

# **Memorandum for Public Bill Committee on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business to the Agriculture Bill as amended**

## ***Commons Stage Committee amendments***

The following is the Department's assessment of the Bill and amendments to the Bill made at Commons Committee Stage.

### Summary

Part 1, Part 3, clauses 17, 18 and 20 and Part 1 of Schedule 1 and Part 3 of Schedule 1 insofar as it relates to Part 1 of Schedule 1 extend to England and Wales and apply to England only. Parts 1, 3 and 5 and paragraphs 16 and 17 of Schedule 3 to England and Wales and apply to Wales only. Provision corresponding to these clauses and paragraphs would be within the competence of the devolved legislatures.

Part 2 and clause 19 extend to England and Wales, Scotland and Northern Ireland and apply to England only. Corresponding provision would not be within the competence of the devolved legislatures.

Parts 2 and 4 and paragraph 10 of Schedule 4 extend to Northern Ireland only.

New Clause 30 extends and applies to England, Wales and Scotland.

All other clauses and schedules extend to England and Wales, Scotland and Northern Ireland and apply as set out in the table below.

### Territorial application

1. The amendments made at Committee Stage apply as follows:
  - Amendments 2-5, 7 and 91 amend clause 6, 7, 9-11 and 19 which extend to England and Wales, Scotland and Northern Ireland and apply only to England
  - Amendment 6 amends clause 17, which extends to England and Wales and applies only to England.
  - Amendment 18 amends Part 3 of Schedule 1 which extends and applies to England, Wales, Scotland and Northern Ireland (insofar as it relates to Part 2 of that Schedule)
  - Amendments 8—17 amend clauses 21-22, 24-25 and 29-31 which extend and apply to England and Wales, Scotland and Northern Ireland
  - Amendments 19-23, 92 and 110 amend Part 2 of Schedule 3 which extends to England and Wales, Scotland and Northern Ireland and applies only to Wales
  - Amendments 24-25 amend paragraph 16 in Part 4 of Schedule 3 and amendment 27 amends paragraph 20 in Part 5 of Schedule 3 which extend to England and Wales and apply only to Wales.
  - Amendment 26 amends paragraph 18 in Part 4 of Schedule 3 which extends to England and Wales, Scotland and Northern Ireland and applies only to Wales.

- Amendments 28-39 amend Part 1 of Schedule 4 which extends to England and Wales, Scotland and Northern Ireland and applies only to Northern Ireland.
- Amendment 40 amends Schedule 4 Part 4 which extends and applies only to Northern Ireland.
- New Clauses 'NC2' and 'NC3' extend to England and Wales, Scotland and Northern Ireland and apply only to England
- New Clause 'NC30' extends and applies to England, Wales and Scotland.

2. There are no changes to the territorial application as a result of these amendments.

The above assessment is presented in tabular form below:

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clauses 1-3 (Financial assistance)	Yes	No	No	No	Yes	Yes	Yes	No
Clauses 4-11 (Modifying retained EU legislation on Direct Payments and general provision, EU aid schemes for fruit and vegetable producers and Rural Development programme)	Yes	No	No	No	No	No	No	No
Clauses 12-18 (Data collection and sharing; exceptional market conditions)	Yes	No	No	No	Yes	Yes	Yes	No
Clause 19 (Modification of retained EU legislation relating to exceptional market conditions)	Yes	No	No	No	No	No	No	No
Clauses 20. Marketing standards and carcass classification	Yes	No	No	No	Yes	Yes	Yes	No
Clause 21: Power to reproduce modifications under section 21 for wine sector	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 22-26. Producer and interbranch organisations (recognition); fair dealing obligations; WTO	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 27 (Provisions relating to Wales)	No	Yes	No	No	N/A	N/A	N/A	Yes (Wales)

Clause 28 (Provisions relating to Northern Ireland)	No	No	No	Yes	N/A	N/A	N/A	N/A
Clauses 29-30 (final provisions)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 31 (consequential amendments in Schedule 5)	Yes	Yes	No	Yes	N/A	N/A	N/A	No
Clauses 33-36	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 1: Agricultural products: sectors	Yes	In part	In part	In part	N/A	N/A	N/A	No
Schedule 2: Competition exclusions	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 3: Wales	No	Yes	No	No	N/A	N/A	N/A	Yes (Wales)
Schedule 4: Northern Ireland	No	No	No	Yes	N/A	N/A	N/A	N/A
Schedule 5: The CMO Regulation	Yes	Yes	No	Yes	N/A	N/A	N/A	No
NC2- interpillar transfer	Yes	No	No	No	No	No	No	No
NC3- BPS ceilings	Yes	No	No	No	No	No	No	No
NC30- Red Meat Levy	Yes	Yes	Yes	No	N/A	N/A	N/A	Yes*

\*NC30 is not within the competence of the devolved administrations but requires an LCM as it alters the executive competence of the Scottish Ministers and Welsh Ministers.

### Minor or consequential effects<sup>2</sup>

The following provisions apply to England only but contain references to, or possible effects on, territories other than England or England and Wales (as the case may be), but these references or effects are minor or consequential in nature. These are:

#### **Clauses 4-8, NC2-and NC3: (Direct payments)**

These clauses extend to the UK because they relate to retained EU legislation or contain powers to amend retained EU legislation relating to Direct Payments. They apply to England only but have a minor effect outside England because of their extent.

#### **Clause 9: (General provision connected with payments to farmers and other beneficiaries)**

This clause contains a power to amend retained EU legislation relating to Regulation 1306/2013 and therefore extends to the UK. It applies to England only but has a minor effect outside England because of its extent.

#### **Clause 10: (Aid for fruit and vegetable producer organisations)**

This clause contains a power to amend retained EU legislation relating to aid schemes for fruit and vegetable producers and therefore extends to the UK. It applies to England only but has a minor effect outside England because of its extent.

**Clause 11: (Support for rural development)**

This clause contains a power to amend retained EU legislation relating to Rural Development and therefore extends to the UK. It applies to England only but has a minor effect outside England because of its extent.

**Clause 19: (Exceptional market conditions)**

This clause contains powers to amend retained EU legislation relating to public intervention and private storage aid and therefore extends to the UK. It applies to England only but has a minor effect outside England because of its extent.

*Subject matter and legislative competence of devolved legislatures*

4. The amendments that apply to England only relate to:
- The use of the affirmative, rather than negative procedure, when using the power in clause 29 to make consequential amendments to primary legislation.
  - New clauses relating to Direct Payments to establish ceilings and allow for interpillar transfer after 2020
  - Minor and technical amendments

Part 1, Part 3, clauses 17, 18 and 20 and Part 1 of Schedule 1 and Part 3 of Schedule 1 insofar as it relates to Part 1 apply to England only and are within the legislative competence of the devolved legislatures because they relate to agriculture. Agriculture is within the competence of the Scottish Parliament because it is not a reserved matter under Schedule 5 of the Scotland Act 1998. It is within the competence of the National Assembly of Wales because it is not a reserved matter under Schedule 7A of the Government of Wales Act 2006. It is within the competence of the Northern Ireland Executive because it is neither reserved under Schedule 3 to the Northern Ireland Act 1998 or excepted under Schedule 2 to that Act.

<sup>1</sup> References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

<sup>2</sup> References in this statement to an effect of a provision being minor or consequential are to its being minor or consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.