

Agriculture Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

THE EARL OF DUNDEE

As an amendment to the first amendment in the name of Lord Teverson on sheet HL Bill 112(f)

After “systems” insert “and delivering afforestation”

LORD NORTHBROOK

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

BARONESS JONES OF WHITCHURCH

Page 2, line 29, after “activity” insert “, where this also delivers improved environmental outcomes”

Member’s explanatory statement

This amendment aims to ensure that payments made for productivity improvements under subsection (2)(a) do not undermine payments made for the provision of public goods under subsection (1).

LORD NORTHBROOK

Page 2, line 31, at end insert “; or

- (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.”

Member’s explanatory statement

This amendment would enable the Secretary of State to provide financial assistance for the specific purpose of supporting domestic food production and food security in the UK.

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 sustainable way.”

Member's explanatory statement

This amendment would ensure that food production is supported by all of the financial assistance schemes designed under section 1.

THE EARL OF CAITHNESS

Page 2, line 35, at end insert “, and to reduce and sequester climate change emissions”

Member's explanatory statement

This amendment would ensure that financial help can be given to help reduce climate change emissions.

BARONESS HODGSON OF ABINGER

Page 3, line 17, at end insert—

““public access” means access via footpaths, bridle paths, byways, and open land access under the right to roam.”

Member's explanatory statement

To define "public access" so it can facilitate activities such as walking and horse riding.

After Clause 1

LORD GRANTCHESTER

Insert the following new Clause—

“Minimum level of financial assistance

Before exercising the powers under section 1 for the first time, the Secretary of State must lay before Parliament a statement confirming—

- (a) the total amount of financial assistance available in the first year in which the Secretary of State intends to exercise the power under section 1,
- (b) that this is no less than the total amount provided in the preceding financial year, adjusted for inflation,
- (c) provisional total amounts for the subsequent three financial years, and
- (d) the reasons for the amounts specified under paragraph (c).”

Member's explanatory statement

This amendment seeks to ensure that the transition to a new funding system does not result in a reduction in the overall financial assistance provided for agriculture and associated purposes.

Clause 2

LORD GRANTCHESTER

Page 3, line 30, at end insert—

“() Financial assistance allocated to a scheme in a particular year but not spent within that year may be carried over to a future year for spending on one or more schemes.”

Member's explanatory statement

This amendment would allow for unspent funds allocated for use in a particular year to be carried over to a future year.

Clause 4

LORD NORTHBROOK

Page 5, line 9, at end insert –

“(ba) set out how the Government intends to meet its obligations under section 1(4) in relation to each financial assistance scheme that is in operation, or is expected to come into operation, during the plan period, and”

Member’s explanatory statement

This amendment would ensure that the multi-annual financial assistance plans take into account the requirement for the Secretary of State to have regard to the need to encourage the production of food by producers in England and its production in an environmentally sustainable way when framing any financial assistance schemes.

BARONESS JONES OF WHITCHURCH

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.

BARONESS MCINTOSH OF PICKERING

Page 5, line 38, at end insert –

“() In framing any financial assistance scheme, the Secretary of State must have regard to such advice as may from time to time be provided by the Office for Environmental Protection, and any other public body with a national remit and responsibilities for the natural or historic environment, on the funding required to achieve the strategic priorities of financial assistance for the duration of the plan period.”

Clause 5

BARONESS JONES OF MOULSECOOMB

Page 6, line 6, at end insert –

“() an assessment of how animal welfare has been supported by the financial assistance;”

Member’s explanatory statement

This would create an auditing requirement to ensure that funds have been assigned to promote good animal welfare.

BARONESS MCINTOSH OF PICKERING

Page 6, line 10, at end insert—

“() any advice received from the Office for Environmental Protection, and any other public body with a national remit and responsibilities for the natural or historic environment, as to whether the financial assistance given was sufficient to meet the strategic priorities of the financial assistance, and”

Clause 8

LORD GRANTCHESTER

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 date mentioned in subsection (1) may not be—
 - (a) before 1 January 2022, or
 - (b) after 1 January 2025.
- (3) After the end of the transition period no relevant payments are to be made in relation to England, otherwise 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 begins.
- (5) Regulations under subsection (4) are subject to affirmative resolution procedure.”

Member’s explanatory statement

This amendment would remove the current provision for the commencement of the seven-year transition period and instead allow the Secretary of State to appoint a commencement date in regulations once future policy decisions have been taken.

Clause 9

BARONESS JONES OF MOULSECOOMB

Page 8, line 35, at end insert—

“but it does not include any regulation pertaining to animal welfare standards regardless of its impacts on financial cost, administrative or practical inconvenience, efficiency, productivity or profitability.”

Clause 14

BARONESS JONES OF MOULSECOOMB

Page 11, line 38, at end insert –

“but it does not include any regulation pertaining to animal welfare standards regardless of its impacts on financial cost, administrative or practical inconvenience, efficiency, productivity or profitability;”

Clause 17

LORD HODGSON OF ASTLEY ABBOTTS

Page 14, line 21, after “data” insert “and anticipated strategic developments and consequent policy changes”

LORD NORTHBROOK

Page 14, line 23, leave out “may” and insert “must”

BARONESS PARMINTER

Page 14, line 32, at end insert –

“() food surplus and waste at each stage of the supply chain.”

Member’s explanatory statement

This amendment would require the Secretary of State’s food security report to report not just on food supply, but on how much of that is wasted. This may assist the Government to draw up targeted plans to secure waste minimisation as a means to boost food security.

LORD HODGSON OF ASTLEY ABBOTTS

Page 14, line 32, at end insert –

“() In this section –

“anticipated strategic developments” are any major changes expected to affect the food security of the United Kingdom over the subsequent 10 years. They may include, amongst other things –

- (a) the expected availability of water for agriculture and personal consumption, nationally and by region;
- (b) the expected loss of agricultural land to urban development nationally and by region;
- (c) the percentage of food consumed which will be produced in the United Kingdom;
- (d) the anticipated level of population growth;

“consequent policy changes” are actions the Government plans to take as a result of anticipated strategic developments.”

Clause 27

LORD EMPEY

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.

Clause 32

LORD GARDINER OF KIMBLE

Page 29, line 44, at end insert –

“(1A) An order of the Secretary of State assigning functions under section 87(1)(b) by virtue of subsection (1) may only be made with the approval of –

- (a) the Welsh Ministers, if the functions are exercisable in relation to Wales,
- (b) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, if the functions are exercisable in relation to Northern Ireland, and
- (c) the Scottish Ministers, if the functions are exercisable in relation to Scotland.”

Member's explanatory statement

This amendment secures that before making an order which assigns functions to a body that are exercisable in relation to Wales, Northern Ireland or Scotland, the Secretary of State must obtain the approval of the Welsh Ministers, the Department of Agriculture, Environment and Rural Affairs in Northern Ireland or the Scottish Ministers (as the case may be).

After Clause 34

THE EARL OF CAITHNESS

Insert the following new Clause –

“Soil health index

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must prepare and publish a soil health index report which includes an assessment of soil organic matter in all Grade 1 and Grade 2 agricultural land.
- (2) The Secretary of State must update and publish a further soil health index every two years following the publication of a report under subsection (1).”

Member's explanatory statement

To ensure that the work on a soil health index promised in the 25 Year Environment Plan is completed and kept up to date.

Clause 37

LORD GARDINER OF KIMBLE

Page 35, line 20, leave out “, in any case”

Member's explanatory statement

This amendment is consequential on the other amendment to clause 37 in Lord Gardiner's name.

Page 35, line 31, at end insert –

“(1A) The Secretary of State may only make regulations under section 36 containing provision which could be made under that section by an authority referred to in subsection (1)(b) to (d) with the consent of that authority.”

Member’s explanatory statement

This amendment secures that before making cross-border regulations under clause 36 that are also within the competence of the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to make, the Secretary of State must obtain the consent of the authority concerned.

Clause 40

LORD FOULKES OF CUMNOCK
BARONESS MCINTOSH OF PICKERING

Page 36, line 29, after “may” insert “, following consultation with relevant stakeholders,”

Member’s explanatory statement

This amendment would impose a duty on the Secretary of State to consult relevant stakeholders when making regulations as specified.

Page 36, line 39, leave out subsection (3)

Member’s explanatory statement

This amendment would remove the powers to confer and delegate functions and discretion as set out in subsection (3).

LORD HOPE OF CRAIGHEAD

Page 36, line 42, at end insert –

“() In preparing regulations under this section, the Secretary of State must consult –

- (a) the Scottish Ministers,
- (b) the Welsh Ministers,
- (c) the Northern Ireland department, and
- (d) bodies that appear to the Secretary of State to represent the interests of the UK agricultural industry.”

Member’s explanatory statement

This amendment would require the Secretary of State to consult the devolved administrations as to the content of regulations to be made under this Clause.

Clause 42

LORD GARDINER OF KIMBLE

Page 38, line 28, leave out subsections (4) and (5)

Member's explanatory statement

This amendment removes the specific power in clause 42(4) for the Secretary of State to make regulations requiring the Scottish Ministers, the Welsh Ministers or a Northern Ireland Department to provide information to the Secretary of State in connection with the Agreement on Agriculture. Clause 42(5), which relates to that power, is also omitted.

After Clause 42

BARONESS JONES OF WHITCHURCH

Insert the following new Clause—

“Import of foie gras

- (1) Foie gras may not be imported into the United Kingdom after 31 December 2021.
- (2) An individual or company in breach of the requirement under subsection (1) is guilty of an offence and is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding £50,000;
 - (c) on conviction on indictment, to a fine.
- (2) In this section “foie gras” means a product derived from the liver of any goose or duck which has been force-fed for the purpose of enlarging its liver.”

Member's explanatory statement

This amendment would ban the import of foie gras into the UK after the end of 2021 and introduce a criminal offence for any breaches of this ban.

LORD EMPEY

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 mean—
 - (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.

Schedule 5

BARONESS JONES OF MOULSECOOMB

Page 58, line 39, at end insert –

“but it does not include any regulation pertaining to animal welfare standards regardless of its impacts on financial cost, administrative or practical inconvenience, efficiency, productivity or profitability.”

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29 June 2020
