

Agriculture Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

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

Clause 1

THE EARL OF DUNDEE

Page 2, line 6, leave out “may” and insert “must”

Member’s explanatory statement

A probing amendment to clarify whether the Secretary of State will provide financial assistance for the purposes listed under Clause 1(1).

THE EARL OF DEVON

Page 2, line 8, leave out “or water”

THE EARL OF CAITHNESS

Page 2, line 9, at end insert “, including growing crops for bioenergy;”

Member’s explanatory statement

To ensure that those growing crops for bioenergy are covered by the Bill.

BARONESS JONES OF MOULSECOOMB

Page 2, line 9, at end insert “, including reducing air pollution;”

THE EARL OF DEVON

Page 2, line 12, leave out “or water”

Page 2, line 14, leave out “water or livestock”

Clause 1 - continued

BARONESS JONES OF MOULSECOOMB

Page 2, line 15, at end insert “, including reducing air pollution;”

Page 2, line 17, at end insert “, including reducing air pollution;”

THE EARL OF DEVON

Page 2, line 25, at end insert “on agricultural land.”

THE DUKE OF WELLINGTON

Page 2, line 25, at end insert –

“() the conversion to a system of farming which is ecologically sustainable.”

Member’s explanatory statement

This amendment is to increase the financial support for farmers wishing to convert to organic and ecologically sustainable systems and to account for the loss of income incurred during the conversion process.

BARONESS BENNETT OF MANOR CASTLE

Page 2, line 25, at end insert –

“() reducing or ending the usage of chemical herbicides and pesticides;
() reducing or ending the usage of chemical fertilisers;
() improving the nutrition per acre output of crops.”

Member’s explanatory statement

This amendment seeks to ensure that financial support works towards cutting the use of herbicides, pesticides and artificial fertilisers, and towards improved nutrient content of crops and hence foods.

BARONESS JONES OF MOULSECOOMB

Page 2, line 25, at end insert –

“() reducing agricultural emissions to the air including, but not limited to, ammonia and methane.”

LORD HOLMES OF RICHMOND

Page 2, line 31, at end insert –

“(c) subsidising sustainable energy for growing, under glass or other artificial covering –
(i) cut flowers;
(ii) fruits;
(iii) vegetables, and
(iv) other produce as designated by the Secretary of State.”

Clause 1 - continued

THE EARL OF DEVON

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 producers 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 DUNDEE

Page 2, line 35, at end insert “, thus prioritising financial assistance to farms which carry out multiple purposes set out under subsection (1).”

Member’s explanatory statement

Financial assistance should be prioritised for farming systems which carry out simultaneously multiple purposes, as detailed under subsection (1).

BARONESS MEACHER

Page 2, line 35, at end insert –

“(4A) In framing any financial assistance scheme, the Secretary of State must also have regard to the need to improve the management of agricultural and other undeveloped land around large towns and cities.

(4B) In subsection (4A) “land” includes any agricultural or undeveloped land not used for development, and –

- (a) designated as Green Belt in a development plan document, or
- (b) within 5km of the built-up area boundary of a contiguous urban area with a population of more than 200,000.

(4C) The Secretary of State must hypothecate at least 20% of the total budget for financial assistance under this section towards the overall improvement of any land that falls within the scope of subsection (4B).”

THE EARL OF DEVON

Page 2, line 36, at end insert –

““agricultural land” means arable land, including temporary grassland and fallow land, permanent grassland, permanent crops, and common land used for agricultural purposes;”

Clause 1 - continued

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.

BARONESS MEACHER

Page 3, line 6, at end insert –

““development” has the same meaning as in section 55 of the Town & Country Planning Act 1990.

“development plan document” has the same meaning as in section 37 of the Planning & Compulsory Purchase Act 2004.”

THE EARL OF DUNDEE

Page 3, line 17, at end insert –

““starting, or improving the productivity of, an agricultural, horticultural or forestry activity” includes account training, start-up capital and facilitation of access to land for new entrant farm and forestry entrepreneurs and support for landowners to make land available to new entrant farm and forestry entrepreneurs.”

Member’s explanatory statement

This amendment defines “starting, or improving the productivity of, an agricultural, horticultural or forestry activity” to clarify those standing to benefit from financial assistance.

Clause 2

LORD GRANTCHESTER

Page 3, line 27, at end insert “, but such conditions must be consistent with the objective set out in section (*Financial assistance: limitation of spend on administration or consultancy*).”

After Clause 3

LORD GRANTCHESTER

Insert the following new Clause –

“Financial assistance: limitation of spend on administration or consultancy

- (1) It shall be an objective of the Secretary of State to ensure that no more than 5% of financial assistance in any particular financial year is spent on administration or consultancy (“the administration limit”).
- (2) The administration limit applies to both providers and recipients of financial assistance.
- (3) Where any single recipient of financial assistance is operating under more than one scheme, the administration limit may be applied as an average across all schemes.

After Clause 3 - continued

- (4) The Secretary of State may by regulations –
 - (a) amend the maximum proportion of financial assistance that can be spent on administration or consultancy, or
 - (b) provide for different limits to apply to providers and recipients of financial assistance.
- (5) Regulations made under subsection (4) are subject to the negative resolution procedure.
- (6) In this section, “administration or consultancy” includes money spent on administration or consultancy other than in connection with the purposes in section (*Financial assistance: duty to provide advice*).

Clause 4

LORD TEVERSON

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

Clause 11

THE DUKE OF WELLINGTON

Page 9, line 24, at end insert –

- “() The power conferred by subsection (1) must require a determination by the Secretary of State on the economic and social impact of phasing out direct payments on smaller farmers in England, with special regard for the effects on livestock farms in Less Favoured Areas.”

Member’s explanatory statement

This amendment seeks to safeguard the direct payments to smaller livestock farms in Less Favoured Areas and the prospect of excluding such farms from those reductions.

After Clause 16

THE EARL OF DUNDEE

Insert the following new Clause –

“Development of agricultural smallholdings

The Secretary of State may give incentives and financial assistance to local authorities to facilitate private investment for combined smallholding home and workspace development with the following purposes –

- (a) encourage the construction of affordable rural houses;
- (b) increase private investment in rural entrepreneurial job creation in farming and ancillary employment;
- (c) increase supplies of locally grown, fresh food to improve food security;
- (d) increase productivity and greater profitability through agroecological farming on smallholdings; and
- (e) reduce emissions of greenhouse gases, regenerate soil fertility and nurture biodiversity through smallholder farming.”

Member's explanatory statement

This new Clause would enable Government incentives and financial support to local authorities to encourage private investment in combined smallholding home and workspace development to promote employment whilst increasing local food supplies through more productive and profitable agroecological smallholder farming.

Clause 32

LORD CAMPBELL-SAVOURS

Page 30, line 30, at end insert –

“(5) Before subsections (1) to (4) come into effect, the Secretary of State must consult with persons he or she considers appropriate.”

After Clause 34

THE EARL OF DUNDEE

As an amendment to the Amendment tabled by Baroness Young of Old Scone on sheet HL Bill 112(n)

After subsection (2)(c) insert –

“(d) proposals to support landowners to make land available to new entrants and farming entrepreneurs.”

Member's explanatory statement

Within the land use context of the new Clause this amendment would enable the Secretary of State to support landowners to make land available to new entrants and farming entrepreneurs.

BARONESS YOUNG OF OLD SCONE

Insert the following new Clause –

“Duty to consult on a new environmental regulatory regime for agriculture in England

- (1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish proposals for a new environmental regulatory regime for agriculture in England in accordance with this section.
- (2) Following publication, the Secretary of State must consult all interested stakeholders on the proposals mentioned in subsection (3).
- (3) The proposals for a new regulatory regime mentioned in subsection (1) must include –
 - (a) consideration of the role of agriculture in achieving environmental objectives;
 - (b) clear objectives for the regulatory regime with specific reference to the agricultural sector;
 - (c) a new model for securing compliance with regulation formulated with a view to ensuring significant change in the behaviour of producers;
 - (d) targets for compliance with environmental regulation;

After Clause 34 - continued

- (e) amendments to existing regulations and new regulations required to maintain agricultural environmental standards following the removal of cross-compliance and to support the new environmental objectives and priorities proposed in accordance with this section;
- (f) assessment of the resources needed to implement the new model mentioned in paragraph (c) and achieve the compliance targets mentioned in subsection paragraph (d);
- (g) any other issues that the Secretary of State considers relevant.”

Member’s explanatory statement

This new Clause would update the regulatory framework for agriculture to fill gaps and bring it in line with environmental objectives, and to create effective compliance mechanisms.

LORD RANDALL OF UXBRIDGE
BARONESS YOUNG OF OLD SCONE

Insert the following new Clause –

“Hedgerows

- (1) The Hedgerow Regulations 1997 (SI 1197/1160) are amended as follows.
- (2) In regulation 2 (interpretation) after “filled)” insert –
“hedgerow” includes, in so far as the meaning of these regulations permit, stone walls, stone banks and earth banks;”
- (3) In regulation 3 (application of Regulations) after paragraph (5) insert –
“(6) In so far as a hedgerow is formed of a stone wall, stone bank or earth bank –
 - (i) any reference in this regulation to “20 metres” shall be interpreted as “10 metres”; and
 - (ii) these Regulations apply to a continuous length of hedgerow which is less than 10 metres but forms an enclosure.”
- (4) In regulation 4 (criteria for determining “important” hedgerows) after “1” insert “except in so far as the hedgerow is formed of a stone wall, stone bank or earth bank,”
- (5) After regulation 5 insert the following new regulation –
“5A Management of hedgerows
 - (1) An owner of a hedgerow must ensure that –
 - (a) all reasonable steps are taken to permit the natural establishment of plant cover on land within 2 metres of the centre of a hedgerow; and
 - (b) where such plant cover exists, no cultivation is undertaken and no fertilisers or pesticides are applied within 2 metres of the centre of a hedgerow.
 - (2) An owner must not cut or trim a hedgerow between 1st March and 31st August.”
- (6) In regulation 6 (permitted work) –
 - (a) in paragraph (1), after “removal” insert “and management”; and

After Clause 34 - continued

- (b) in paragraph (1)(j), after “hedgerow” insert “which shall not include removal of green cover or application of fertilisers or pesticides within 2 metres of the centre of a hedgerow”.
- (7) In regulation 7(1) (offences) –
 - (a) after “removes” insert “or manages”;
 - (b) after “remove” insert “or manage”; and
 - (c) after “(9)” insert “, or regulation 5A”
- (8) In Schedule 4 (form of hedgerow removal notice) –
 - (a) after “planted” insert “or constructed”; and
 - (b) after “planting” insert “or construction”.

Member’s explanatory statement

This amendment affords protection to hedgerows by bringing into English law aspects of GAEC 7a which will be lost if cross-compliance is removed.

Insert the following new Clause –

“Amendments to the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018

- (1) Regulation 10 (managing livestock and soil) of the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (SI 2018/151) are amended as follows.
- (2) After paragraph (1) insert –
 - “(1A) A land manager must –
 - (a) produce and keep a map showing all surface waters, springs, wells and boreholes;
 - (b) update the map with any changes within 3 months from the date of change; and
 - (c) provide a copy of the map upon request to any officer of the Agency.”
- (3) After paragraph (2) insert –
 - “(2A) A land manager must maintain green cover on land within 2 metres of any watercourse, field ditch, surface water, spring, well or borehole, or on land from the edge of any watercourse, field ditch or surface water within 1 metre on the landward side of the top of any bank.”
- (4) After paragraph (7) insert –
 - “(8) In this regulation –
 - “surface water” means all inland freshwaters and any lake or pond which (whether it is natural or artificial or above or below ground) does not discharge into a river or watercourse.”

Member’s explanatory statement

This amendment affords protection to small water bodies by bringing into English law aspects of GAEC 1 which will be lost if cross-compliance is removed.

BARONESS BENNETT OF MANOR CASTLE

Insert the following new Clause –

“Duty to report to Parliament on the state of agricultural land

- (1) The Secretary of State must, at least once every two years, prepare and lay before Parliament a report containing an analysis of statistical data relating to the state of agricultural land in the United Kingdom.
- (2) The data analysed in the report must include (among other things) data about the following matters –
 - (a) the condition of the soils, including carbon stored;
 - (b) the level and diversity of wildlife populations, including insects, mammals and birds;
 - (c) the diversity of wild plant life and crops;
 - (d) the level of conversion of pastoral, arable and horticultural land converted to organic production;
 - (e) the percentage of land using agroforestry methods;
 - (f) the level of usage of artificial and natural fertiliser; and
 - (g) the level of usage of herbicides and pesticides.
- (3) This report must include targets for the following reporting period and for the period of the current multi-annual funding plan for increasing the things set out in paragraphs (2)(a) to (e), and the reduction of artificial and natural fertiliser and herbicides and pesticide under paragraphs (f) and (g).”

Member’s explanatory statement

This amendment provides for a regular report to Parliament regarding the state of agricultural land and targets for improving it.

Insert the following new Clause –

“Repeal of exemptions for pre-1991 silos, slurry storage systems or fuel storage tanks

- (1) The Secretary of State must by regulations repeal regulation 6 (exemptions) of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (SI 2010/639) no later than 31st December 2023.
- (2) Regulations under this section are subject to the affirmative resolution procedure.”

After Clause 35

BARONESS MALLALIEU
LORD TREES
LORD DE MAULEY

Insert the following new Clause –

“Mandatory labelling of animal products as to method of farming and slaughter

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a report detailing proposals for the terms of labelling, including symbols, for meat, dairy and egg products covered based on welfare outcomes.

After Clause 35 - continued

- (2) After a report has been published under subsection (1), the Secretary of State must make regulations requiring meat, meat products, milk, milk products and egg products (including those produced intensively indoors) to be labelled as to the method of farming.
- (3) Regulations under subsection (2) must provide for –
 - (a) the labelling terms to be used for each product based on the report published under subsection (1) and the conditions that must be met for the use of each labelling term,
 - (b) meat and meat products to be labelled as to the method of slaughter, and
 - (c) labelling to be placed on the front outer surface of any packaging of the product and use easily visible and clearly legible type.
- (4) Regulations under subsection (2) may exclude from the labelling requirement products containing meat, meat products, milk, milk products or egg products where the total proportion by weight of one or more of these items in the product is less than 15%.
- (5) Regulations under subsection (2) must be made within one year of the day on which this Act is passed.
- (6) 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 labelling regulations that require meat, meat products, milk and milk products, and egg products, including those which have been produced intensively, to be labelled as to farming method and for meat products to be labelled as to method of slaughter.

After Clause 42

LORD HOLMES OF RICHMOND

Insert the following new Clause –

“Digital means of compliance with statutory obligations

- (1) The Chair of the Agriculture and Horticulture Development Board shall from time to time issue a letter designating that any statutory reporting obligation of any agricultural or horticultural entity under any Act may be administered and complied with by digital means.
- (2) A letter may only be issued when a method of digital submission for any such reporting obligation is, in the opinion of the Agriculture and Horticulture Development Board, widely available, accessible and affordable by those subject to the relevant statutory obligations.
- (3) Statutory reporting obligations may relate to any aspect of agricultural or horticultural activity either in the United Kingdom or in relation to produce imported into the United Kingdom including but not limited to –
 - (a) soil treatment,
 - (b) import practices,
 - (c) food and drink safety, and

After Clause 42 - continued

- (d) compliance with Sustainable Development Goals as designated by the United Nations.
- (4) Before issuing such a letter the Chair of the Agriculture and Horticulture Development Board must conduct a consultation for at least three months from the day it commences with those subject to the obligations and the relevant Government Departments or other authorities by whom the obligations are administered and enforced.
- (5) When a letter is issued by the Chair of the Agriculture and Horticulture Development Board under subsection (1), the Secretary of State must by regulations provide for the statutory obligations set out in the letter to be administered and complied with by digital means.
- (6) Regulations made under subsection (5) are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This amendment would enable those involved in the agricultural and horticultural industries to achieve compliance with statutory obligations through digital means.

Insert the following new Clause –

“Report on digital means of compliance with statutory obligations

- (1) The Chair of the Agriculture and Horticulture Development Board must submit a report to the Secretary of State on the feasibility and means of enabling compliance with any statutory obligation created by this Act and any other Act relating to the agriculture and horticulture industries in the UK by digital means.
- (2) A report under subsection (1) must include –
 - (a) input from relevant Departments and other Government agencies, and
 - (b) consideration of how distributed ledger and other emerging technologies can –
 - (i) reduce the overall cost, burden and time involved in such reporting for compliance with statutory obligations relating to the agriculture and horticulture industries in the UK, and
 - (ii) improve the productivity and sustainability of the agriculture and horticulture industries in the UK.”

Member’s explanatory statement

This amendment would require a report regarding the feasibility and means of enabling the agricultural and horticultural industries to achieve compliance with statutory obligations through digital means.

Schedule 5

LORD HAIN

Page 61, line 10, at end insert –

“5A The Welsh Ministers must from time to time prepare and publish a multi-annual financial framework and delivery plan, in consultation with the Secretary of State, giving information about the expected use of financial assistance allocated to persons in Wales under section 1 of this Act.”

Member’s explanatory statement

This amendment aims to increase accountability for the integrated agri-food supply chain by encouraging sharing/tracing data for diseases or bad practice around cross boarder activities.

After Clause 45

BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Engagement with the devolved administrations

- (1) The Secretary of State must, before the end of the period of 3 months beginning with the day on which this Act is passed, present proposals to –
 - (a) Scottish Ministers,
 - (b) Welsh Ministers, and
 - (c) DAERA
 for establishing an Agriculture Co-ordination Council.
- (2) If the proposals under subsection (1) are agreed to, the Council may (among other things) establish a mechanism to monitor any disparities within the United Kingdom –
 - (a) in standards of food production;
 - (b) arising from the exercise of powers to give financial assistance for any purpose which may be specified;
 - (c) arising from the power to make payments under the basic payment scheme or to make delinked payments; and
 - (d) in marketing standards.
- (3) The Council shall keep under review any relevant common frameworks between the constituent parts of the United Kingdom.
- (4) The Council may amend a framework if there is unanimous consent to do so.
- (5) In the event that one or more of the parties listed in subsections (1)(a) to (c) declines the proposal to establish an Agricultural Co-ordination Council –
 - (a) the establishment of such a body may proceed without them, and
 - (b) the ability to amend a framework under subsection (4) shall apply, insofar as the changes made do not impact on any party that has not consented to them.
- (6) In this section “any relevant common frameworks” includes (but is not limited to) arrangements which are subject to the reporting process outlined in Part 2 of Schedule 3 of the European Union (Withdrawal) Act 2018.”

Member's explanatory statement

This new Clause would require the Secretary of State to propose the creation of a formal Agriculture Co-ordination Council responsible for (a) monitoring disparities in agricultural and food standards across different parts of the UK, and (b) keeping under review relevant common frameworks.

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1 July 2020
