

Agriculture Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD LUCAS

Page 2, line 8, leave out “protects or improves” and insert “conserves”

Member’s explanatory statement

This amendment includes the definition of conserving in subsection (5).

Page 2, line 12, leave out “maintains, restores or enhances” and insert “conserves”

Member’s explanatory statement

See amendment in the name of Lord Lucas to Clause 1, page 2, line 8.

THE EARL OF SHREWSBURY

Page 2, line 18, leave out second “or” and insert “and”

Member’s explanatory statement

This amendment is intended to ensure there is not a disproportionate focus on either animal health or welfare, and that they are considered as interdependent.

LORD LUCAS

Page 2, line 19, leave out “native livestock, native” and insert “livestock,”

Member’s explanatory statement

This amendment allows for the support of possible new livestock species.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 2, line 19, leave out subsection (1)(g) and insert –

“(g) protecting or improving the management of landscapes and biodiversity through pasture fed grazing livestock systems, including the conservation of native livestock, native equines or genetic resources relating to any such animal.”

Member's explanatory statement

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

LORD LUCAS

Page 2, line 22, after “plants” insert “that may be”

Member's explanatory statement

This amendment allows for the support of possible new crop species.

Page 2, line 25, at end insert “and of the organisms that live within it”.

Member's explanatory statement

This amendment clarifies what ‘soil’ includes.

Page 2, line 25, at end insert –

“() the advancement of agricultural technology, including robotics and genetics.”

Member's explanatory statement

This amendment is to discuss the potential advances in agricultural robotics and genetics, and the potential for government support of these developments.

Page 2, line 25, at end insert –

“() research into improving the productivity or environmental impact of farming systems.”

Member's explanatory statement

To discuss the role of public investment in research and development of improved farming systems .

Page 2, line 27, leave out “either or both” and insert “any one or more”

Page 2, line 31, at end insert –

“() providing advice and support to those in receipt of, or potentially in receipt of, financial assistance under subsection (1)”

Member's explanatory statement

This amendment provides for an advice-based system of support, as opposed to a sanctions-based one.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 2, line 32, leave out “England” and insert “agriculture, horticulture and forestry in England”

Page 2, line 33, leave out “have regard to the need to”

Clause 1 - continued

LORD LUCAS

Page 2, line 37, at end insert “harvesting, extracting,”

Member’s explanatory statement

This amendment is to discuss how this subsection might apply to assistance for coppicing, for instance by allow for coppice to be collected for use in power stations more easily.

Page 3, line 3, after “restoring” insert “, protecting, creating, maintaining”

Member’s explanatory statement

See Lord Lucas’ amendment to Clause 1, page 2, line 8.

Page 3, line 14, after “in” insert “connection with”

Member’s explanatory statement

This amendment is to include the whole spectrum of farm animals, e.g. dogs.

After Clause 1

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

Insert the following new Clause—

“Conditions for receiving financial assistance under section 1

- (1) In framing any financial assistance scheme under section 1, the Secretary of State must ensure that recipients of financial assistance meet the requirements set out in subsection (2) for the land in respect of which the financial assistance is given.
- (2) The requirements are—
 - (a) to mitigate flood risks, particularly in managing uplands,
 - (b) to restore peatbogs,
 - (c) to take steps to mitigate the effects of climate change,
 - (d) to protect the features of cultural or natural heritage,
 - (e) to promote environmental enhancement and protection of the environment,
 - (f) to reduce the risk of animal and plant disease, including the monitoring of animal health and welfare,
 - (g) to facilitate public access,
 - (h) to promote resilience of rural communities, rural proofing and productivity,
 - (i) to create habitats for wildlife and increase biodiversity, having regard to local ecological circumstances such as uplands,
 - (j) to improve air quality or contribute to climate change.”

Clause 2

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 3, line 25, at end insert –

- “() The following restrictions apply to eligibility for financial assistance under this section–
- (a) financial assistance may only be made available to persons or groups of persons, 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 persons or groups of persons, 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
 - (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.

LORD LUCAS

Page 3, line 27, at end insert –

- “() Any conditions applied must be risk-based and based securely on the available science.”

Member’s explanatory statement

This amendment is to discuss how conditions should be structured to best effect.

Page 3, line 27, at end insert –

- “() Conditions under subsection (2) may allow for local or individual variation.”

Member’s explanatory statement

This amendment is to discuss conditions flexing to the context of a particular area or project.

Page 3, line 27, at end insert –

- “() The conditions may (among other things) require the recipient to follow good soil management practices.”

Member’s explanatory statement

To discuss placing duties on farmers to maintain the soil in good condition.

Clause 3

LORD LUCAS

Page 4, line 12, at end insert—

“() the provision of advice and support to recipients of financial assistance;”

Member’s explanatory statement

See Lord Lucas’ amendment to Clause 1, page 2, line 31.

Clause 4BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 5, line 14, at end insert—

“(d) set out the budgeted annual expenditure to be used to achieve each of the strategic priorities set out under subsection (2)(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.

LORD LUCAS

Page 5, line 19, leave out “expire” and insert “come within two years of expiry”

Member’s explanatory statement

This amendment requires a new plan being put in place before the expiration of the previous one.

Clause 8BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

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.

Clause 17BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

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 MEACHER

Page 14, line 32, at end insert –

“(f) household food insecurity”

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 14, line 32, at end insert –

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

Member's explanatory statement

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

Clause 18

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

Page 15, line 2, 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 in agricultural markets caused by economic or environmental factors, and”

Clause 21

LORD LUCAS

Page 17, line 39, leave out from “as” to end of line 40 and insert “it affects that person’s activities in England, and in connection with section 17.”

Member's explanatory statement

This amendment would allow all relevant data to be collected, including that required for section 17.

Page 17, line 44, leave out from “as” to end and insert “it affects that person’s activities in England, and in connection with section 17.”

Member's explanatory statement

This amendment would allow all relevant data to be collected, including that required for section 17.

Clause 22

LORD LUCAS

Page 18, line 22, after “creature” insert “, plant”

Member’s explanatory statement

This amendment would provide that Clause 22 covers plants taken from the wild.

Page 18, line 35, at end insert –

- “() the transport, storage or traceability of anything referred to in subsection (2)(a) to (c),
- () the provision of information, management or advice concerning anything referred to in subsection (2)(a) to (c),”

Member’s explanatory statement

To explore the reasons for leaving out elements of the supply chain.

After Clause 30BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

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.”

After Clause 34

LORD LUCAS

Insert the following new Clause –

“National soil monitoring programme

The Secretary of State must institute a comprehensive long-term programme of soil monitoring.”

Member’s explanatory statement

To discuss the desirability of accumulating long-term data on soils nationally to support productivity improvement programmes, and to inform estimates of carbon stocks in soils and understand how these are changing.

Clause 35

LORD LUCAS

Page 32, line 28, leave out from “origin” to end of line 29

Member’s explanatory statement

To explore the reasons for the exclusion of live poultry, poultrymeat and spreadable fats.

BARONESS MCINTOSH OF PICKERING
 BARONESS HENIG
 BARONESS JONES OF MOULSECOOMB

Page 33, line 9, 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.”

Clause 36

LORD LUCAS

Page 33, line 46, at end insert –

- “() the efficient use of land;”

Member’s explanatory statement

An amendment to discuss how land can be used efficiently.

After Clause 42

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

Insert the following new Clause –

“International Trade Standards Commission

- (1) The Government must establish an International Trade Standards Commission within 12 months of the passing of this Act.
- (2) The International Trade Standards 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.
- (3) “Agricultural goods” under subsection (2) 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.
- (4) 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 that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless satisfied that the criteria established by the International Trade Standards Commission under subsection (2) have been met.”

After Clause 45

BARONESS RITCHIE OF DOWNPATRICK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD HAIN

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.”

Member’s explanatory statement

This new Clause is designed to introduce a sunset clause so that provisions relating to Northern Ireland are timebound, whilst allowing suitable time for the development of bespoke legislation within the next Assembly term and taking into account disruptions in future planning as a result of the COVID-19 pandemic.

Schedule 3

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

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 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.

Page 50, leave out lines 25 to 36 and insert –

- “(3) A request falls within this subsection if –
- (a) it is a request for –
 - (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) to secure either or both of the full and efficient farming of the holding and an environmental improvement, and”

Member's explanatory statement

This amendment closes 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.

Page 51, line 34, at end insert –

- “(d) a scheme of financial assistance in whatever form introduced by Welsh Ministers.”

Member's explanatory statement

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

Page 54, line 20, at end insert –

“21A(1) Section 49 (application of sections 50 to 58) is amended as follows.

(2) Leave out subsection (3) and insert –

- “(3) In this section and sections 50 to 58 below (and in Part I of Schedule 6 to this Act as applied by section 50(4)) –
- “close relative” of the retiring tenant means –
- (a) the wife, husband or civil partner of the retiring tenant;
 - (b) a brother or sister of the retiring tenant;
 - (c) a child of the retiring tenant;
 - (d) a nephew or niece of the retiring tenant;
 - (e) a grandchild of the retiring tenant;

Schedule 3 - continued

- (f) any person (not within paragraphs (a) to (e)) who, in the case of any marriage or civil partnership or other cohabitation to which the retiring tenant has been at any time a party, has been treated by the latter as a child of the family in relation to that marriage or civil partnership or other cohabitation.””

Page 54, line 20, at end insert –

“21B(1) Section 35 (application of sections 36 to 48) is amended as follows.

(2) Leave out subsection (2) and insert –

“(2) In sections 36 to 48 below (and in Part I of Schedule 6 to this Act), “close relative” of a deceased tenant means –

- (a) the wife, husband or civil partner of the deceased;
- (b) a brother or sister of the deceased;
- (c) a child of the deceased;
- (d) a nephew or niece of the deceased;
- (e) a grandchild of the deceased;
- (f) any person (not within paragraphs (a) to(e)) who, in the case of any marriage or civil partnership or other cohabitation to which the deceased was at any time a party, was treated by the deceased as a child of the family in relation to that marriage or civil partnership or other cohabitation.”

Member’s explanatory statement

This amendment will extend the franchise for farm tenancy succession on retirement to include nephews, nieces and grandchildren as raised in the Second Reading debate in the House of Commons.

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 –
 - (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,

Schedule 3 - continued

- (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) to secure 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—
 - (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 (powers of Secretary of State to give financial assistance),

Schedule 3 - continued

- (b) section 19 of, or paragraph 7 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers to give financial assistance in exceptional market conditions),
 - (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 have the ability 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.

Page 56, line 8, at end insert –

“30 Before section 8 insert –

“Termination of tenancies of 10 years or more

- 7A (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 Part 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 –
- (i) Case B,
 - (ii) Case D,
 - (iii) Case E,
 - (iv) Case F,
 - (v) 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, but which has not been covered by the Bill, to encourage landlords to let longer Farm Business Tenancies.

Schedule 5

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB

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 in agricultural markets caused by economic or environmental factors, and”

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 and in chronic situations alongside the acute economic situations covered already within the Bill.

Agriculture Bill

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11 June 2020
