



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 4 December 2018

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 30 and NC10 and NC11

CONSIDERATION OF BILL (REPORT STAGE)

AGRICULTURE BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Kerry McCarthy
Martin Whitfield
Darren Jones
Caroline Lucas
Mary Creagh
Alex Sobel

Stella Creasy
Tonia Antoniazzi
Dr Rupa Huq
Angela Smith
Kate Green
Mrs Madeleine Moon
James Frith

Stephen Timms
Matt Western
Mr David Lammy
Daniel Zeichner
Debbie Abrahamssp
John Grogan
Dr Sarah Wollaston

Ian Murray
Ruth Cadbury
Catherine West
Stephen Doughty
Owen Smith
Stephen Twigg

NC1

To move the following Clause—

Agriculture Bill, *continued*

“Ratification of international trade agreements

- (1) An international trade agreement shall not be ratified unless it enables the United Kingdom to require imports to—
 - (a) comply with the standards laid down by primary and subordinate legislation in the United Kingdom regarding food safety, the environment and animal welfare, or
 - (b) have been produced to standards that are no lower than the legislative standards of the United Kingdom in protecting food safety, the environment and animal welfare.
- (2) In this section “international trade agreement” has the same meaning as in section 2(2) of the Trade Act 2018.”

Member’s explanatory statement

This new clause would prevent the Government from entering into trade agreements that allow food imports that do not meet the UK’s environmental, animal welfare and food safety standards.

Neil Parish

NC2

To move the following Clause—

“Agriculture: definition and principles

- (1) For the purposes of this Act, agriculture shall be taken to mean any activity which entails the cultivation of land or plants or the breeding of animals to provide food, fuel or other products to sustain life.
- (2) Agriculture shall include—
 - (a) arable farming,
 - (b) animal husbandry,
 - (c) horticulture, and
 - (d) forestry.
- (3) Agriculture shall be undertaken in accordance with the principles of—
 - (a) increasing production and productivity,
 - (b) achieving security of food supply, and
 - (c) providing consumers with food at reasonable prices with a fair price for the farmer.
- (4) Any person undertaking an agricultural activity shall, as far as possible, pay regard to the development of new technology and practices in promoting the principles under subsection (3).”

Member’s explanatory statement

This new clause would clearly define what agriculture is and would enshrine the concept of agriculture in the legislation.

Agriculture Bill, *continued*

Neil Parish

NC3

To move the following Clause—

“Level of food production: duty on Secretary of State

It shall be the duty of the Secretary of State to ensure that food production in England does not fall to a level which puts at risk the supply of food to the population.”

Member’s explanatory statement

This new clause would protect food security and ensure its affordability for the population. This includes ensuring that enough home-grown food is produced if the UK experiences tensions with trading partners.

Neil Parish
Kerry McCarthy
Dr Sarah Wollaston

NC4

To move the following Clause—

“Import of agricultural goods

- (1) Agricultural goods may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—
 - (a) animal welfare,
 - (b) protection of the environment, and
 - (c) food safety.
- (2) “Agricultural goods”, for the purposes of this section, means—
 - (a) any livestock within the meaning of section 1(4),
 - (b) any plants or seeds, within the meaning of section 15(6),
 - (c) any product derived from livestock, plants or seeds.”

Deidre Brock
Alan Brown

NC5

To move the following Clause—

“Quality schemes for agricultural products and foodstuffs

- (1) Subsection (2) applies to any function of the Secretary of State under—
 - (a) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (“the EU Regulation”),
 - (b) the delegated and implementing Regulations,
 - (c) any regulations made by the Secretary of State under the EU Regulation, and

Agriculture Bill, *continued*

- (d) any regulations made under section 2(2) of the European Communities Act 1972 relating to the enforcement of the EU Regulation or the delegated and implementing Regulations.
 - (2) The Secretary of State may exercise the function only with the consent of the Scottish Ministers.
 - (3) In subsection (1), the “delegated and implementing Regulations” means—
 - (a) Commission Delegated Regulation (EU) No 664/2014 supplementing the EU Regulation with regard to the establishment of Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules,
 - (b) Commission Delegated Regulation (EU) No 665/2014 supplementing the EU Regulation with regard to conditions of use of the quality term “mountain product”, and
 - (c) Commission Implementing Regulation (EU) No 668/2014 laying down rules for the application of the EU Regulation.
 - (4) The references in subsection (1) to the EU Regulation and the delegated and implementing Regulations are to those instruments—
 - (a) as they have effect in domestic law by virtue of the European Union (Withdrawal) Act 2018, and
 - (b) as amended from time to time whether by virtue of that Act or otherwise.”
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Deidre Brock
Alan Brown

NC6

To move the following Clause—

“International trade agreements

- (1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the agreement—
 - (a) includes an affirmation of the United Kingdom’s rights and obligations under the SPS Agreement, and
 - (b) prohibits the importation into the United Kingdom of agricultural and food products in relation to which the relevant standards are lower than the relevant standards in the United Kingdom.
- (2) In subsection (1)—
 - “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 sub-paragraph (i) or (ii);

Agriculture Bill, *continued*

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“relevant standards” means standards relating to environmental protection, plant health and animal welfare applying in connection with the production of agricultural and food products;

“SPS 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.”

Deidre Brock
Alan Brown

NC7

To move the following Clause—

“Agricultural payments to the Scottish Ministers

After exit day, the Secretary of State must make available to the Scottish Ministers each year sums which are at least equivalent to the sums made available to the Scottish Ministers in the year prior to exit day for the purpose of expenditure under—

- (a) the European Agricultural Guarantee Fund, and
 - (b) the European Agricultural Fund for Rural Development,
- (both established under Article 3 of 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).”

Caroline Lucas
Edward Miliband
Mary Creagh

NC8

To move the following Clause—

“Carbon emissions: net-zero and interim targets

- (1) When considering the provision of financial assistance under sections 1(1) and 1(2) of this Act, the Secretary of State shall ensure that the likely impact of that funding is compatible with the achievement of any emissions reduction target set out in subsection (2) or (3).
- (2) It is the duty of the Secretary of State to—
 - (a) set an emissions reduction target for the net UK carbon account for agriculture and related land use for the year 2050 which is at least 100% lower than the 1990 baseline, and
 - (b) ensure that the target is met.
- (3) The Secretary of State must, within six months of this Bill receiving Royal Assent, publish interim emissions reductions targets for agriculture and related land use that align with budgetary periods as they relate to carbon budgets.

Agriculture Bill, *continued*

- (4) It is the duty of the Secretary of State to ensure that the net UK carbon account for agriculture and related land use for a budgetary period does not exceed any interim emissions reduction target published under subsection (3).
- (5) The Secretary of State must, within twelve months of this Bill receiving Royal Assent, publish a statement of the policies to be delivered in order to meet the interim emissions reduction targets published under subsection (3).
- (6) In this section—
 - (a) “net UK carbon account” shall have the meaning given in section 27 of the Climate Change Act 2008, and
 - (b) “budgetary periods” and “carbon budgets” shall have the meaning given in section 4 of the Climate Change Act 2008.”

Member’s explanatory statement

This new clause would have the effect of setting a target of net-zero green-house gas emissions for agriculture and related land use in the UK by 2050 at the latest. It would place a duty on the Secretary of State to publish interim emissions reduction targets that align with the Climate Change Act 2008 - and a duty to publish, within twelve months of the Act being passed, policy proposals to ensure those targets are met.

Sir Hugo Swire
Neil Parish

NC9

☆ To move the following Clause—

“Smallholdings estates

- (1) Every smallholdings authority which immediately before the commencement of Part 1 of this Act holds any land for the purposes of smallholdings shall review the authority’s smallholdings estate and shall, before the end of the period of eighteen months beginning with the commencement of Part 1 of this Act, submit to the Minister proposals with respect to the future management of that estate for the purposes of providing—
 - (a) opportunities for persons to be farmers on their own account;
 - (b) education or experience in environmental land management practices;
 - (c) opportunities for increasing public access to the natural environment and understanding of sustainable farming; and
 - (d) opportunities for innovation in sustainable land management practices.
- (2) No land held by a smallholdings authority as a smallholding immediately before commencement of Part 1 of this Act is to be conveyed, transferred, leased or otherwise disposed of otherwise than—
 - (a) in connection with the purposes listed in subsection (1); and
 - (b) in accordance with proposals submitted under subsection (1).
- (3) For the purposes of this section, “smallholdings authority” has the same meaning as in section 38 of the Agriculture Act 1970.”

Member’s explanatory statement

This new clause would limit the disposal of smallholdings (“county farms”) by local authorities and would require local authorities to review their holding and submit proposals for future management to provide opportunities to extend access to farming, education, and innovation.

Agriculture Bill, *continued*

Caroline Lucas

NC10

★ To move the following Clause—

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

- (1) The Secretary of State shall by regulations make provision for prohibiting the application of any pesticide for the purpose of agriculture near—
 - (a) any building used for 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, schools, nurseries, and hospitals.
- (2) Regulations under this section may specify a minimum distance to be maintained during the application of any pesticide between the place of application and any place under subsection (1)(a) to (c).
- (3) For the purposes of this section—

“agriculture” has the meaning given in section 15(6), and

“public building” includes any building used for the purposes of education.
- (4) Regulations under this section are subject to affirmative resolution procedure.”

Member’s explanatory statement

This new clause would have the effect of protecting members of the public from hazardous health impacts arising from the application of chemical pesticides near buildings and spaces used by the public.

Caroline Lucas
Kerry McCarthy
Zac Goldsmith

NC11

★ To move the following Clause—

“Reducing use and impacts of pesticides

- (1) The Secretary of State must, within six months of Royal Assent being given to this Act, publish a policy statement setting out proposals for encouraging the adoption of integrated pest management practices in England.
- (2) The Secretary of State must, within one year of Royal Assent being given to this Act, set targets for—
 - (a) a reduction in pesticide use in England, and
 - (b) a reduction in the toxic load placed upon the environment in England as a result of the use of pesticides in the management of livestock or land or water.
- (3) The Secretary of State shall, when measuring pesticide use for the purpose of subsection (2)(a), measure (among other things)—
 - (a) the frequency of use of any pesticide, and
 - (b) the extent of any area treated with a pesticide.
- (4) The Secretary of State shall, when measuring for the purpose of subsection (2)(b) the toxic load placed upon the environment, measure (among other things)—
 - (a) any impact upon the environment which is wholly or partly attributable to the use of a pesticide in the management of livestock or land or water, and

Agriculture Bill, continued

- (b) any impact upon human or animal health which is wholly or partly attributable to the use of a pesticide in the management of livestock or land or water.
- (5) For the purposes of this section—
- “integrated pest management practices” include any practice for managing the growth and health of crops which relies wholly or significantly on ecological pest control mechanisms and which uses a pesticide or pesticides only when economically and ecologically justified
- “toxic load placed upon the environment” shall mean any harmful impact upon the environment or human or animal health which is wholly or partly attributable to the use of a pesticide.”
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Caroline Lucas
Dr Sarah Wollaston

Clause 1, page 2, line 1, leave out “supporting” and insert “enhancing”

11

Member’s explanatory statement

This amendment would have the effect of ensuring that financial assistance could be provided to improve the accessibility of existing public rights of way. It would also ensure that financial assistance could be provided for the creation of new public access opportunities where these are most needed.

Neil Parish

Clause 1, page 2, line 3, after “enhances” insert “landscape quality,”

5

Member’s explanatory statement

This amendment would ensure that the mechanics of the bill are aligned with the delivery of the 25 Year Environment Plan with regard to landscape enhancement. Without this amendment, cultural and/or natural heritage enhancement could be delivered out of context, reducing the beauty of landscapes.

Kerry McCarthy
Zac Goldsmith
Caroline Lucas
Darren Jones
Dr Sarah Wollaston

Clause 1, page 2, line 8, at end insert—

1

“(h) establishing and maintaining whole farm agroecological systems.”

Angela Smith

Clause 1, page 2, line 8, at end insert—

9

“(h) supporting rural development.”

Member’s explanatory statement

This amendment would provide the Secretary of State with the ability to make payments for measures which are currently funded via the Rural Development Programme.

Agriculture Bill, *continued*

Helen Goodman
 Sir Nicholas Soames
 Tim Farron
 Richard Benyon
 Ruth George
 Simon Hart

29

☆ Clause 1, page 2, line 8, at end insert—

“(h) supporting upland landscapes and communities.”

Member’s explanatory statement

This amendment would provide the Secretary of State with the power to give financial assistance for the purpose of supporting upland landscapes and communities in England.

Neil Parish

4

Clause 1, page 2, line 10, after first “of” insert “encouraging food production, or”

Angela Smith

10

Clause 1, page 2, line 11, at end insert—

“(2A) The Secretary of State shall, within six months of this Act being given Royal Assent, lay before Parliament a statement setting out his or her planned expenditure under subsection (2) for—

(a) financial year 2019-20, and

(b) financial year 2020-21.”

Member’s explanatory statement

This amendment would ensure that the Secretary of State details how much expenditure is planned for managed change and to improve farm productivity growth before the beginning of the agricultural transition period during which cuts to the Basic Payment Scheme will occur.

Kerry McCarthy
 Zac Goldsmith
 Caroline Lucas
 Darren Jones

2

Clause 1, page 2, line 23, at end insert—

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

Angela Smith

28

Clause 2, page 2, line 29, at end insert—

“(2A) The conditions will include obligations to meet any regulatory standards specified by the Secretary of State relating to environmental and land management practices.”

Member’s explanatory statement

This amendment would enshrine the Government’s commitment to a strong regulatory baseline in the legislation. It would ensure that compliance with existing legislation and regulations is a

Agriculture Bill, continued

condition of receiving financial assistance, including compliance with landowner or occupier obligations for public rights of way under the Highways Act 1980.

Caroline Lucas

30

★ Clause 2, page 2, line 32, at end insert—

“(3A) The conditions shall include a requirement that financial assistance may only be given for a purpose under section 1(1) or 1(2) if the land on which any activity is to be undertaken in pursuance of that purpose, and for which the financial assistance is sought, is registered with Her Majesty’s Land Registry.”

Member’s explanatory statement

This amendment would improve land ownership transparency in England by placing a requirement on all those seeking financial assistance under Clauses 1(1) and 1(2) to have registered that land with Her Majesty’s Land Registry.

Angela Smith

13

Clause 2, page 2, line 40, at end insert—

“(6A) The Secretary of State may not delegate any function in relation to the exercising of a discretion other than to a non-governmental departmental body which is authorised to operate throughout England and which, in the opinion of the Secretary of State, has the necessary expertise.”

Member’s explanatory statement

This amendment would ensure that all financial assistance is provided directly to individual businesses by national government or their agencies, rather than through organisations with limited geographic coverage or expertise which could lead to inconsistency of approach, increased administration costs and lack of transparency. It would not prevent these organisations being involved in setting of local priorities or the development of collaborative landscape scale projects.

Neil Parish

6

Clause 4, page 4, line 14, at end insert—

“(d) a payment to farmers in return for enhanced food production.”

Member’s explanatory statement

This amendment would ensure that farmers are entitled to a new basic payment scheme, which would encourage greater food production.

Angela Smith

8

Clause 9, page 6, line 29, at end insert—

“(2A) If any reduction in direct payments under the basic payment scheme is made during the agricultural transition period, a sum equivalent to the amount of any reduction in those payments must be made available for the purpose of giving financial assistance under section 1(1) or 1(2) of this Act.

Agriculture Bill, continued

- (2B) When phasing out direct payments under this section, the Secretary of State shall have regard to the extent to which the power to give financial assistance under section 1 has been exercised.”

Member’s explanatory statement

This amendment would ensure that any cuts to the Basic Payment Scheme as part of the agricultural transition period fund improvements in productivity measures for the agricultural industry alongside payments for public goods. It would also ensure that the Secretary of State is taking into account the availability of new schemes when reducing direct payments.

Neil Parish

7

Clause 9, page 7, line 24, at end insert—

“(8A) The Secretary of State may, after having taken steps to phase out direct payments under the basic payment scheme, reinstitute direct payments if he or she is satisfied that—

- (a) to do so would be in the interests of those persons who formerly received direct payments, and
- (b) any of the criteria under subsection (8B) are met.

(8B) The criteria for the purposes of subsection (8A) are—

- (a) market failure,
- (b) adverse weather conditions, and
- (c) threat of disease to crops or livestock or to human health.”

Deidre Brock

14

Clause 24, page 17, line 40, leave out “to the Secretary of State”

Deidre Brock

15

Clause 24, page 18, line 12, leave out “to the Secretary of State”

Deidre Brock

16

Clause 24, page 18, line 20, leave out “to the Secretary of State”

Deidre Brock

17

Clause 24, page 18, line 38, at end insert—

“(6A) An application under subsection (1), (3) or (5) is to be made to and determined by—

- (a) the appropriate authority for the part of the United Kingdom in which the applicant has its registered office or principal place of business, or
- (b) where the applicant is made up of producers, producer organisations or, as the case may be, businesses operating in more than one part of the United Kingdom, the appropriate authority for any of those parts.”

12 Consideration of Bill (Report Stage): 4 December 2018

Agriculture Bill, *continued*

Deidre Brock

Clause 24, page 18, line 45, leave out “The Secretary of State” and insert “The appropriate authority to which an application is made under this section” **18**

Deidre Brock

Clause 24, page 19, line 11, at end insert— **19**
““appropriate authority” means—
(a) in relation to England, Wales or Northern Ireland, the Secretary of State,
(b) in relation to Scotland, the Scottish Ministers;”

Deidre Brock

Clause 25, page 19, line 36, leave out “the Secretary of State” and insert “an appropriate authority (within the meaning given in section 24(11))” **20**

Deidre Brock

Clause 26, page 20, line 3, leave out “the Secretary of State” and insert “an appropriate authority (within the meaning given in section 24(11))” **21**

Deidre Brock

Clause 26, page 20, line 14, at end insert— **22**
“(2A) Regulations under section 24 or 25 containing provision that extends to Scotland may be made only with the consent of the Scottish Ministers.”

Deidre Brock

Clause 27, page 20, line 33, at end insert— **23**
“(1A) Regulations under this section containing provision that extends to Scotland may be made only with the consent of the Scottish Ministers.”

Deidre Brock

Clause 27, page 21, line 34, at end insert— **24**
“(9A) Before making regulations under this section, the Secretary of State must consult persons—

Agriculture Bill, *continued*

- (a) who are representative of—
 - (i) producers of, or
 - (ii) first purchasers of,
 the agricultural products to which the regulations will apply, or
- (b) who may otherwise be affected by the regulations.”

Deidre Brock 25

Clause 28, page 22, line 5, at end insert—
 “(1A) Regulations under this section containing provision that extends to Scotland may be made only with the consent of the Scottish Ministers.”

Deidre Brock 26

Clause 28, page 22, line 13, leave out from “support” to end of line 15

Deidre Brock 27

Clause 28, page 22, line 39, leave out subsection (6)

Neil Parish
 Kerry McCarthy 12

Clause 36, page 27, line 29, at end insert—
 “(2) No payment may be made under this Act unless the Secretary of State has made regulations in accordance with subsection (3) to implement a multiannual financial framework setting out the sums available under Parts 1 and 2 of this Act during the agricultural transition period.
 (3) Regulations made under subsection (2) shall be made before the beginning of the agricultural transition period and shall be subject to affirmative resolution procedure.”

Neil Parish 3

Title, line 1, after “purposes;” insert “to encourage, maintain and enhance home-grown food production; to protect the UK’s food security;”
Member’s explanatory statement
This amendment is linked to New Clause 2 and Amendments 4 and 6 which would aim to include the importance of food production and of encouraging food production on the face of the bill and to highlight the importance of food security in post-Brexit farming policy.

Agriculture Bill, *continued*

ORDER OF THE HOUSE [10 OCTOBER 2018]

That the following provisions shall apply to the Agriculture Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 20 November 2018.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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