

BARONESS MCINTOSH OF PICKERING
 BARONESS JONES OF MOULSECOOMB
 LORD JUDD
 BARONESS RITCHIE OF DOWNPATRICK

- 7 Page 2, line 25, at end insert –
 “() protecting or improving the management of landscapes and biodiversity through pasture-fed grazing livestock systems.”

Member’s explanatory statement

This amendment widens the purposes for using financial assistance to include protecting or improving the management of landscapes and biodiversity through pasture-fed livestock systems.

LORD TEVERSON
 THE EARL OF DUNDEE
 THE EARL OF CAITHNESS
 BARONESS BENNETT OF MANOR CASTLE

- 8 Page 2, line 25, at end insert –
 “() establishing and maintaining whole farm agroecological systems;
 () establishing and maintaining agroforestry systems.”

LORD ADDINGTON
 LORD GREAVES
 BARONESS BENNETT OF MANOR CASTLE

- 9 Page 2, line 25, at end insert –
 “() Financial assistance provision under this section should have regard to joint strategic needs assessments and joint health and wellbeing strategies, as defined by sections 192 and 193 of the Health and Social Care Act 2012.”

LORD NORTHBROOK

- 10 Page 2, line 27, leave out “either or both of”

Clause 1 - continued

THE EARL OF DUNDEE
 BARONESS BOYCOTT
 LORD CARRINGTON
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

11 Page 2, line 31, at end insert –

“(c) farming opportunities for new entrants and young farmers, including but not restricted to –
 (i) training,
 (ii) start-up capital,
 (iii) facilitating access to land, and
 (iv) supporting landowners to make land available,
 for new farm and forestry entrepreneurs.”

Member’s explanatory statement

This new paragraph would add to the purposes for which financial assistance can be given by making it available to young farmers and new entrants into the sector.

LORD NORTHBROOK

12 Page 2, line 31, at end insert –

“(c) supporting the domestic production of food and other agricultural products to the extent the Secretary of State considers necessary to ensure a sufficient level of food security in the United Kingdom, having regard to the outcomes in the most recent report produced under section 17.”

THE EARL OF DUNDEE

13★ Page 2, line 31, at end insert –

“() development of local food supply chains, and associated infrastructure, in rural and peri-urban areas.”

Member’s explanatory statement

This amendment enables the Secretary of State to allocate rural development funding to local food infrastructures. The purpose is to develop local supply chains, so that fresh food is produced, distributed and purchased close to where it is needed while also creating more jobs in the local food sector.

BARONESS YOUNG OF OLD SCONE
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 LORD RANDALL OF UXBRIDGE
 THE EARL OF DEVON

14 Page 2, line 31, at end insert –

“() The Secretary of State may only give financial assistance under this section for or in connection with environmental land management if all those standards for good agricultural and environmental condition set out in paragraphs 3 to 6 of Schedule 2 to the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263) as are applicable are met for the relevant land.”

Clause 1 - continued

THE EARL OF DEVON

15★ Page 2, line 31, at end insert –

“(2A) Financial assistance under subsections (1) and (2) may only be given to –

- (a) persons who are involved in the production of products deriving from an agricultural or horticultural or forestry activity, including recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations as established in Part 6 or as recognised under the CMO Regulation on the day this section comes into force; or
- (b) those with an interest in agricultural land, where the financial assistance relates directly to that land.”

Member’s explanatory statement

This amendment ensures that financial assistance under the Bill is provided only in relation to farmers, including those operating through POs, APOs and IBOs, agricultural/horticultural/forestry activity and/or agricultural land.

THE EARL OF CAITHNESS
THE EARL OF DUNDEE
LORD RANDALL OF UXBRIDGE

16★ Page 2, line 31, at end insert –

“() The Secretary of State may also give financial assistance for or in connection with nature-friendly farming for –

- (a) any of the purposes listed under subsection (1), where possible, and
- (b) the benefit of –
 - (i) species,
 - (ii) biodiversity,
 - (iii) soil health,
 - (iv) landscapes,
 - (v) water and air quality,
 - (vi) flood protection measures,
 - (vii) climate change mitigation,
 - (viii) wildlife, and
 - (ix) the environment.”

LORD NORTHBROOK

17 Page 2, line 33, leave out subsection (4) and insert –

“(4) In framing any financial assistance scheme, the Secretary of State must support the production of food by producers in England and encourage such production in an environmentally-friendly sustainable way.”

BARONESS NEVILLE-ROLFE
THE EARL OF LINDSAY
LORD CURRY OF KIRKHARLE

18 Page 2, line 35, at end insert –

“() In framing any financial assistance scheme, the Secretary of State must –

Clause 1 - continued

- (a) publish an impact assessment for that scheme, and
- (b) have regard to that impact assessment and any public responses to it.”

LORD ADDINGTON
LORD GREAVES

19 Page 2, line 35, at end insert –

“() Financial assistance provided under this section must have regard to rights of way improvements plans, as defined under section 60 of the Countryside and Rights of Way Act 2000.”

THE EARL OF DUNDEE
BARONESS BOYCOTT
BARONESS BENNETT OF MANOR CASTLE

20 Page 2, line 36, at end insert –

““agricultural, horticultural or forestry activity” includes activity on peri-urban and rural land;”

Member’s explanatory statement

This amendment would enable Government support for primary production and ancillary activities by peri-urban and rural enterprises and for peri-urban farms supplying food.

LORD TEVERSON
THE EARL OF DUNDEE
THE EARL OF CAITHNESS

21 Page 3, line 2, after “agroecology” insert “and agroforestry”

Member’s explanatory statement

Agroforestry is separate but allied to agroecology by integrating trees into productive farming landscapes, including silvopasture, hedgerows with standards, coppice, orchards and farm woodland.

THE EARL OF DEVON

22★ Page 3, line 6, after “uplands” insert “, wetlands”

Member’s explanatory statement

This amendment ensures that wetlands are specifically included in the definition of cultural or natural heritage.

LORD TEVERSON
THE EARL OF DUNDEE
THE EARL OF CAITHNESS

23 Page 3, line 17, at end insert –

““whole farm agroecological systems” includes any whole enterprise system for farming or land management which is designed to produce food or fuel while delivering environmental and social benefits, and may include organic farming;

Clause 1 - continued

“agroforestry systems” means land management systems which integrate trees into productive farming landscapes, and includes silvopasture, hedgerows with standards, coppice, orchards and farm woodland.”

LORD ADDINGTON

24 Page 3, line 17, at end insert –

““water” means inland, non-tidal –

- (a) lakes,
- (b) canals,
- (c) rivers,
- (d) streams,
- (e) ditches,
- (f) drains,
- (g) cuts,
- (h) culvert dikes,
- (i) sluices, and
- (j) passages through which water flows,

which are located on agricultural land, and includes artificial watercourses, reservoirs whether natural or artificial, and the bed and any banks of such bodies of water.”

LORD GREAVES

25★ Page 3, line 17, at end insert –

““supporting and enhancing public access to and enjoyment of the countryside” includes the provision of new public access or improving the accessibility of existing public rights of way and the navigation of waterways.”

Clause 2

BARONESS MCINTOSH OF PICKERING

26 Page 3, line 27, at end insert –

- “() In every case such conditions must include the following restrictions to the eligibility of a recipient of financial assistance –
- (a) financial assistance may only be made available to individuals or groups of individuals, natural or otherwise, operating land where the predominant use is agricultural as defined by section 96(1) of the Agricultural Holdings Act 1986; and
 - (b) financial assistance may only be made available to individuals or groups of individuals, natural or otherwise, who are –
 - (i) in occupation of the land for which the financial assistance is being claimed; and
 - (ii) taking the entrepreneurial risk for the decisions made in relation to the management of the land for which the financial assistance is being claimed; and

Clause 2 - continued

- (iii) in day-to-day management control of the land for which the financial assistance has been claimed.”

Member’s explanatory statement

This amendment ensures that financial assistance is targeted at active farmers and land managers who are operating units which are predominantly agricultural in nature.

LORD ADDINGTON
LORD GREAVES

27★ Page 3, line 27, at end insert—

- “() The conditions under subsection (2) may require the recipient to fulfil their duties for public rights of way under the Highways Act 1980.”

BARONESS JONES OF MOULSECOOMB
LORD ALLAN OF HALLAM

28 Page 3, line 42, leave out subsections (8) and (9) and insert—

- “(8) The Secretary of State must by regulations require specified information to be published about financial assistance under this Act.
- (9) Information which must be specified includes—
- (a) the full legal name of the recipient of financial assistance;
 - (b) the amounts of payment corresponding to each measure financed by the funds received by each beneficiary in the financial year concerned;
 - (c) the purposes of the payment corresponding to section 1(1);
 - (d) the geographical boundaries of the land corresponding to the amounts and purposes under paragraphs (b) and (c);
 - (e) any other information that in the view of the Secretary of State is appropriate to enable the public to evaluate whether the purposes in section 1(1) are met.”

Member’s explanatory statement

This amendment ensures that the public may evaluate whether the Act’s purposes in providing public goods are in fact being fulfilled.

After Clause 3

LORD GRANTCHESTER
LORD LUCAS
THE EARL OF CAITHNESS

29 Insert the following new Clause—

“Financial assistance: duty to provide advice

- (1) The Secretary of State must make regulations to secure the provision of training, guidance and advice to persons receiving financial assistance under this Act, for the purpose of enabling those persons to deliver the purpose or purposes for which the financial assistance is given.
- (2) Regulations under subsection (1) may include provision for advice on matters which include but are not limited to—

After Clause 3 - continued

- (a) the impact of any practice upon the environment,
- (b) business management, including the development of business plans,
- (c) the health and welfare of livestock,
- (d) the safety and health of workers in any agricultural sector,
- (e) innovation, including alternative methods of pest, disease and weed control,
- (f) food safety, insofar as it relates to the production of food or any activity in, or in close connection with, an agri-food supply chain,
- (g) the operation of any mechanism for applying for, or receiving, financial assistance under this Act, and
- (h) marketing of any product falling within an agricultural sector under Schedule 1.

(3) Regulations under this section are subject to affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would require the Secretary of State to make provision for training, guidance and advice to be made available to persons receiving financial assistance.

Clause 4

BARONESS MCINTOSH OF PICKERING
THE LORD BISHOP OF ST ALBANS

30 Page 5, line 14, at end insert –

“() set out the budgeted annual expenditure to be used to achieve each of the strategic priorities set out under paragraph (b) for the plan period.”

Member’s explanatory statement

This amendment will place requirements upon the Government to set out levels of expected expenditure and to identify outcomes for that expenditure as part of its multiannual financial plans.

BARONESS JONES OF WHITCHURCH
LORD KREBS
BARONESS PARMINTER
LORD RANDALL OF UXBRIDGE

31 Page 5, line 14, at end insert –

“() The Secretary of State must have regard to the current environmental improvement plan when setting out strategic priorities for giving financial assistance during the plan period.”

Member’s explanatory statement

This amendment would require the Secretary of State to have regard to environmental improvement plans when planning the provision of financial assistance for agriculture.

LORD TEVERSON
THE EARL OF DUNDEE

32 Page 5, line 15, leave out “seven” and insert “five”

Member's explanatory statement

This amendment brings the timeline of the first plan into line with the likely length of subsequent plans, and accelerates the the transition from the old payments system to the new.

THE EARL OF DEVON

- 33★ Page 5, line 17, leave out “five” and insert “seven”

Member's explanatory statement

This amendment aims to reduce the politicisation of multi-annual assistance plans, and ensure their renewal schedule is not timed to coincide with election cycles.

- 34★ Page 5, line 22, after “State” insert “at least two months”

Member's explanatory statement

This amendment would require the multi-annual financial assistance plan to be laid before Parliament so that it can be considered for at least two months before coming into effect.

LORD GARDINER OF KIMBLE

- 35 Page 5, line 22, leave out “before the beginning of the plan period” and insert—
- “(a) in the case of the first plan, as soon as practicable before the beginning of the plan period for the plan, and
 - (b) in the case of a subsequent plan, at least 12 months before the beginning of the plan period for the plan.”

Member's explanatory statement

This amendment provides that the first multiannual financial assistance plan under Clause 4 must be published as soon as practicable before the beginning of the applicable plan period, and that any subsequent plan must be published at least 12 months before such time.

Clause 8

BARONESS MCINTOSH OF PICKERING
BARONESS RITCHIE OF DOWNPATRICK
THE LORD BISHOP OF ST ALBANS
THE EARL OF DEVON

- 36 Page 7, line 40, leave out “2021” and insert “2022”

Member's explanatory statement

This amendment will move the start of the seven-year transition away from direct payments from 2021 to 2022.

LORD CARRINGTON
LORD CURRY OF KIRKHARLE

- 37 Page 7, line 40, at end insert—
- “(1A) Where any business is in receipt of direct payments under the basic payment scheme, any financial assistance from the Secretary of State may not be reduced by more than 25% of the specified amount in subsection (1B) prior to a scheme providing financial assistance under section 1(1) being introduced.
 - (1B) The specified amount is an amount to be determined by the Secretary of State by regulations, and may be based on—

Clause 8 - continued

- (a) the amount a business received under the basic payment scheme for a specified year, or
 - (b) the average amount a business received under the basic payment scheme over specified years before 2021 determined by the Secretary of State.
- (1C) Regulations under subsection (1B) must provide for a right of appeal if a business believes that any financial assistance they receive will be reduced by more than 25% of the specified amount prior to a scheme providing financial assistance under section 1(1) being introduced.”

Member’s explanatory statement

This will ensure that cuts in direct payments for 2021, together with the currently unknown cuts in the following years, do not inadvertently damage the viability of farming businesses before they can adapt their business plans to benefit from the productivity grant schemes due to uncertainties regarding trade agreements and the proposed agri-environment schemes.

THE DUKE OF WELLINGTON

As an amendment to Amendment 37 in the name of Lord Carrington

38★ After subsection (1B) insert –

“() The rate of payment for conversion to organic farming is doubled from 2021 until the introduction of the Environmental Land Management schemes.”

Member’s explanatory statement

This amendment seeks to reverse the decline in the last ten years in land area farmed organically in the United Kingdom compared with most other developed countries.

As an amendment to Amendment 37 in the name of Lord Carrington

39★ After subsection (1B) insert –

“() The specified amount for hill farms in less favoured areas currently in receipt of up to £30,000 per annum may not be reduced in the years 2021, 2022 and 2023.”

Member’s explanatory statement

This amendment seeks to protect small hill farms from further income erosion in the period before the introduction of environmental land management schemes, given the difficulty for such farms to join other schemes.

LORD CARRINGTON

40 Page 8, line 10, leave out “subsection” and insert “subsections (1B) and”

Member’s explanatory statement

This amendment ensures that regulations made under the amendment tabled by Lord Carrington to Clause 7, page 7, line 40 are subject to the affirmative procedure.

LORD GRANTCHESTER

41 Leave out Clause 8 and insert the following new Clause—

“The agricultural transition period for England and the termination of relevant payments

- (1) The agricultural transition period for England is the period of seven years starting on such day as the Secretary of State may by regulations appoint.
- (2) The Secretary of State may only appoint a commencement day for the transition period if a Minister of the Crown has laid before Parliament a statement confirming that in their opinion—
 - (a) any essential financial assistance schemes enabled by this Act for which there was no equivalent prior to EU Exit have been designed and subjected to appropriate trials or pilot schemes, and
 - (b) the outcomes of such trials or pilot schemes have been deemed satisfactory.
- (3) After the end of the transition period, no relevant payments are to be made in relation to England other than in respect of the last year of that period (or an earlier year).
- (4) The Secretary of State may by regulations—
 - (a) amend the length of the transition period in subsection (1), or
 - (b) amend the day on which the transition period commences.
- (5) Regulations under subsection (4) are subject to affirmative resolution procedure.
- (6) In this section—

“essential financial assistance schemes” means any schemes that are intended to operate, in whole or in part, at any point during the first year of the transition period;

“deemed satisfactory” means that a Minister of the Crown believes the trial or pilot scheme provides evidence that the scheme will contribute to one or more of the purposes under section 1.”

Member’s explanatory statement

This amendment would alter the current provision around commencement of the seven-year transition period, ensuring the Secretary of State can only appoint a start date by regulations once a statement has been laid before Parliament confirming that year-one schemes have been designed and satisfactorily tested.

Clause 11

BARONESS ROCK
THE EARL OF CAITHNESS

42 Page 9, line 36, at end insert—

- “() Regulations under this section must set out timescales within which direct payments must be paid to entitled persons.”

Member’s explanatory statement

This amendment would ensure that those entitled to payments receive those payments within guaranteed timescales to help ensure certainty of cash flow.

Clause 16

LORD CAMERON OF DILLINGTON

43 Page 12, line 44, at end insert –

“() providing new socioeconomic support programmes to help farming households”

Member’s explanatory statement

This amendment ensures that Defra has the ability to assist farming households through a variety of non-production related schemes, so these households can continue to farm and manage their land.

THE EARL OF DEVON

44★ Page 12, line 44, at end insert –

“() making provision for future contributions to existing rural socioeconomic schemes.”

Member’s explanatory statement

This amendment would safeguard the availability of financial provisions to continue the socioeconomic programmes under Rural Development Programmes in the event of delays in the introduction of the UK Shared Prosperity Fund.

After Clause 16

LORD GARDINER OF KIMBLE

45 Insert the following new Clause –

“Continuing EU programmes: power to provide financial assistance

- (1) The appropriate national authority may give financial assistance to –
 - (a) a person who is a party to an agreement entered into in accordance with any of the following provisions –
 - (i) the Rural Development Regulation,
 - (ii) any legacy rural development provision, or
 - (iii) Articles 32 to 35 of the Common Provisions Regulation (community-led local development), so far as relating to support for rural development,
 where the agreement has not concluded, or
 - (b) a producer organisation implementing an operational programme approved in accordance with the producer organisations aid provisions.
- (2) In this section –

“appropriate national authority” means –

 - (a) the Secretary of State, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to England;
 - (b) the Welsh Ministers, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Wales;

After Clause 16 - continued

- (c) DAERA, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Northern Ireland;

“the Common Provisions Regulation” means Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc;

“legacy rural development provision” means any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—

- (a) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
- (b) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
- (c) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
- (d) Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
- (e) Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming);

“the producer organisations aid provisions” means—

- (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
- (b) so far as relating to producer organisations aid, Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and
- (c) so far as relating to producer organisations aid, Council Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors;

“the Rural Development Regulation” means Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development.”

Member’s explanatory statement

This amendment allows the Secretary of State, the Welsh Ministers and DAERA to continue to make payments where agreements and programmes are currently supported under an EU programme relating to rural development or fruit and vegetable producers.

46 Insert the following new Clause—

“Retained direct EU legislation

- (1) To the extent that any legislation within subsection (2), (3), (4) or (5) would (in the absence of this subsection) be prevented from becoming retained direct EU legislation on IP completion day by section 3(2)(a)(bi) of the European Union (Withdrawal) Act 2018, section 3 of that Act is to have effect in relation to that legislation as if subsection (2)(a)(bi) of that section were omitted.
- (2) The legislation within this subsection is—
 - (a) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development,
 - (b) Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,
 - (c) any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—
 - (i) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
 - (ii) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
 - (iii) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
 - (iv) Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
 - (v) Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming),
 - (d) any legislation made under the legislation in paragraphs (a) to (c), and
 - (e) so far as relating to support for rural development—
 - (i) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc, and
 - (ii) any legislation made under that Regulation.
- (3) The legislation within this subsection is—
 - (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
 - (b) so far as relating to producer organisations aid, Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and

After Clause 16 - continued

- (c) so far as relating to producer organisations aid, Council Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors.
- (4) The legislation within this subsection is—
 - (a) Articles 55 to 57 of the CMO Regulation (provision about aid for apiculture), and
 - (b) any legislation made under that legislation.
- (5) The legislation within this subsection is the following, so far as it relates to producer organisations aid, apiculture or support for rural development—
 - (a) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy,
 - (b) any legislation made under that regulation, and
 - (c) any EU regulation, EU decision or EU tertiary legislation relating to the financing, management and monitoring of the common agricultural policy that preceded Regulation (EU) No 1306/2013 (including—
 - (i) Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures,
 - (ii) Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures, and
 - (iii) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy).”

Member’s explanatory statement

This amendment ensures that legislation relating to support for rural development, fruit and vegetable producer organisations and apiculture that has direct effect under the Withdrawal Agreement in relation to existing programmes will also be retained direct EU legislation.

LORD WIGLEY

47

Insert the following new Clause—

“Financial assistance

In considering the levels of financial assistance and design of financial assistance schemes under Part 1, the Secretary of State must have due regard to the support provided to, and operational environments of, agricultural businesses in other countries against which United Kingdom producers compete, or may compete, in the United Kingdom or other markets.”

Member’s explanatory statement

This new Clause requires relevant ministers to bear in mind the need to endeavour to provide a level playing field for agricultural businesses when providing financial assistance.

LORD GREAVES

48★ Insert the following new Clause—

“Support in relation to common land, etc

- (1) The Secretary of State may by regulations make provision for the circumstances in which financial support is given in relation to registered common land, other land subject to rights of common, and land subject to shared grazing right.
- (2) In this section, “financial support” means—
 - (a) financial assistance under section 1,
 - (b) relevant payments under Chapter 2 of Part 1, or
 - (c) other financial support under this Chapter.
- (3) Regulations under this section may include—
 - (a) the circumstances in which financial support may be allocated among two or more persons having an interest in such land;
 - (b) the method and terms on which any financial support may be allocated amongst those persons;
 - (c) the conditions that may be attached to such financial support.
- (4) In this section, “registered common land” means land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006 or the Commons Registration Act 1965.
- (5) Regulations under this section are subject to negative resolution procedure.”

Clause 17

LORD GARDINER OF KIMBLE

49 Page 14, line 20, after “must,” insert “on or before the relevant day and”

Member’s explanatory statement

This amendment requires the first report under Clause 17 to be prepared on or before the relevant day. The definition of relevant day is inserted by a related Government amendment to mean the last day before 25 December 2021 which is a sitting day for both Houses of Parliament.

BARONESS JONES OF WHITCHURCH

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD JUDD

BARONESS BENNETT OF MANOR CASTLE

50 Page 14, line 20, leave out “at least once every five years” and insert “within 12 months of the passing of this Act, and every three years thereafter”

Member’s explanatory statement

This amendment would require the Secretary of State to lay the first report on UK food security within 12 months of the Act being passed and publish further reports every three years thereafter.

LORD GARDINER OF KIMBLE

THE EARL OF DEVON

51 Page 14, line 20, leave out “five years” and insert “three years thereafter”

Member's explanatory statement

This amendment requires reports under Clause 17 to be prepared at least once every three years (instead of at least once every five years).

BARONESS MCINTOSH OF PICKERING
BARONESS RITCHIE OF DOWNPATRICK
BARONESS BOYCOTT
THE LORD BISHOP OF ST ALBANS

52 Page 14, line 20, leave out “five years” and insert “year”

Member's explanatory statement

This amendment will require the Government to produce its report on food security annually rather than every five years as currently set out within the Bill.

BARONESS BOYCOTT
BARONESS BENNETT OF MANOR CASTLE

53 Page 14, line 22, after “security” insert “and household food insecurity”

Member's explanatory statement

This amendment will require the Government's report to consider household food insecurity alongside food security.

LORD GARDINER OF KIMBLE

54 Page 14, line 23, leave out “the report” and insert “a report under this section”

Member's explanatory statement

This amendment is consequential on the first Government amendment to Clause 17.

THE EARL OF DUNDEE
BARONESS BOYCOTT

55 Page 14, line 32, at end insert –

“(f) supply sources for livestock feeds as an input to food production and the resilience of the feed supply chain.”

LORD GARDINER OF KIMBLE

56 Page 14, line 32, at end insert –

“(3) In this section “relevant day” means the last day before 25 December 2021 which is a sitting day for both Houses of Parliament.”

Member's explanatory statement

This amendment inserts a definition of “relevant day” into Clause 17.

THE LORD BISHOP OF ST ALBANS
BARONESS MCINTOSH OF PICKERING

57 Page 14, line 32, at end insert –

- “() As part of the report, the Secretary of State must set out food security targets and specify any necessary actions required to ensure those targets are met.
- () The Secretary of State must implement any necessary actions required to ensure the food security targets set out in the report are met.”

Member's explanatory statement

This amendment will require the Government to specify food security targets and implement actions to ensure that those targets are met.

After Clause 17

LORD KREBS

BARONESS JONES OF WHITCHURCH

BARONESS BOYCOTT

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

58

Insert the following new Clause—

“National Food Strategy

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty's Government proposes to take to—
 - (a) increase sustainability of food production,
 - (b) support food production and consumption, and
 - (c) improve dietary health and reduce obesity,
 in the United Kingdom.
- (2) In relation to the priority mentioned in subsection (1)(a), the strategy must include analysis of the merits of—
 - (a) incorporating the environmental sustainability of food into the Eatwell Guide,
 - (b) ensuring that domestically produced food meets environmental sustainability standards,
 - (c) ensuring that food waste is minimised,
 - (d) ensuring that public procurement meets both health and sustainability standards, and
 - (e) providing increased funding for research and development into sustainable agriculture.
- (3) In relation to the priority mentioned in subsection (1)(b), the strategy must include analysis of the merits of—
 - (a) supporting local and regional food identities,
 - (b) supporting procurement of food produced in the United Kingdom where appropriate and sustainable, and
 - (c) developing an assurance scheme for food produced in the United Kingdom to enhance consumer confidence in the safety, quality and sustainability of such food.
- (4) In relation to the priority mentioned in subsection (1)(c), the strategy must include analysis of the merits of—
 - (a) ensuring the reformulation of less healthy foods using fiscal and other appropriate means,
 - (b) restricting the marketing, promotion, and advertising of less healthy food both in retail outlets and through the media,
 - (c) reducing food insecurity, food poverty, and obesity in the lowest income groups,

After Clause 17 - continued

- (d) standardising and mandating food labelling relating to nutrition, and
 - (e) improving children's diets.
- (5) Before publishing the strategy under subsection (1), the Secretary of State must develop a standardised set of reporting metrics on health and sustainability across the food system by which progress on implementation of the strategy can be measured.
- (6) The strategy in subsection (1) must –
- (a) set out proposals for independent oversight of aspects of food policy covered by the strategy, and
 - (b) consider whether responsibility for such oversight should be given to –
 - (i) a new non-departmental public body, or
 - (ii) an existing organisation.
- (7) In preparing the strategy under subsection (1) the Secretary of State must consult –
- (a) other relevant Ministers of the Crown,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland Department, and
 - (e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural and food sectors.
- (8) In this section –
- “Eatwell Guide” means the United Kingdom’s national food guide entitled the “Eatwell Guide”, as produced by Her Majesty’s Government;
 - “food waste” means waste of agri-food products by households or the food service sector;
 - “less healthy food” means foods high in fat, salt and sugars.”

Clause 18

LORD CARRINGTON

59

Page 15, line 1, leave out paragraph (a) and insert –

- “(a) there is an acute or chronic disturbance in agricultural markets or a serious threat of an acute or chronic disturbance,”

Member’s explanatory statement

This amendment will ensure that financial assistance can be provided to the farming industry in England at times of crisis caused by natural phenomena that lead to chronic problems in addition to the acute economic problems already covered by the Bill.

Clause 20

LORD BRUCE OF BENNACHIE
 BARONESS HUMPHREYS
 LORD THOMAS OF GRESFORD

60★ Page 17, line 28, at end insert –

- “() Before laying regulations made under subsection (1), the Secretary of State must consult –
- (a) the Scottish Parliament,
 - (b) Senedd Cymru, and
 - (c) the Northern Ireland Assembly.”

Clause 27

LORD EMPEY

61★ Page 22, line 4, leave out “may” and insert “must”

Member’s explanatory statement

This amendment requires the Government to provide regulations for fair dealing obligations of business purchasers of agricultural products.

62★ Page 22, line 10, leave out “exercisable”

LORD GRANTCHESTER
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 LORD CURRY OF KIRKHARLE

63 Page 23, line 15, leave out “a specified person” and insert “the Groceries Code Adjudicator”

Member’s explanatory statement

This amendment is intended to ensure that the role of regulating agricultural contracts is given to the Groceries Code Adjudicator’s office.

LORD GRANTCHESTER
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

64 Page 23, line 23, at end insert –

- “() The Groceries Code Adjudicator Act 2013 is amended as follows.
- () After section 2 (arbitration) insert –
- “2A Fair dealing: determination of complaints alleging non-compliance**
- (1) If a complaint relating to alleged non-compliance is referred to the Adjudicator under section 27(8)(a) of the Agriculture Act 2020, the Adjudicator must determine the complaint.
 - (2) In determining any allegation of non-compliance under subsection (1), the Adjudicator must act in accordance with any regulations made under section 27(1) of the Agriculture Act 2020 which make provision for investigation of complaints, imposition of penalties or a requirement to pay compensation, as specified by section 27(8) of that Act.”

Member's explanatory statement

This amendment would specify the process to be followed by the Groceries Code Adjudicator's office in determining a complaint made under the Agriculture Act 2020.

LORD GRANTCHESTER

65 Page 23, line 25, after “any” insert “competent and appropriate”

Member's explanatory statement

This amendment would ensure that the role of regulating agricultural contracts is given to a body which is competent to undertake qualitative assessments; for example, the Groceries Code Adjudicator's office.

66 Page 23, line 26, after first “a” insert “competent and appropriate”

Member's explanatory statement

This amendment would ensure that the role of regulating agricultural contracts is given to a body which is competent to undertake qualitative assessments; for example, the Groceries Code Adjudicator's office.

After Clause 30

BARONESS MCINTOSH OF PICKERING
BARONESS RITCHIE OF DOWNPATRICK

67 Insert the following new Clause—

“Groceries Code Adjudicator

The Adjudicator established by the Groceries Code Adjudicator Act 2013 shall be responsible for ensuring compliance with this Part of this Act.”

Member's explanatory statement

This new Clause places responsibility for the supply chain regulatory measures in this Part of the Bill on the Groceries Code Adjudicator.

Clause 32

LORD WIGLEY

68 Page 29, line 44, at end insert—

“provided that those functions do not extend to a geographical area or species outside the original remit of that body when established.”

Member's explanatory statement

The purpose of this amendment is to ensure that Clause 32, as included in the Bill, does not undermine the democratic answerability of the devolved administrations.

Clause 34

THE EARL OF DEVON

69★ Leave out Clause 34

Member's explanatory statement

This amendment is intended to remove agricultural tenancies provisions.

After Clause 34

BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

70 Insert the following new Clause—

“Duty to sustain the UK agricultural industry workforce

- (1) The Secretary of State must, before the end of the period of six months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty’s Government proposes to take to—
 - (a) ensure an appropriate supply of seasonal agricultural workers,
 - (b) increase the number of people undertaking—
 - (i) practical training, and
 - (ii) formal qualifications
 relating to agricultural work,
 - (c) ensure agricultural workers have sufficient access to—
 - (i) financial advice,
 - (ii) affordable housing,
 - (iii) mental health support, and
 - (iv) any other support the Secretary of State deems appropriate, and
 - (d) ensure agricultural workers are subject to fair sectoral terms and conditions.
- (2) In preparing the strategy under subsection (2), the Secretary of State must consult—
 - (a) other relevant UK Ministers,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland Department, and
 - (e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural industry.”

BARONESS HODGSON OF ABINGER
BARONESS FOOKES

71 Insert the following new Clause—

“Export of farmed animals for slaughter without prior stunning

- (1) A person commits an offence if the person exports to any country outside the United Kingdom a farmed animal for slaughter without prior stunning within ten weeks of arrival at the place of destination.
- (2) A person commits an offence if the person arranges or facilitates the export to any country outside the United Kingdom of a farmed animal for slaughter without prior stunning within ten weeks of arrival at the place of destination.
- (3) Subsections (1) and (2) do not apply to the export of a farmed animal from Northern Ireland to the European Union.

After Clause 34 - continued

- (4) A person commits an offence if the person transports, arranges or facilitates the transportation of a farmed animal from Great Britain to Northern Ireland for slaughter, unless the animal is to be slaughtered in Northern Ireland.
- (5) The Secretary of State must by regulations establish a certificate to be issued on export to certify that—
 - (a) a farmed animal exported to any country outside the United Kingdom will be stunned before slaughter;
 - (b) a farmed animal transported from Great Britain for slaughter in Northern Ireland will be slaughtered in Northern Ireland.
- (6) Regulations under subsection (5) are subject to affirmative resolution procedure.
- (7) A person guilty of an offence under subsection (1), (2) or (4) is liable on summary conviction—
 - (a) in England and Wales to—
 - (i) imprisonment for a term not exceeding 51 weeks;
 - (ii) a fine; or
 - (iii) both;
 - (b) in Scotland to—
 - (i) imprisonment for a term not exceeding 12 months;
 - (ii) a fine not exceeding level 5 on the standard scale; or
 - (iii) both.
- (8) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (7)(a) to 51 weeks is to be read as a reference to 6 months.”

Member’s explanatory statement

This new Clause prohibits the export from Great Britain of farmed animals for slaughter without stunning. It provides that farmed animals transported from Great Britain to Northern Ireland for slaughter must be slaughtered in Northern Ireland.

BARONESS FOOKES

BARONESS HODGSON OF ABINGER

72

Insert the following new Clause—

“Export of farmed animals for slaughter or fattening

- (1) A person commits an offence if the person exports to any country outside the United Kingdom a farmed animal for slaughter or fattening.
- (2) A person commits an offence if the person arranges or facilitates the export to any country outside the United Kingdom of a farmed animal for slaughter or fattening.
- (3) Subsections (1) and (2) do not apply to the export of a farmed animal from Northern Ireland to the European Union.
- (4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—
 - (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

After Clause 34 - continued

- (b) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 5 on the standard scale or to both;
 - (c) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (5) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, subsection (4)(a) has effect as if for “51 weeks” there were substituted “6 months”.
- (6) This section extends to England and Wales, Scotland and Northern Ireland.
- (7) This section comes into force on IP completion day, as defined in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new Clause prohibits the export from the UK of farm animals for slaughter or fattening. It includes an exception for exports from Northern Ireland to the EU as the Withdrawal Agreement prohibits restrictions on exports from Northern Ireland to the EU.

73 Insert the following new Clause –

“Restrictions on journey times for certain farmed animals

- (1) A person commits an offence if the person transports, or arranges or facilitates the transport of, a farmed animal for slaughter or fattening on a journey which begins anywhere in the United Kingdom and exceeds ten hours in duration.
- (2) A person commits an offence if the person transports, or arranges or facilitates the transport of, a farmed animal on a journey for slaughter or fattening which begins anywhere in the United Kingdom and exceeds ten kilometres within 28 days of that animal completing a previous journey that exceeded ten kilometres.
- (3) The portion of a journey commencing in England that continues in Scotland, Wales, Northern Ireland or any country outside the United Kingdom shall be included in calculating whether a journey exceeds ten hours in duration under subsections (1) and (4).
- (4) Subsection (1) does not apply –
 - (a) if there is no slaughterhouse that slaughters animals of the species or type concerned that can be reached within a journey ten hours or less in duration from the farm where the journey starts; or
 - (b) if there is no farm that fattens animals of the species or type concerned that can be reached within a journey ten hours or less in duration from the farm where the journey starts.
- (5) Where subsection (4) applies, a person commits an offence if the person transports, or arranges or facilitates the transport of, a farmed animal from anywhere in the United Kingdom –
 - (a) for slaughter to a slaughterhouse other than the nearest one to the farm where the journey started which slaughters animals of the species or type concerned; or
 - (b) for fattening to a farm other than the nearest one to the farm where the journey started which fattens animals of the species or type concerned.

After Clause 34 - continued

- (6) The Secretary of State may by regulations made by statutory instrument amend subsections (1) and (4) to reduce the figure of ten hours.
- (7) Regulations under subsection (6) may establish different maximum permitted journey times for different species or ages of animals.
- (8) Regulations under subsection (6) may (among other things) have regard to any increase in the number of local slaughterhouses.
- (9) Regulations under subsection (6) are subject to affirmative resolution procedure.
- (10) A person guilty of an offence under subsection (1), (2) or (5) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (11) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, subsection (10) has effect as if for “51 weeks” there were substituted “6 months”.
- (12) This section extends to England and Wales.
- (13) This section comes into force on 1 January 2023.
- (14) From 1 January 2026, subsections (1), (3), (4) and (6) have effect as if for “ten hours” there were substituted “eight hours”.

Member’s explanatory statement

This Clause aims to encourage the slaughter of animals as near as possible to the farm of production and the fattening of animals as near as is reasonably practical to the farm on which they were born.

BARONESS HODGSON OF ABINGER
BARONESS FOOKES

74

Insert the following new Clause—

“Welfare of animals as sentient beings

- (1) Ministers of the Crown and local authorities must, when formulating and implementing any relevant policy, have regard to the welfare requirements of animals as sentient beings.
- (2) The Secretary of State must lay before Parliament an annual report explaining how the duty in subsection (1) has been discharged.
- (3) For the purposes of this section—
 - (a) “animals” are any non-human vertebrates, any member of the Class *Cephalopoda* and any member of the Order *Decapoda*;
 - (b) “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020;
 - (c) “local authorities” has the same meaning as in the Localism Act 2011;
 - (d) “Ministers of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - (e) “relevant policy” is an agricultural, horticultural or forestry policy relating to the treatment of, or taking action in relation to, animals or their habitats.”

Member's explanatory statement

This new Clause incorporates into UK law the principles of Article 13 of the Treaty on the Functioning of the European Union which recognises animals as sentient beings and requires governments to pay full regard to the welfare requirements of animals in formulating and implementing agricultural, horticultural or forestry policies.

BARONESS FINLAY OF LLANDAFF

75 Insert the following new Clause –

“Application of pesticides: limitations on use in certain wind conditions

- (1) The Secretary of State must by regulations make provision for prohibiting the application of any pesticide for the purposes of agriculture at high wind speeds.
- (2) In particular, the regulations must make provision prohibiting the use of pesticides when wind speeds are high, near –
 - (a) any dwelling;
 - (b) any water source;
 - (c) any public or private building or space where members of the public may be present.
- (3) Regulations under this section must specify a minimum distance between any of the locations listed under subsection (2)(a) to (c).”

BARONESS FINLAY OF LLANDAFF

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

76 Insert the following new Clause –

“Information regarding pesticide application

- (1) A person who is responsible for the application of pesticides for the purposes of agriculture must inform residents living within a certain radius of the pesticide application that such an application will be occurring.
- (2) It is an offence to fail to provide information of such pesticide application to residents, when the pesticides used are labelled as –
 - (a) “Very toxic by inhalation”,
 - (b) “Do not breathe spray, fumes or vapour”,
 - (c) “Harmful: possible risk of irreversible effects through inhalation”.
- (3) The Secretary of State must make regulations specifying the radius within which the provision of such information to residents is mandatory.”

BARONESS FINLAY OF LLANDAFF

77 Insert the following new Clause –

“Monitoring of pesticide application: upwind and downwind

The Secretary of State must, within six months of this Act being passed, publish proposals –

- (a) to monitor the levels of pesticides and herbicides used for the purposes of agriculture in the air within 1 km upwind and downwind of pesticide application in areas near –
 - (i) any dwelling;
 - (ii) any water source;

After Clause 34 - continued

- (iii) any public or private building or space where members of the public may be present;
- (b) to conduct research into methods of reducing the air levels of pesticides used for the purposes of agriculture upwind and downwind of where they are applied.”

LORD WHITTY
 BARONESS JONES OF MOULSECOOMB
 LORD RANDALL OF UXBRIDGE
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

78 Insert the following new Clause—

“Application of pesticides: limitations on use to protect human health

- (1) The Secretary of State must by regulations make provision prohibiting the application of any pesticide for the purposes of agriculture or horticulture near—
 - (a) any building used for human habitation;
 - (b) any building or open space used for work or recreation; or
 - (c) any public or private building where members of the public may be present, including but not limited to—
 - (i) schools and childcare nurseries;
 - (ii) hospitals.
- (2) Regulations under subsection (1) must specify a minimum distance from any of the locations listed under subsection (1)(a) to (c) to be maintained during the application of any pesticide.
- (3) For the purposes of this section “public building” includes any building used for the purposes of education.
- (4) Regulations under this section are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would protect members of the public from hazardous health impacts from the application of chemical pesticides near buildings and spaces used by residents and members of the public.

THE EARL OF DUNDEE

79★ Insert the following new Clause—

“Planning guidance for agricultural smallholdings

- The Secretary of State may create planning guidance for local authorities to facilitate the development of combined smallholding home and work spaces for the following purposes—
- (a) to encourage the construction of affordable rural houses;
 - (b) to create employment in farming and ancillary enterprises;
 - (c) to increase supplies of locally grown fresh food to improve food security;

After Clause 34 - continued

- (d) to increase productivity and profitability through agroecological farming on smallholdings; and
- (e) to reduce emissions of greenhouse gases, regenerate soil fertility and nurture biodiversity through smallholder farming.”

Member’s explanatory statement

This new Clause would enable the Government to give guidelines to local authorities to encourage combined smallholding home and workspace development, thus promoting employment whilst also increasing local food supplies through productive and profitable agroecological smallholder farming.

80★ Insert the following new Clause –

“Targets for the reduction of pesticides

The Secretary of State may by regulations make provision –

- (a) to develop targets for the adoption of integrated pest management based upon agroecological farming practices, including organic farming; and
- (b) to create a system for monitoring the reduction of harm to people and animals caused by the use of chemicals and pesticides on farms and for monitoring the reduction of pesticide residues in food.”

Member’s explanatory statement

This amendment would enable the Secretary of State to set and monitor targets for the uptake of integrated pest management based on agroecological farming practices, including organic farming. The purpose is to reduce the use of chemicals and pesticides on farms to ensure healthy food and a cleaner environment.

Schedule 3

BARONESS ROCK

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

81 Page 50, line 15, leave out “may” and insert “must”

Member’s explanatory statement

This amendment makes it a requirement for the Government to bring forward the regulations to protect farm tenants by providing the mechanism for tenants to object to a landlord’s refusal of consent to enter financial assistance schemes.

82 Page 50, line 29, at end insert “or
(iii) the landlord’s consent to a matter which otherwise requires such consent,”

Member’s explanatory statement

This amendment and the amendment in the name of Baroness Rock to page 50, line 36 close a potential loophole in the provisions of the Bill around the consent of the landlord where this is required not by the tenancy agreement or legislation but by the financial assistance scheme itself.

- 83 Page 50, line 36, leave out “and” and insert “or
(iii) securing the full and efficient farming of the holding or an environmental improvement, and”

LORD WIGLEY
BARONESS MCINTOSH OF PICKERING

- 84 Page 51, line 34, at end insert –
“(d) a scheme of financial assistance in whatever form introduced by the Welsh Ministers.”

Member’s explanatory statement

This amendment ensures that tenant farmers in Wales have a mechanism to object to a landlord’s refusal to consent to enter into a financial assistance scheme.

BARONESS ROCK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 85 Page 53, line 9, at end insert –
“Succession on death of tenant: eligible relatives
- 16A (1) Section 35 (application of sections 36 to 48) is amended as follows.
- (2) After subsection (2)(c) insert –
“(ca) a nephew or niece of the deceased;
(cb) a grandchild of the deceased;”.
- (3) In subsection (2)(d), after “(c)” insert “or (ca) or (cb)”.
- (4) In subsection (2)(d), after “civil partnership” in both places insert “or cohabitation”.

Member’s explanatory statement

This amendment will extend the franchise for farm tenancy succession on death to include nephews, nieces and grandchildren.

- 86 Page 53, line 35, at end insert –
“Succession on retirement of tenant: eligible relatives
- 18A (1) Section 49 (application of sections 50 to 58) is amended as follows.
- (2) After subsection (3)(c) insert –
“(ca) a nephew or niece of the retiring tenant;
(cb) a grandchild of the retiring tenant;”.
- (3) In subsection (3)(d), after “(c)” insert “or (ca) or (cb)”.
- (4) In subsection (3)(d), after “civil partnership” in both places insert “or cohabitation”.

Member’s explanatory statement

This amendment will extend the franchise for farm tenancy succession on retirement to include nephews, nieces and grandchildren.

BARONESS MCINTOSH OF PICKERING
THE LORD BISHOP OF ST ALBANS

87 Page 54, line 24, at end insert –

“Termination of tenancies of 10 years or more

22A Before section 8 insert –

“7A Termination of tenancies of 10 years or more

- (1) Where a farm business tenancy has been granted for a fixed term of 10 years or more without any provision for the landlord to terminate the tenancy on a specific date or dates during the fixed term, the landlord may serve notice to quit on the tenant of the holding using the provisions of Parts I and II of Schedule 3 to the Agricultural Holdings Act 1986 in accordance with Schedule 4 to the Agricultural Holdings Act 1986 and all orders introduced as mentioned in that Schedule in respect of the following cases –
 - (a) Case B,
 - (b) Case D,
 - (c) Case E,
 - (d) Case F,
 - (e) Case G.
- (2) In addition to any compensation required to be paid to the tenant by the landlord following the termination of a tenancy using Case B, the landlord shall pay additional compensation to the tenant at an amount equal to 10 years’ rent of the holding or attributed to the part of the holding upon which notice to quit has been served at the rate at which rent was payable immediately before the termination of the tenancy.”

Member’s explanatory statement

This amendment will bring into effect a legislative change proposed in the tenancy reform consultation carried out by DEFRA and the Welsh Government, which has not been covered by the Bill, to encourage landlords to let longer Farm Business Tenancies.

88 Page 56, line 8, at end insert –

“Requests for landlord’s consent or variation of terms

30 Before section 28 insert –

“27A Disputes relating to requests for landlord’s consent or variation of terms

- (1) The appropriate authority must by regulations make provision for the tenant of an agricultural holding to refer for arbitration under this Act a request made by the tenant to the landlord where –
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if –
 - (a) it is a request for –

Schedule 3 - continued

- (i) the landlord's consent to a matter which under the terms of the tenancy requires such consent, or
 - (ii) a variation of the terms of the tenancy, or
 - (iii) the landlord's consent to a matter which otherwise requires such consent,
 - (b) it is made for the purposes of—
 - (i) enabling the tenant to request or apply for relevant financial assistance or relevant financial assistance of a description specified in the regulations, or
 - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, or
 - (iii) securing either or both of the full and efficient farming of the holding and an environmental improvement, and
 - (c) it meets such other conditions (if any) as may be specified in the regulations.
- (4) The regulations may provide for the arbitrator or third party on a reference made under the regulations, where the arbitrator or third party considers it reasonable and just (as between the landlord and tenant) to do so—
- (a) to order the landlord to comply with the request (either in full or to the extent specified in the award or determination); or
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision—
- (a) about conditions to be met before a reference may be made;
 - (b) about matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (f) for restricting a tenant's ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.
- (7) In this section—
“appropriate authority” means—

Schedule 3 - continued

- (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers;
- “relevant financial assistance” means financial assistance under –
- (a) section 1 of the Agriculture Act 2020 (Secretary of State’s powers to give financial assistance),
 - (b) section 19 of, or paragraph 7 of Schedule 5 to, that Act (exceptional market conditions: powers available to Secretary of State and Welsh Ministers),
 - (c) a scheme of the sort mentioned in section 2(4) of that Act (third party schemes), or
 - (d) a scheme of financial assistance in whatever form introduced by Welsh Ministers;
- “statutory duty” means a duty imposed by or under –
- (a) an Act of Parliament;
 - (b) an Act or Measure of the National Assembly for Wales or Senedd Cymru;
 - (c) retained direct EU legislation.””

Member’s explanatory statement

This amendment provides the ability for farm tenants letting under the Agricultural Tenancies Act 1995 to object to a landlord’s refusal to enter into a specific financial assistance scheme in the same way as farm tenants letting under the Agricultural Holdings Act 1986.

THE EARL OF DEVON

89★ Leave out Schedule 3

Clause 35

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS JONES OF MOULSECOOMB

90 Page 33, line 20, at end insert –

“() Regulations under this section (or under Part 5 of this Act) may not be used to make provisions which will have the effect of lowering animal health, hygiene or welfare standards for agricultural products below established EU or UK standards.”

BARONESS NEVILLE-ROLFE
 THE EARL OF LINDSAY
 LORD CURRY OF KIRKHARLE

91 Page 33, line 20, at end insert –

“() Before making regulations under this section, the Secretary of State must consult anyone reasonably likely to be affected by the regulations and lay a report summarising the responses to that consultation before Parliament.”

Clause 35 - continued

LORD BRUCE OF BENNACHIE
 BARONESS HUMPHREYS
 LORD THOMAS OF GRESFORD

92★ Page 33, line 20, at end insert –

- “(7) Before laying regulations made under subsection (1), the Secretary of State must secure the consent of –
- (a) the Scottish Parliament,
 - (b) Senedd Cymru, and
 - (c) the Northern Ireland Assembly.
- (8) If more than one of the devolved administrations listed in subsection (7) do not consent to the proposed regulations, the regulations may not proceed.”

After Clause 42

LORD GRANTCHESTER
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 LORD KREBS
 BARONESS BOYCOTT

93 Insert the following new Clause –

“Requirement for agricultural and food imports to meet domestic standards

- (1) Chapters of an international trade agreement that contain provisions relating to the importation of agricultural and food products into the United Kingdom may not be ratified unless the conditions in subsections (2) to (5) have been met.
- (2) The condition in this subsection is that a Minister of the Crown has laid before Parliament a statement confirming that –
 - (a) the agreement contains an affirmation of the United Kingdom’s rights and obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement, and
 - (b) any agricultural or food product imported into the United Kingdom under the agreement will have been produced or processed according to standards which, on the date of their importation, are equivalent to, or exceed, the relevant domestic standards and regulations in relation to –
 - (i) animal health and welfare,
 - (ii) protection of the environment,
 - (iii) food safety, hygiene and traceability, and
 - (iv) plant health.
- (3) The condition in this subsection is that the Secretary of State has by regulations specified –
 - (a) the process by which the Secretary of State will determine –

After Clause 42 - continued

- (i) that the standards to which any agricultural or food product imported into the United Kingdom under a trade agreement is produced or processed are equivalent to, or exceed, the relevant domestic standards and regulations in relation to animal health and welfare, protection of the environment, food safety, hygiene and traceability, and plant health, and
 - (ii) that the enforcement of standards in relation to any product under subsection (3)(a)(i) is at least as effective as the enforcement of the equivalent domestic standards and regulations in the United Kingdom;
- (b) the “relevant domestic standards and regulations” for the purposes of subsections (2)(b) and (3)(a)(i).
- (4) The condition in this subsection is that the chapters have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.
- (5) The condition in this subsection is that a motion for the House of Lords to take note of the chapters has been tabled in the House of Lords by a Minister of the Crown and—
- (a) the House of Lords has debated the motion, or
 - (b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in subsection (4).
- (6) A Minister of the Crown may, where the Minister considers appropriate, make regulations amending any regulations made under subsection (3).
- (7) Regulations made under subsection (3) or (6) are subject to affirmative resolution procedure.
- (8) In this section—
- “chapters” means any individual section or sections of an international trade agreement;
- “international trade agreement” means—
- (a) an agreement that is or was notifiable under—
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii);
- “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

After Clause 42 - continued

“ratified” has the same meaning as in the Constitutional Reform and Governance Act 2010;

“World Trade Organisation Sanitary and Phytosanitary Agreement” means the agreement on the Application of Sanitary and Phytosanitary Measures, part of Annex 1A to the WTO Agreement (as modified from time to time);

“WTO Agreement” means the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994.”

VISCOUNT TRENCHARD

As an amendment to Amendment 93 in the name of Lord Grantchester

- 94** In subsection (2)(b), leave out “their importation, are equivalent to, or exceed, the relevant domestic standards and regulations” and insert “its import, are equivalent to, or exceed, the relevant international standards and regulations and which are consistent with the United Kingdom’s obligations contained in subsection (2)(a),”

Member’s explanatory statement

This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester’s amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.

As an amendment to Amendment 93 in the name of Lord Grantchester

- 95** In subsection (3)(a)(i), leave out “domestic” and insert “international”

Member’s explanatory statement

This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester’s amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.

As an amendment to Amendment 93 in the name of Lord Grantchester

- 96** In subsection (3)(b), leave out “domestic” and insert “international”

Member’s explanatory statement

This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester’s amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.

BARONESS MCINTOSH OF PICKERING
 BARONESS RITCHIE OF DOWNPATRICK
 BARONESS HENIG
 BARONESS HODGSON OF ABINGER

97 Insert the following new Clause—

“Trade and Agriculture Commission

- (1) The Trade and Agriculture Commission must establish criteria for maintaining standards as high as, or higher than, standards applied within the United Kingdom at the time of import for agricultural goods imported under a trade agreement between the United Kingdom and any other state.
- (2) “Agricultural goods” under subsection (1) includes, but is not limited to, standards relating to—
 - (a) animal welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (3) Her Majesty’s Government may not make any international trade agreement that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless the Trade and Agriculture Commission has expressed in writing to the Secretary of State that it is satisfied the criteria under subsection (1) have been met in relation to the draft of the agreement.
- (4) The Trade and Agriculture Commission may submit recommendations to the Secretary of State for how the draft agreement could be revised in order to meet the criteria established under subsection (1).
- (5) Where the Trade and Agriculture Commission submit recommendations to the Secretary of State under subsection (4), the Secretary of State must—
 - (a) respond in writing within 14 calendar days, and
 - (b) lay the recommendations and response before Parliament.
- (6) The Trade and Agriculture Commission may appoint staff and advisers.
- (7) The Trade and Agriculture Commission may authorise staff to do anything required or authorised to be done by the Commission.”

VISCOUNT TRENCHARD

As an amendment to Amendment 97 in the name of Baroness McIntosh of Pickering

98 In subsection (1), leave out “as high as, or higher than,” and insert “which (a) are equivalent to or exceed”

Member’s explanatory statement

This amendment and the other in the name of Viscount Trenchard to Baroness McIntosh’s amendment would ensure that the Trade and Agriculture Commission would establish criteria which would ensure that United Kingdom standards comply with WTO rules.

As an amendment to Amendment 97 in the name of Baroness McIntosh of Pickering

99 In subsection (1), at end insert “and (b) are consistent with the terms of the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures”

Member's explanatory statement

This amendment and the other in the name of Viscount Trenchard to Baroness McIntosh's amendment would ensure that the Trade and Agriculture Commission would establish criteria which would ensure that United Kingdom standards comply with WTO rules.

BARONESS JONES OF WHITCHURCH
 BARONESS JONES OF MOULSECOOMB
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 LORD RANDALL OF UXBRIDGE

100 Insert the following new Clause—

“Contribution of agriculture and associated land use to climate change targets

- (1) In performing functions under this Act, the Secretary of State must have due regard to—
 - (a) the target for 2050 contained in section 1 of the Climate Change Act 2008, and
 - (b) international climate change treaties to which the United Kingdom is a signatory, including the Paris Agreement on Climate Change.
- (2) Within 6 months of the day on which this Act is passed, the Secretary of State must by regulations introduce an interim target for 2030 which would provide for agriculture and associated land use to reduce and sequester climate change emissions in a manner commensurate with meeting the target for 2050.
- (3) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a strategy outlining the policies Her Majesty's Government will pursue to meet the interim target for 2030.
- (4) Before fulfilling the requirements under subsections (2) and (3), the Secretary of State must—
 - (a) consult the devolved authorities, and
 - (b) obtain, and take into account, the advice of the Committee on Climate Change.
- (5) Regulations under subsection (2) are subject to affirmative resolution procedure.
- (6) In this section—

“Committee on Climate Change” means the body established under section 32 of the Climate Change Act 2008;

“devolved authorities” has the meaning outlined in section 40 of this Act.”

LORD CURRY OF KIRKHARLE
 LORD WALLACE OF TANKERNESS
 LORD ROOKER
 THE LORD BISHOP OF ST ALBANS

101 Insert the following new Clause—

“Trade and Agriculture Commission

- (1) The Trade and Agriculture Commission (“the TAC”) is established.

After Clause 42 - continued

- (2) Within three months of the day on which this Act is passed, the TAC must produce a report making recommendations to the Secretary of State to promote, maintain and safeguard current standards of food production through international trade policy, including standards related to food safety, the environment and animal welfare.
- (3) The Secretary of State must lay the report under subsection (2) before Parliament on the date of publication.
- (4) The report under subsection (2) must include –
 - (a) recommendations for the policies and legislation that the Government may adopt, including the necessary processes and institutions, in order to ensure that imported agri-food products placed on the market in the United Kingdom meet equivalent standards to those required of UK producers and that UK law and policy relating to food imports is effectively supportive of high standards, including in relation to food safety, the environment and animal welfare both domestically and internationally;
 - (b) where relevant production standards are not provided for in existing primary or secondary legislation in the United Kingdom, recommendations for the policies and legislation that the Government may adopt, including the necessary processes and institutions (such as testing regimes, assurance schemes and certification bodies), in order to ensure that imported agri-food products sold in the United Kingdom are produced to appropriately high standards in relation to food safety, the environment and animal welfare;
 - (c) the scope of agri-food standards and regulations for production methods and final and intermediate products that are relevant to agri-food products which the Government should aim to maintain in future trade negotiations relating to the trade of agri-food products;
 - (d) identification of existing powers exercisable by a Minister of the Crown for administering, enforcing and monitoring standards as set out in paragraph (c), including import restrictions based on those standards;
 - (e) recommendations about how to ensure effective and transparent comparison of agri-food production standards with international standards, including how different production systems and regulatory approaches might be considered equivalent to those that apply in the United Kingdom;
 - (f) recommendations for how to monitor imports of agri-food products in order to assess and compare the standards as defined under paragraph (c);
 - (g) consideration of exceptions to import restrictions of agricultural products, for instance where a requirement may have negative impacts on consumer interests or on developing countries, and recommendations of how best to manage such exceptions; and
 - (h) recommendations for public and Parliamentary scrutiny of any current or future trade negotiations relating to the trade of agri-food products with a view to agreeing an international trade agreement consistent with the TAC's other recommendations under subsection (2).

After Clause 42 - continued

- (5) In addition to the report under subsection (2), the TAC must produce a report relating to each and any international trade agreement agreed, negotiated or concluded by the Government at any time after the commencement of this Act, prior to such an agreement being signed, considering its impact on the trade of agri-food products.
- (6) A report under subsection (5) must assess the terms of the international trade agreement under consideration and its impact on the Secretary of State's ability to promote, maintain and safeguard standards of agri-food production, including in relation to food safety, the environment and animal welfare.
- (7) The Secretary of State must lay any report under subsection (5) before Parliament on the date of publication, and a Minister of the Crown must move a motion to consider any recommendations in the report in each House of Parliament prior to the relevant agreement being signed.
- (8) The relevant international trade agreement may not be signed by the Secretary of State or another Minister of the Crown within 21 days of a motion being moved under subsection (7).
- (9) "International trade agreement" means –
 - (a) an agreement that is or was notifiable under –
 - (i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or
 - (ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or
 - (b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii).
- (10) The TAC may create such working groups and commission such research as it deems appropriate to meet its duties under subsections (2) and (5).
- (11) Within three months of a report being laid under subsection (3), the Secretary of State must –
 - (a) lay before Parliament a response to the TAC's report and all its recommendations, including how the Secretary of State intends to maintain the United Kingdom's standards for food production in importing agricultural products in relation to food safety, the environment and animal welfare, and
 - (b) make a statement to Parliament on the Government's response to the TAC's recommendations.
- (12) Ministers of the Crown must table motions for resolution regarding the response under subsection (11) in each House of Parliament.
- (13) It shall be an objective of the Secretary of State to achieve outcomes consistent with the relevant resolutions passed under subsection (12).
- (14) The Secretary of State may by regulations made by statutory instrument confer further functions on the TAC after the report under subsection (2) has been published.

After Clause 42 - continued

- (15) The Secretary of State may by regulations made by statutory instrument amend the period of three months under subsection (2) provided that such an extension is agreed by the TAC in writing.
- (16) A statutory instrument containing regulations under subsection (14) is subject to affirmative resolution procedure.
- (17) A statutory instrument containing regulations under subsection (15) is subject to negative resolution procedure.”

LORD RANDALL OF UXBRIDGE

As an amendment to Amendment 101 in the name of Lord Curry of Kirkharle

102

After subsection (1) insert—

- “() The TAC is to consist of—
- (a) a Chair appointed by the Secretary of State; and
 - (b) other members appointed by the Chair, in consultation with the Secretary of State.
- () The following groups must be represented through the membership of the TAC—
- (a) the farming sector;
 - (b) relevant government departments;
 - (c) representatives of the devolved administrations;
 - (d) experts on trade, the environment, animal welfare and the agri-food industry;
 - (e) consumer and public health groups;
 - (f) environmental organisations;
 - (g) animal welfare organisations;
 - (h) farm assurance and certification bodies.”

LORD WIGLEY

103

Insert the following new Clause—

“Tariffs on imported agricultural goods

In setting, amending or revising UK Global Tariff rates applied to imported agricultural goods, the Secretary of State shall have regard to—

- (a) the wellbeing of the UK agricultural sector; and
- (b) the importance of maintaining standards of imported goods which are equivalent to, or which exceed, the relevant domestic standards.”

THE EARL OF DUNDEE

104

Insert the following new Clause—

“Composition of the Trade and Agriculture Commission

The Trade and Agriculture Commission must include, but is not limited to, experts who represent the public interest on—

- (a) animal welfare,
- (b) climate,

After Clause 42 - continued

- (c) pesticides,
- (d) food safety, hygiene and traceability,
- (e) agricultural livelihoods,
- (f) protection of the environment, including forests,
- (g) food security, and
- (h) fair trade with developing countries.”

Member’s explanatory statement

This new Clause broadens the composition of the Trade and Agriculture Commission to make the Trade and Agriculture Commission more representative and effective.

LORD EMPEY

105★ Insert the following new Clause—

“Import of agricultural goods after IP completion day

- (1) After IP completion day, prior to the importation of any agricultural goods a Minister of the Crown must have laid before Parliament a statement confirming that agricultural goods imported under a free trade agreement may be imported into the United Kingdom only if the standards to which those goods were produced are equivalent to, or exceed, standards which at the time of import applied under UK law relating to—
 - (a) animal health and welfare,
 - (b) food safety, traceability and hygiene,
 - (c) protection of the environment, and
 - (d) plant health.
- (2) The Secretary of State must produce a register of UK production standards which goods imported under subsection (1) would have to meet. Such a register must be updated annually.
- (3) “Agricultural goods” for the purposes of this section means—
 - (a) any livestock, within the meaning of section 1(5),
 - (b) any plants or seeds, within the meaning of section 22(6),
 - (c) any product derived from livestock, plants or seeds.”

Member’s explanatory statement

This new Clause would set a requirement for imported agricultural goods to meet animal health and welfare, environmental, plant health, food safety and other standards which are at least equivalent to or exceed those which apply to UK produced agricultural goods.

After Clause 43

LORD WIGLEY

106 Insert the following new Clause –

“Financial assistance: Wales

In considering the levels of financial assistance and design of financial assistance schemes under Schedule 5, Welsh Ministers must have due regard to the support provided to, and operational environments of, agricultural businesses in other countries against which Welsh producers compete, or may compete, in the United Kingdom or other markets.”

Member’s explanatory statement

The purpose of this Clause is to require relevant ministers to bear in mind the need to endeavour to provide a level playing field for agricultural businesses when providing financial assistance.

Schedule 5

LORD GARDINER OF KIMBLE

107 Page 60, line 26, at end insert –

“Apiculture

4A(1) The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales –

- (a) retained direct EU legislation relating to apiculture, and
- (b) subordinate legislation relating to that legislation.

(2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular –

- (a) Articles 55 to 57 of the CMO Regulation, and
- (b) retained direct EU legislation made under that legislation.”

Member’s explanatory statement

This amendment allows the Welsh Ministers to amend retained direct EU legislation relating to apiculture.

LORD CARRINGTON
BARONESS MCINTOSH OF PICKERING

108 Page 61, line 19, leave out paragraph (a) and insert –

“(a) there is an acute or chronic disturbance in agricultural markets or a serious threat of an acute or chronic disturbance;”

Member’s explanatory statement

This amendment will ensure that financial assistance can be provided to the farming industry in Wales at times of crisis caused by natural phenomena that lead to chronic problems in addition to the acute economic problems already covered by the Bill.

After Clause 45

BARONESS RITCHIE OF DOWNPATRICK
 LORD HAIN
 BARONESS BENNETT OF MANOR CASTLE
 LORD ALDERDICE

109 Insert the following new Clause—

“Duration of provision in relation to Northern Ireland

- (1) Section 45 and Schedule 6 expire at the end of 2026.
- (2) Regulations made under paragraph 8(1) of Schedule 6 (power to modify retained direct EU legislation relating to public market intervention and private storage aid) cease to have effect at the end of 2026 (so that any amendment made by them ceases to have effect and any enactment repealed by them is revived). But see subsections (4) and (5) for saving provision.
- (3) Otherwise, subsection (1) does not affect the continuation in force or effect of any regulations made, or other thing done, by virtue of Schedule 6 before the end of 2026.
- (4) Despite subsections (1) and (2), paragraph 7 of Schedule 6, and regulations made under paragraph 8(1) of that Schedule, continue to have effect in relation to any period which ends after the end of 2026 and for which DAERA is giving, or has agreed to give, financial assistance under paragraph 7 of Schedule 6.
- (5) Subsection (2) does not affect the lawfulness of anything done in accordance with retained direct EU legislation as modified by regulations made under paragraph 8(1) of Schedule 6 before those regulations cease to have effect.
- (6) DAERA may by regulations make transitional, transitory or saving provision in connection with this section.
- (7) The provision which may be made by virtue of subsection (6) includes provision modifying 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.”

Schedule 6

LORD GARDINER OF KIMBLE

110 Page 73, line 45, at end insert—

“Apiculture

- 5A(1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland—
- (a) retained direct EU legislation relating to apiculture, and
 - (b) subordinate legislation relating to that legislation.

Schedule 6 - continued

- (2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular –
- (a) Articles 55 to 57 of the CMO Regulation, and
 - (b) retained direct EU legislation made under that legislation.”

Member’s explanatory statement

This amendment allows the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to amend retained direct EU legislation relating to apiculture.

Clause 48

LORD GARDINER OF KIMBLE

111 Page 41, line 38, at end insert –

““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);”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendments to insert new Clauses (Continuing EU programmes: power to provide financial assistance) and (Retained direct EU legislation).

Clause 50

LORD GARDINER OF KIMBLE

112 Page 42, line 18, leave out “appropriate authority may” and insert “Secretary of State may, subject to subsections (1D) and (1E),”

Member’s explanatory statement

This amendment and the other government amendments to Clause 50 are about the extent to which the Secretary of State and the devolved administrations may make supplementary, incidental, consequential or transitional provision in connection with provisions of the Bill.

113 Page 42, line 19, at end insert –

- “(1A) The Welsh Ministers may by regulations make supplementary, incidental or consequential provision in connection with –
- (a) sections 31 to 33, so far as relating to Wales,
 - (b) section 34 and Schedule 3, so far as relating to Wales,
 - (c) sections 36 and 37, so far as relating to Wales,
 - (d) section 43 and Schedule 5,
 - (e) section 44, and
 - (f) section 49 and Schedule 7 so far as they apply in relation to Wales.
- (1B) The Scottish Ministers may by regulations make supplementary, incidental or consequential provision in the law of Scotland in connection with –
- (a) sections 31 to 33, so far as relating to Scotland, and
 - (b) sections 36 and 37, so far as relating to Scotland.

Clause 50 - continued

- (1C) DAERA may by regulations make supplementary, incidental or consequential provision in the law of Northern Ireland in connection with—
- (a) sections 31 and 32, so far as relating to Northern Ireland,
 - (b) sections 36 and 37, so far as relating to Northern Ireland,
 - (c) section 45 and Schedule 6, and
 - (d) section 49 and Schedule 7 so far as they apply in relation to Northern Ireland.
- (1D) The Secretary of State may not make regulations under subsection (1) containing provision which could be made—
- (a) by the Welsh Ministers under subsection (1A)(a) or (b) or (d) to (f),
 - (b) by the Scottish Ministers under subsection (1B)(a), or
 - (c) by DAERA under subsection (1C)(a), (c) or (d).
- (1E) The Secretary of State may make regulations under subsection (1) containing provision which could be made—
- (a) by the Welsh Ministers under subsection (1A)(c),
 - (b) by the Scottish Ministers under subsection (1B)(b), or
 - (c) by DAERA under subsection (1C)(b),
- only if the Secretary of State has first consulted (respectively) the Welsh Ministers, the Scottish Ministers or DAERA.”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 114** Page 42, line 20, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 115** Page 42, line 22, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 116** Page 42, line 25, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 117** Page 42, line 32, leave out sub-paragraph (i) and insert—
- “(i) sections 31 to 33, so far as relating to Wales,
 - (ia) section 34 and Schedule 3, so far as relating to Wales,
 - (ib) sections 36 and 37, so far as relating to Wales,”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 118 Page 42, line 36, at end insert –
 “(aa) the Scottish Ministers, for provision in connection with –
 (i) sections 31 to 33, so far as relating to Scotland,
 (ii) sections 36 and 37, so far as relating to Scotland, and”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 119 Page 42, line 37, at end insert –
 “(ai) sections 31 and 32, so far as relating to Northern Ireland,
 (bi) sections 36 and 37, so far as relating to Northern Ireland,”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50

- 120 Page 42, line 42, leave out “paragraph (a) or (b)” and insert “paragraphs (a) to (b)”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

- 121 Divide Clause 50 into two clauses, the first (*Power to make consequential etc provision*) to consist of subsections (1) to (4) and the second (*Power to make transitional etc provision*) to consist of subsections (5) and (6)

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Clause 51

LORD GARDINER OF KIMBLE

- 122 Page 43, line 4, at end insert –
 “(ia) giving financial assistance by the Secretary of State under section
 (*Continuing EU programmes: power to provide financial assistance*);”

Member’s explanatory statement

*This amendment is consequential on the Minister’s amendment to insert new Clause (*Continuing EU programmes: power to provide financial assistance*).*

Clause 52

LORD GARDINER OF KIMBLE

- 123 Page 43, line 19, at end insert “apart from sections (*Continuing EU programmes: power to provide financial assistance*) and (*Retained direct EU legislation*);”

Member’s explanatory statement

*This amendment is partly consequential on the Minister’s amendment at page 43, line 29 and also secures that new Clause (*Retained direct EU legislation*) extends to England and Wales, Scotland and Northern Ireland, by virtue of Clause 52(4).*

124 Page 43, line 29, at end insert –

“(3A) Section (*Continuing EU programmes: power to provide financial assistance*) extends to England and Wales and Northern Ireland only.”

Member’s explanatory statement

This provides for new Clause (Continuing EU programmes: power to provide financial assistance) to extend to England and Wales and Northern Ireland.

Clause 53

LORD GARDINER OF KIMBLE

125 Page 43, line 34, at end insert –

“(za) sections (*Continuing EU programmes: power to provide financial assistance*) and (*Retained direct EU legislation*);”

Member’s explanatory statement

This amendment secures that new Clauses (Continuing EU programmes: power to provide financial assistance) and (Retained direct EU legislation) will come into force on the day on which the Act is passed.

Agriculture Bill

[With corrected text of Amendment 27]

CORRECTED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

10 September 2020
