

Agriculture Bill

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 1st July 2020, as follows –

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 4

LORD TEVERSON

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

THE EARL OF DEVON
LORD CAMERON OF DILLINGTON

131 Page 5, line 17, leave out “five” and insert “seven”

Member’s explanatory statement

This amendment aims to reduce the politicisation of multi-annual assistance plans, and ensure their renewal schedule is not timed to coincide with election cycles.

LORD LUCAS

132 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.

THE EARL OF DEVON

133 Page 5, line 22, after “State” insert “at least two months”

Member’s explanatory statement

This amendment would require the multi-annual financial assistance plan to be laid before Parliament so that it can be considered for at least two months before coming into effect.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
LORD WIGLEY

134 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.”

After Clause 4

LORD LUCAS
LORD ADDINGTON

135 Insert the following new Clause –

“Financial assistance: provision of advice

The Secretary of State must ensure that advice is made available to potential recipients and recipients of financial assistance to –

- (a) support the achievement of strategic priorities set out in the multi-annual financial assistance plan by virtue of section 4(2)(b),
- (b) support compliance with legal requirements relevant to agricultural, horticultural or forestry activities undertaken by producers in England including conditions for financial assistance, and
- (c) assist compliance with conditions for financial assistance through advice as opposed to enforcement and penalties.”

Member’s explanatory statement

This amendment would ensure that farmers and land managers in England are supported by sufficient advice to realise the strategic priorities for financial assistance, and to comply with relevant legal requirements.

Clause 5

BARONESS JONES OF MOULSECOOMB

136 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
BARONESS JONES OF MOULSECOOMB

137 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”

LORD ADDINGTON
BARONESS SCOTT OF NEEDHAM MARKET
BARONESS GREY-THOMPSON
LORD JUDD

138 Page 6, line 13, at end insert –

“(c) the extent to which financial assistance is given for each of the purposes listed in section 1(1) and (2)”

Member’s explanatory statement

This amendment would allow for greater clarity on the different public goods being delivered through the financial assistance scheme, including public access to the countryside, farmland, water and woodland.

Clause 6

LORD KREBS
BARONESS JONES OF WHITCHURCH

139 Page 6, line 44, at end insert –

“(4A) Monitoring under subsection (1) or (2) must be carried out in such manner and for such period as to determine whether financial assistance given, in conjunction with other relevant provisions, has had a positive impact on the purposes set out under section 1(1)(a) to (j).

(4B) For the purposes of subsection (4A), “other relevant provisions” may include, but is not limited to –

- (a) legal obligations on producers in England relating to agricultural, horticultural or forestry activities;
- (b) financial assistance provided by virtue of section 1(2);
- (c) relevant provisions under Part 3 of this Act.”

Member’s explanatory statement

This amendment would ensure that the total impact of the Bill on the public goods purposes included in Clause 1 is monitored and reported on, including taking into account regulation, support for productivity improvements and for ancillary activities and market interventions, amongst others as relevant.

After Clause 6

LORD GREAVES

140 Insert the following new Clause—

“Financial assistance to be provided on the basis of public funds for public goods

- (1) Financial assistance under this Chapter may only be provided if it is in accordance with the rule “public funds for public goods”.
- (2) The rule referred to in subsection (1) is to be provided for in regulations made by the Secretary of State.
- (3) Regulations made under this section are subject to affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would require that the meaning of public goods for the purpose of this legislation is set out and agreed by Parliament and provides a clear basis for the provision of financial assistance.

141 Insert the following new Clause—

“Requirement to join a project

- (1) This section applies to projects which are provided with financial assistance under this Chapter and are intended to deliver landscape scale land-use change.
- (2) The Secretary of State may by order instruct an owner or manager of land to take part in a project described in subsection (1).
- (3) An order under subsection (2) may not be made unless—
 - (a) the owner or land manager has been provided with reasonable opportunities to take part on the same basis as the owners and managers of all the other land which forms part of the project;
 - (b) the inclusion of the land is necessary for the successful operation and completion of the project;
 - (c) the project is in the public interest for one or more of the purposes set out in section 1;
 - (d) an order to the same effect is made in relation to any other land within the same project to which the same conditions apply.
- (4) An order made under this section is subject to affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would provide a means of resolving a dispute in the case where a necessary large-scale “Tier 3” scheme is being blocked by the refusal of the owner or manager of part of the land to take part (for instance where a coastal marsh creation or a large-scale moorland restoration is being proposed).

Clause 8

LORD TEVERSON

142 Page 7, line 39, leave out “seven” and insert “five”

Member’s explanatory statement

This amendment reduces the period of transition to the new environmental land management scheme by two years.

BARONESS MCINTOSH OF PICKERING

BARONESS JONES OF MOULSECOOMB

THE EARL OF CAITHNESS

THE EARL OF DEVON

143 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.

LORD CARRINGTON

LORD CURRY OF KIRKHARLE

144 Page 7, line 40, at end insert –

“(1A) Where any business is in receipt of direct payments under the basic payment scheme, any financial assistance from the Secretary of State may not be reduced by more than 25% of the specified amount in subsection (1B) prior to a scheme providing financial assistance under section 1(1) being introduced.

(1B) The specified amount is an amount to be determined by the Secretary of State by regulations, and may be based on –

(a) the amount a business received under the basic payment scheme for a specified year, or

(b) the average amount a business received under the basic payment scheme over specified years before 2021 determined by the Secretary of State.

(1C) Regulations under the subsection (1B) must provide for a right of appeal if a business believes that any financial assistance they receive will be reduced by more than 25% of the specified amount prior to a scheme providing financial assistance under section 1(1) is introduced.”

Member’s explanatory statement

This will ensure that any cuts in direct payments do not seriously damage the viability of businesses before the new public goods programmes are introduced.

THE EARL OF DEVON

144A Page 8, line 5, leave out from “of” to end of line 5 and insert “amending the period specified there, and must not allow the agricultural transition period to commence until satisfied that the provisions of this Chapter will not have the effect of impacting negatively the United Kingdom’s progress towards net zero emissions pursuant to section 1 of the Climate Change Act 2008.”

Member's explanatory statement

This amendment seeks to ensure that the agricultural transition period does not commence until the Secretary of State is satisfied that the agricultural transition period will not negatively impact the UK's progress towards net zero 2050.

LORD CARRINGTON

145 Page 8, line 10, after “subsection” insert “(1B) and”

Member's explanatory statement

This amendment ensures that regulations made under the amendment tabled by Lord Carrington to Clause 7, page 7, line 40 are subject to the affirmative procedure.

LORD GRANTCHESTER

146 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
LORD RANDALL OF UXBRIDGE

147 Page 8, line 26, at end insert –

- “() The Secretary of State may not make amendments to legislation, by regulations under this section, that will result in a reduction of animal welfare standards.”

Clause 9 - continued

BARONESS JONES OF MOULSECOOMB

148 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 11THE DUKE OF WELLINGTON
LORD GREAVES

149 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.

BARONESS ROCK

150 Page 9, line 24, at end insert –

“() The power under subsection (1) includes the power to increase direct payments during the agricultural transition period.”

Member’s explanatory statement

This amendment is intended to ensure that the Secretary of State is empowered to increase payments during the transition period after “phasing out” has begun if that is necessary in the circumstances, for example to utilise any unspent monies or to protect the industry from harm.

151 Page 9, line 36, at end insert –

“() Regulations under this section must set out explicit timescales for the payment of the direct payments that are due to entitled persons.”

Member’s explanatory statement

This amendment would ensure that those entitled to payments receive those payments within guaranteed timescales to help ensure certainty of cash flow.

Clause 12

BARONESS ROCK

152 Page 10, line 17, at end insert –

“() make provision setting out rules for determining the status of those persons who have received delinked payments where the agricultural transition period has been extended in accordance with section 8(3).”

Member's explanatory statement

If a delinked payment is introduced, but then the powers to extend the transition period in accordance with section 8(3) are used, the status of the farmer might become uncertain. This amendment aims to ensure that the status of such a farmer is defined in regulations to provide legal certainty.

153 Page 10, line 40, at end insert –

“(7A) Regulations under this section must set out explicit timescales for the payment of the delinked payments that are due to entitled persons.”

Member's explanatory statement

This amendment would ensure that those entitled to payments receive those payments within guaranteed timescales to help ensure certainty of cash flow.

Clause 14

BARONESS JONES OF MOULSECOOMB

154 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 16

THE EARL OF DEVON
LORD ADDINGTON

155 Page 12, line 44, at end insert –

“() making provision for future contributions to existing rural socio-economic schemes;”

Member's explanatory statement

This amendment would safeguard the availability of financial provisions to continue the socio-economic programmes under Rural Development Programmes in the event of delays in the introduction of the UK Shared Prosperity Fund.

LORD CAMERON OF DILLINGTON

156 Page 12, line 44, at end insert –

“() providing new socioeconomic support programmes to help farming households.”

Member's explanatory statement

This amendment ensures that DEFRA has the ability to assist farming households in a variety of ways, so they can continue to deliver agricultural food and environmental services.

LORD HOLMES OF RICHMOND
LORD CLEMENT-JONES

157 Page 12, line 44, at end insert –

“() amending Annex IV of the Regulation (indicative list) to cover broadband connectivity and digital literacy.”

Clause 16 - continued

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 16 stand part of the Bill.

After Clause 16

LORD WHITTY

LORD CURRY OF KIRKHARLE

BARONESS JONES OF WHITCHURCH

LORD JUDD

158 Insert the following new Clause—

“Smallholdings estates

- (1) Every smallholdings authority which, before the commencement of Part 1 of this Act, holds any land for the purposes of smallholdings must—
 - (a) review its smallholdings estate, and
 - (b) before the period of 18 months beginning with the day Part 1 of this Act comes into force, submit to the Secretary of State proposals with respect to the future management of its land for the purposes of providing—
 - (i) opportunities for persons to be farmers on their own account;
 - (ii) education or experience in environmental land management practices for farmers, potential farmers and farm workers;
 - (iii) opportunities for increasing public access to the natural environment and understanding of sustainable farming; and
 - (iv) opportunities for innovation in sustainable land management practices.
- (2) No land held by a smallholdings authority immediately before the commencement of Part 1 of this Act is to be conveyed, transferred, leased or otherwise disposed of other than—
 - (a) in connection with the purposes listed in subsection (1), or
 - (b) in accordance with the 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 "county farms" by local authorities and would require local authorities to review their holdings and submit proposals for future management to provide opportunities to extend farming to new farmers, provide agricultural education and stimulate innovation.

THE EARL OF DUNDEE

159 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—

After Clause 16 - continued

- (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.

LORD GREAVES
LORD INGLEWOOD
LORD ADDINGTON

159A Insert the following new Clause –

“Support in relation to common land, etc

- (1) The Secretary of State may by regulations make provision for the circumstances in which financial support is given in relation to registered common land, other land subject to rights of common, and land subject to shared grazing right.
- (2) In this section, “financial support” means –
 - (a) financial assistance under section 1,
 - (b) relevant payments under Chapter 2, or
 - (c) other financial support under this Chapter.
- (3) Regulations under this section may include –
 - (a) the circumstances in which financial support may be allocated among two or more persons having an interest in such land;
 - (b) the method and terms on which any financial support may be allocated amongst those persons;
 - (c) the conditions that may be attached to such financial support.
- (4) In this section, “registered common land” means land registered as common land in a register of common land kept under Part 1 of the Commons Act 2006 or the Commons Registration Act 1965.
- (5) Regulations under this section are subject to negative resolution procedure.”

Clause 17

BARONESS JONES OF WHITCHURCH
LORD GRANTCHESTER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD JUDD

- 160 Page 14, line 20, leave out “at least once every five years” and insert “within 12 months of the passing of this Act, and every three years thereafter”

Member’s explanatory statement

This amendment would require the Secretary of State to lay the first report on UK food security within 12 months of the Act being passed and publish further reports every three years thereafter.

THE EARL OF DEVON
LORD CORMACK

- 161 Page 14, line 20, leave out “five” and insert “three”

Member’s explanatory statement

This amendment will ensure food security reporting occurs with more regularity.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS RITCHIE OF DOWNPATRICK
THE EARL OF CAITHNESS

- 162 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.

LORD HODGSON OF ASTLEY ABBOTTS
LORD GREAVES

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

Member’s explanatory statement

This would require the government to make specific reports on key aspects of food security and on Government policy responses thereto if any.

LORD HAIN
BARONESS HUMPHREYS
LORD BRUCE OF BENNACHIE

- 164 Page 14, line 22, at end insert “, having beforehand shared the data and report with the devolved administrations and including sections of the report associated with the devolved administrations.”

Member’s explanatory statement

This would enable the data and report to be used by the Welsh Government and devolved administrations to complement the UK Government in delivering an integrated food supply chain in the UK.

LORD NORTHBROOK

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

BARONESS BOYCOTT

BARONESS MEACHER

BARONESS BENNETT OF MANOR CASTLE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

166 Page 14, line 32, at end insert –

“(f) household food insecurity”

LORD HAIN

BARONESS RITCHIE OF DOWNPATRICK

LORD BRUCE OF BENNACHIE

167 Page 14, line 32, at end insert –

“(f) food insecurity.

- (3) For the purposes of this section “food insecurity” means a person’s state in which consistent access to adequate food is limited by a lack of money and other resources at times during the year.
- (4) Before laying a report under subsection (1) the Secretary of State must –
 - (a) consult the Scottish Ministers, the Welsh Ministers, the relevant Northern Ireland department, and such other persons as the Secretary of State considers appropriate, and
 - (b) have due regard to international best practice on food insecurity, including but not limited to the United States Household Food Security Survey.
- (5) A report under subsection (1) must include –
 - (a) an assessment of trends in food insecurity, broken down by different parts of the United Kingdom and different regions of England, and
 - (b) a summary of actions to be taken in areas of high food insecurity by the UK Government, the Scottish Government, the Welsh Government or the Northern Ireland Executive.
- (6) The Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department before preparing a report under subsection (1).
- (7) In this section –

“parts of the United Kingdom” means –

 - (a) England,
 - (b) Scotland,
 - (c) Wales, and
 - (d) Northern Ireland;

“regions of England” has the same meaning as that used by the Office for National Statistics.”

Member’s explanatory statement

This amendment would add food insecurity to the matters to be covered by the report.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

- 168 Page 14, line 32, at end insert –
“() the availability of UK-grown plant-based food products and the impact on the United Kingdom’s food security.”

BARONESS PARMINTER
BARONESS BENNETT OF MANOR CASTLE
LORD ADDINGTON
LORD GREAVES

- 169 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 HAIN

- 170 Page 14, line 32, at end insert –
“() the provision of food to meet consumer diets and its impact on the environment.”

Member’s explanatory statement

This amendment would make the link between food provision, diet and the environment.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS JONES OF WHITCHURCH

- 171 Page 14, line 32, at end insert –
“() 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.

LORD HODGSON OF ASTLEY ABBOTTS
LORD GREAVES

- 172 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, including among other things –
(a) the expected availability of water for agriculture and personal consumption, nationally and by region;

Clause 17 - continued

- (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.”

Member’s explanatory statement

This would require the government to make specific reports on key aspects of food security and on Government policy responses thereto, if any.

After Clause 17

BARONESS JONES OF WHITCHURCH
 BARONESS BENNETT OF MANOR CASTLE
 LORD KREBS
 BARONESS RITCHIE OF DOWNPATRICK

173 Insert the following new Clause –

“National food plan

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty’s Government proposes to take –
 - (a) to increase the proportion of food consumed in the United Kingdom which has been produced domestically,
 - (b) to prevent avoidable food waste through the supply chain,
 - (c) to reduce food poverty,
 - (e) to address poor nutrition and obesity,
 - (f) to promote high standards of United Kingdom produce, and
 - (g) to support the development of local and regional food identities.
- (2) A strategy under subsection (1) must include consideration of the case for –
 - (a) introducing a public procurement policy for the public sector that promotes the purchase of British produce,
 - (b) the promotion of food security and access to food,
 - (c) amending food labelling requirements to include –
 - (i) country of origin, and
 - (ii) method of production,
 - (d) introducing a robust certification system for food excellence,
 - (e) increasing confidence in produce by addressing issues relating to –
 - (i) pesticide residues, and
 - (ii) the use of antibiotics, and
 - (f) enabling the application of the latest scientific research to food technology.
- (3) In preparing the strategy under subsection (1), the Secretary of State must consult –
 - (a) other relevant Ministers of the Crown,

After Clause 17 - continued

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

Member’s explanatory statement

This new Clause would require the Secretary of State to prepare a national food plan within six months of the Act being passed. The strategy would cover matters such as increasing the UK’s self-sufficiency in food production and give consideration to various means of achieving different food-related goals.

Clause 18

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

- 174** 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”

LORD HAIN
 LORD CORMACK

- 175** Page 15, line 3, after “markets” insert “including one caused by meeting the needs of the environment”

Member’s explanatory statement

To meet the needs of the environment there may need to be a restructuring of the agricultural sector which is likely to cause exceptional market conditions.

Clause 19

BARONESS JONES OF MOULSECOOMB

- 176** Page 16, line 22, at end insert –
 “() The Secretary of State may not give financial assistance under this section to producers that do not meet animal welfare standards, including failing to provide living conditions for livestock as defined by the five needs under section 9(2) (duty of person responsible for animal to ensure welfare) of the Animal Welfare Act 2006.”

Clause 21

THE EARL OF CAITHNESS

- 177** Page 17, line 39, leave out from beginning to “so” and insert “that person’s activities connected with the supply chain for the purposes set out in section 23”

Clause 21 - continued

LORD LUCAS

- 178 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.

THE EARL OF CAITHNESS

- 179 Page 17, line 43, leave out “any of the” and insert “that”

- 180 Page 17, line 44, after “chain” insert “for the purposes set out in section 23”

LORD LUCAS

- 181 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.

THE EARL OF CAITHNESS

- 182 Page 18, line 13, at end insert –

“(9) The Secretary of State may in addition authorise –

- (a) a non-departmental public body,
- (b) a non-Ministerial department, or
- (c) a body whose functions are provided for under any enactment,

to exercise any of the Secretary of State’s powers under this Part in respect of specified projects for the purposes set out in section 23, but any such authorisation must be in writing.

- (10) Any body authorised by the Secretary of State under subsection (9) must comply with the requirements imposed on the Secretary of State in exercising the powers under this Part, as if that body were the Secretary of State.”

Member’s explanatory statement

This amendment aims explicitly to limit the information that can be required to the purposes listed in section 23, and to limit the persons able to use the powers in this Part.

Clause 22

LORD LUCAS

- 183 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.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

184 Page 18, line 35, after “plants” insert “or fungi”

LORD LUCAS

185 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.

THE EARL OF CAITHNESS

186 Page 18, line 39, leave out paragraph (c) and insert—

- “(c) any person whose activities do, or the Secretary of State reasonably suspects may, negatively affect the health of creatures or plants in the supply chain, or the safety or quality of the food and drink to be provided to consumers, and”

187 Page 18, line 42, at end insert “, where those bodies collect and hold statistical or numerical data on behalf of that person in relation to that person’s activities connected to the supply chain for the purposes set out in section 23, in which case the information which may be required to be provided from such bodies under section 21(1) or (2) is limited to such statistical or numerical data.”

Member’s explanatory statement

This amendment aims to limit the persons who can be required to provide information and to ensure that the purposes for which the information can be required are clear.

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

188 Page 19, line 4, after “plants” insert “or fungi”

189 Page 19, leave out line 6

Clause 23

THE EARL OF CAITHNESS

190 Page 19, line 19, leave out from second “or” to end of line 28 and insert—

- “(iii) improve the efficiency or environmental performance of the agri-food supply chain,
- (iv) reduce waste in the agri-food supply chain, or
- (v) manage market volatility;
- (b) promoting transparency or fairness in agri-food supply chains;
- (c) promoting the health, welfare or traceability of creatures of a kind kept for the production of food, drink, fibres or leathers;
- (d) promoting the health or quality of plants, fungi or soil; or”

Member's explanatory statement

This amendment aims to ensure that the focus of the information collection requirements in Part 3 is tied to helping those within the agri-food supply chain improve their practices and enhance efficiencies, and not wider environmental and waste objectives.

Clause 25

THE EARL OF CAITHNESS

191 Page 20, line 29, at end insert –

“() The requirement specifications made under subsections (5) and (6) must in all cases be reasonable and must not impose a manifestly unfair burden on the person from whom the information is required.

() Information may not be required under section 21(1) or (2) where that information is held by the person only by virtue of it having been disclosed to that person by a third party under a duty of confidence.”

Member's explanatory statement

This amendment seeks to ensure that requests for information are reasonable and not unfairly burdensome, and that information held in commercial confidence from a third party could not be required.

192 Page 20, line 37, after “interests” insert “(including intellectual property rights)”

Member's explanatory statement

This amendment ensures that commercial interests explicitly include intellectual property rights.

Clause 26

THE EARL OF CAITHNESS

193 Page 21, line 13, at end insert “, or of obligations imposed on persons to whom disclosure is made under the provisions of section 25(9).”

194 Page 21, line 43, at end insert –

“(5A) Any monetary penalties introduced under subsection (4)(a) must be proportionate, taking into account the nature of the non-compliance and the financial capacity of the party subject to the penalty.”

Member's explanatory statement

This amendment aims to ensure that any enforcement action is proportionate to the non-compliance.

Clause 27

LORD EMPEY
THE EARL OF DUNDEE

195 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.

LORD GRANTCHESTER

As an amendment to Amendment 195

195A After “must” insert “, within 12 months of the day on which this Act is passed,”

Member's explanatory statement

This amendment to Amendment 195 in the name of Lord Empey would require the Clause 27 regulations to be made within 12 months of this Act being passed.

195B Page 22, line 5, after “on” insert “all”

Member's explanatory statement

This amendment would make clear that the obligations introduced in regulations under Clause 27(1) would apply to all business purchasers of agricultural products.

195C Page 22, line 7, after “sellers” insert “in all sectors listed in Schedule 1.”

Member's explanatory statement

This amendment makes clear that the obligations introduced in regulations under Clause 27(1) would apply across all farming sectors listed in Schedule 1.

195D Page 22, line 11, leave out “fair contractual dealing” and insert “—

(a) fair dealing, and

(b) fair contractual dealing”

Member's explanatory statement

This amendment would allow the regulation making powers in subsection (1) to be used to promote the general principle of fair dealing between purchasers and sellers, rather than limiting this to instances where a contract exists.

195E Page 22, line 12, at end insert —

“(2A) The Secretary of State may also exercise the powers under subsection (1) for the purpose of promoting fair dealing in the purchase of agricultural products in one or more of the sectors listed in Schedule 1 by business purchasers from qualifying sectors.”

Member's explanatory statement

This amendment would allow the Secretary of State to exercise the powers under subsection (1) to promote fair dealing between purchasers and sellers across the range of agricultural sectors listed in Schedule 1.

195F Page 23, line 13, at end insert —

“() the balance of risk between business purchasers and agricultural producers in respect of unforeseeable events outside of either party's control;

Clause 27 - continued

- () any other matters which may promote fair contractual dealing by business purchasers of agricultural products from a qualifying seller.”

Member’s explanatory statement

This amendment would allow obligations to be imposed in contracts which would improve the balance of risk between producers and purchasers, particularly in the event of unforeseen events such as the Covid-19 pandemic.

BARONESS JONES OF MOULSECOOMB

196 Page 23, line 13, at end insert –

- “() For the purposes of subsection (7)(a), “quality” must include animal welfare standards which exceed the statutory minimums for the appropriate animal product, including those established under the Animal Welfare Act 2006, relevant regulations and codes of practice.”

LORD GRANTCHESTER
BARONESS JONES OF WHITCHURCH

197 Page 23, line 15, leave out “a specified person” and insert “the Groceries Code Adjudicator”

Member’s explanatory statement

This amendment is intended to ensure that the role of regulating agricultural contracts is given to the Groceries Code Adjudicator’s office

198 Page 23, line 23, at end insert –

“(8A) The Groceries Code Adjudicator Act 2013 is amended as follows.

(8B) After section 2 (arbitration) insert –

“2A Fair dealing: determination of complaints alleging non-compliance

- (1) If a complaint relating to alleged non-compliance is referred to the Adjudicator under section 27(8)(a) of the Agriculture Act 2020, the Adjudicator must determine the complaint.
- (2) In determining any allegation of non-compliance under subsection (1), the Adjudicator must act in accordance with any regulations made under section 27(1) of the Agriculture Act 2020 which make provision for investigation of complaints, imposition of penalties or a requirement to pay compensation, as specified by section 27(8) of that Act.”

Member’s explanatory statement

This amendment would specify the process to be followed by the Groceries Code Adjudicator’s office in determining a complaint made under the Agriculture Act 2020.

199 Page 23, line 25, after “any” insert “competent and appropriate”

Member’s explanatory statement

This amendment would ensure that the role of regulating agricultural contracts is given to a body which is competent to undertake qualitative assessments; for example, the Groceries Code Adjudicator’s office.

200 Page 23, line 26, after first “a” insert “competent and appropriate”

Member’s explanatory statement

This amendment would ensure that the role of regulating agricultural contracts is given to a body which is competent to undertake qualitative assessments; for example, the Groceries Code Adjudicator’s office.

Clause 28

BARONESS JONES OF MOULSECOOMB

201 Page 24, line 38, at end insert –

“() where the organisation includes members that produce animal-based products, that the organisation has designated a member with responsibility to maintain, monitor, evaluate, improve and promote animal welfare.”

LORD CARRINGTON

202 Page 25, leave out lines 9 and 10

Member’s explanatory statement

This amendment would remove the requirement to publish every Producer Organisation grant online.

Schedule 2

LORD CARRINGTON

203 Page 45, line 22, leave out “For sub-paragraph (1) substitute” and insert “After sub-paragraph (1) insert”

Member’s explanatory statement

This amendment would retain the current Common Agricultural Policy objectives exemption from competition law for relevant agreements.

204 Page 47, line 12, leave out “, provided that the condition in sub-paragraph (2) is also met”

Member’s explanatory statement

This amendment seeks to remove the requirement for Recognised Inter Branch Organisations to notify all agreements to the CMA.

205 Page 47, leave out lines 16 to 39

Member’s explanatory statement

This amendment seeks to remove the requirement for Recognised Inter Branch Organisations to notify all agreements to the CMA.

Clause 30

BARONESS JONES OF MOULSECOOMB

206 Page 26, line 18, at end insert –

“() Where regulations under section 28 or 29 may affect livestock producers, the Secretary of State must consult representatives of the animal welfare sector.”

After Clause 30

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS RITCHIE OF DOWNPATRICK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

207 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.”

Clause 32

BARONESS JONES OF MOULSECOOMB

208 Page 29, leave out lines 36 to 44 and insert –

“(1) The Secretary of State must by order under section 87(1)(a) establish a body to be known as the Animal Food Product Traceability Authority (“the Authority”) with the functions of monitoring and regulating the labelling and marketing of animal food products in accordance with regulations made under section 35 of the Agriculture Act 2020.

(1A) The Authority may be assigned functions that are exercisable in relation to England, Wales, Northern Ireland or Scotland under section 87(1)(b) and relate to –

- (a) collecting, managing and making available information regarding the identification, movement and health of animals, or
- (b) the means of identifying animals.”

LORD GARDINER OF KIMBLE
LORD CORMACK

209 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).

LORD CAMPBELL-SAVOURS

210 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.”

Clause 33

BARONESS JONES OF MOULSECOOMB

211 Page 30, line 32, leave out subsection (1) and insert –

“(1) The red meat levy is to be known as the animal slaughter levy.

(1A) A scheme under this section (“the scheme”) –

- (a) may make provision for amounts of animal slaughter levy collected by the levy body for one country in Great Britain to be paid to the levy body for another such country, or
- (b) may amend, suspend or revoke an earlier scheme made under this section, and
- (c) must by regulations make provision so that the levy is applied to all meats and carcasses from animals slaughtered in the United Kingdom.

(1B) For the purposes of subsection (1A)(c), regulations are subject to the affirmative resolution procedure.”

LORD HAIN
LORD WIGLEY

212 Page 30, line 36, at end insert –

“(c) provide for repatriation of the levy collected in the United Kingdom supply chain to the devolved administration of origin.”

Member's explanatory statement

The structure of the red meat sector means that animals raised in Wales and other devolved administrations are slaughtered in other parts of the UK and the levy maintained by the country of slaughter. This includes animals that are PGI marked so money is not returned for the promotion of the Welsh brand.

BARONESS JONES OF MOULSECOOMB

213 Page 31, line 4, leave out “red meat” and insert “animal slaughter”

214 Page 31, line 11, leave out “red meat” and insert “animal slaughter”

215 Page 31, line 23, at end insert –

“() is to be established so that revenue from the levy is to be used to support farms which transition from livestock to plant-based food production.”

Clause 33 - continued

216 Page 31, line 31, leave out “red meat” and insert “animal slaughter”

Clause 34

THE EARL OF DEVON

The Earl of Devon gives notice of his intention to oppose the Question that Clause 34 stand part of the Bill.

Member’s explanatory statement

This notice is intended to remove agricultural tenancies provisions.

After Clause 34

LORD LUCAS

LORD RANDALL OF UXBRIDGE

217 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.

BARONESS JONES OF WHITCHURCH

LORD GRANTCHESTER

LORD CARRINGTON

BARONESS PARMINTER

218 Insert the following new Clause –

“Duty to sustain the UK agricultural industry workforce

- (1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty’s Government proposes to take to –
 - (a) ensure an appropriate supply of seasonal agricultural workers,
 - (b) increase the number of people undertaking –
 - (i) practical training, and
 - (ii) formal qualifications
 relating to agricultural work,
 - (c) ensure agricultural workers have sufficient access to –
 - (i) financial advice,
 - (ii) mental health support, and
 - (iii) any other support the Secretary of State deems appropriate, and
 - (d) ensure agricultural workers are subject to fair sectoral terms and conditions.

After Clause 34 - continued

- (2) In preparing the strategy under subsection (2), the Secretary of State must consult—
- (a) other relevant UK Ministers,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland department, and
 - (e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural industry.”

LORD JUDD
LORD GREAVES

As an amendment to Amendment 218

219 After subsection (1)(c)(i) insert—

“(ia) affordable housing,”

BARONESS FOOKES
BARONESS HODGSON OF ABINGER
LORD RANDALL OF UXBRIDGE
BARONESS JONES OF MOULSECOOMB

220 Insert the following new Clause—

“Export of farmed animals for slaughter or fattening

- (1) A person commits an offence if the person exports to any country outside the United Kingdom a farmed animal for slaughter or fattening.
- (2) A person commits an offence if the person arranges or facilitates the export to any country outside the United Kingdom of a farmed animal for slaughter or fattening.
- (3) Subsections (1) and (2) do not apply to the export of a farmed animal from Northern Ireland to the European Union.
- (4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—
 - (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;
 - (b) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 5 on the standard scale, or to both;
 - (c) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.
- (5) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, subsection (4)(a) has effect as if for “51 weeks” there were substituted “6 months”.
- (6) This section extends to England and Wales, Scotland and Northern Ireland.
- (7) This section shall come into force on “IP completion day”, where “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member's explanatory statement

This Clause prohibits the export from the UK of farm animals for slaughter or fattening. It includes an exception for exports from Northern Ireland to the EU as the Withdrawal Agreement prohibits restrictions on exports from Northern Ireland to the EU.

LORD WHITTY
BARONESS JONES OF MOULSECOOMB
LORD RANDALL OF UXBRIDGE
BARONESS HENIG

221 Insert the following new Clause—

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

- (1) The Secretary of State must by regulations make provision for prohibiting the application of any pesticide for the purposes of agriculture near—
 - (a) any building used for human 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—
 - (i) schools and childcare nurseries, and
 - (ii) hospitals.
- (2) Regulations under this section must specify a minimum distance between any of the locations listed under subsection (1)(a) to (c) to be maintained during the application of any pesticide, and list any category of building or location.
- (3) For the purposes of this section “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 from the application of chemical pesticides near buildings and spaces used by residents and members of the public.

BARONESS YOUNG OF OLD SCONE
LORD RANDALL OF UXBRIDGE

222 Insert the following new Clause—

“Community Infrastructure Levy exemption

- (1) The Community Infrastructure Levy Regulations 2010 (S.I. 2010/948) are amended as follows.
- (2) After regulation 48 insert—

“48A Exemption for new agricultural buildings
Liability for CIL does not arise in respect of a chargeable development if, on completion of that development, the building is used for the purposes of agriculture on the holding.””

Member's explanatory statement

This amendment would exclude new farm buildings from the Community Infrastructure Levy to encourage farm development.

BARONESS MCINTOSH OF PICKERING

223 Insert the following new Clause—

“Agricultural tenancy reform

- (1) The Secretary of State must, within the period of 12 months beginning with the day on which this Act is passed, publish a draft Bill consisting of—
 - (a) reforms to modernise the agricultural tenancies legislation,
 - (b) provisions to enable tenants to adapt to change, access new schemes, improve productivity and facilitate structural change, and
 - (c) such other provisions as the Secretary of State considers appropriate, where those reforms are not incorporated into Schedule 3 to this Act.
- (2) In this section, “agricultural tenancies legislation” means in particular the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.”

Member’s explanatory statement

This new Clause would ensure that the recommendations put forward by the Tenancy Reform Industry Group can be implemented in a timely manner.

THE EARL OF CAITHNESS
BARONESS BENNETT OF MANOR CASTLE

224 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.

BARONESS JONES OF MOULSECOOMB

225 Insert the following new Clause—

“Farming activity and animal welfare standards: offence

- (1) A person who is responsible for a farming activity that fails to meet animal welfare and environmental standards is guilty of an offence.
- (2) A person guilty of an offence is liable—
 - (a) on conviction on indictment, to a fine;
 - (b) on summary conviction in England and Wales, to a fine;
 - (c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.”

After Clause 34 - continued

BARONESS JONES OF WHITCHURCH
LORD RANDALL OF UXBRIDGE
LORD GREAVES

226 Insert the following new Clause—

“Monitoring pesticide use and alternatives

- (1) The Secretary of State must, within six months of this Act being passed, publish proposals—
 - (a) to monitor the use and effects of pesticides in the management of livestock or land, to conduct research into alternative methods of pest control and to promote their take-up,
 - (b) to conduct research into alternative methods of pest control and to promote their take-up, and
 - (c) to consult on a target to reduce the use of pesticides.
- (2) The proposals shall include steps to measure—
 - (a) the effect of pesticides on environmental health,
 - (b) the effect of pesticides on human health,
 - (c) the frequency with which individual pesticides are applied,
 - (d) the areas to which individual pesticides are applied, and
 - (e) the take-up of alternative methods of pest control by land use and sector.
- (3) “Environmental health” in subsection (2)(a) includes the health of flora, fauna, land, air or any inland water body.
- (4) “Human health” in subsection (2)(b) means the health of farmers, farm workers and their families, operators, bystanders, rural residents and the general public.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish proposals to monitor the impact of pesticides, to conduct research into alternative methods of pest control, to promote their take-up, and to consult on proposals to set a target to reduce the use of pesticides.

BARONESS YOUNG OF OLD SCONE
THE EARL OF CAITHNESS
BARONESS BENNETT OF MANOR CASTLE

227 Insert the following new Clause—

“Land use strategy for England

- (1) The Secretary of State must, no later than 31 March 2022, lay an agricultural land use strategy for England before Parliament.
- (2) The strategy must set out—
 - (a) the Secretary of State’s objectives in relation to sustainable agricultural land use within an integrated land use framework;
 - (b) proposals and policies for meeting those objectives;

After Clause 34 - continued

- (c) the timescales over which those proposals and policies are expected to take effect.
- (3) The objectives, proposals and policies referred to in subsection (2) must contribute to—
 - (a) achievement of the purposes for financial assistance under section 1(1) and 1(2);
 - (b) achievement of objectives in relation to mitigation and adaptation to climate change, including achieving carbon budgets under Part 1 of the Climate Change Act 2008;
 - (c) sustainable development including the use of previously agricultural land for development and infrastructure;
 - (d) the achievement of objectives of the 25 Year Environment Plan for halting the decline of biodiversity.
- (4) Before laying the strategy before Parliament, the Secretary of State must publish a draft strategy and consult with—
 - (a) such bodies as he or she considers appropriate, and
 - (b) the general public.
- (5) The Secretary of State must, no later than—
 - (a) 5 years after laying a strategy before Parliament under subsection (1), and
 - (b) the end of every subsequent period of 5 years,
 lay a revised strategy before Parliament under the terms set out in subsections (2) to (4).
- (6) The Secretary of State must, no later than 3 years after the laying of a strategy before Parliament under this section, lay before Parliament a report on the implementation of the strategy and progress in achieving the objectives, proposals and policies under subsection (2).”

Member’s explanatory statement

This new Clause would provide a land use context to enable the Secretary of State to make optimal decisions about the balance of financial assistance to the various purposes in Clause 1.

THE EARL OF DUNDEE
BARONESS BENNETT OF MANOR CASTLE

As an amendment to Amendment 227

228

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.

LORD GREAVES

As an amendment to Amendment 227

228A After subsection (6) insert—

- “(7) The agricultural land use strategy for England must—
- (a) be taken into consideration in the preparation and approval of local development plan documents under Part 3 of the Planning and Compulsory Purchase Act 2004 (including neighbourhood development plans); and
 - (b) be a relevant matter in the determination of planning applications.”

BARONESS YOUNG OF OLD SCONE

BARONESS QUIN

LORD CORMACK

229 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;
 - (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
BARONESS BENNETT OF MANOR CASTLE
BARONESS QUIN

230 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—

 - (a) any reference in this regulation to “20 metres” shall be interpreted as “10 metres”; and
 - (b) 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
 - (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.

LORD RANDALL OF UXBRIDGE
BARONESS YOUNG OF OLD SCONE
LORD GREAVES

231 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 three 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

232 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;

After Clause 34 - continued

- (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.

233 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.”

234 Insert the following new Clause—

“Agricultural extension

The Secretary of State must establish a service to provide a means for farmers to associate, and to support, advise and assist them to deliver improvements in food security, nutrition and environmental standards.”

LORD HOLMES OF RICHMOND

LORD GREAVES

LORD CORMACK

235 Insert the following new Clause—

“Prohibition of wind farms on agricultural land

The granting of applications for the construction of wind farms on land which is viable for farming, horticulture or other agricultural purposes is prohibited unless—

- (a) the local authority considers that it would not have a materially negative impact on the landscape, its wildlife, flora, fauna, birds or native species, and use as a site of natural beauty, including the visual impact of any wind turbine; or

After Clause 34 - continued

- (b) the application is for a *de minimis* number of turbines to be constructed, as prescribed by regulations made by the Secretary of State, for the production of power solely for the farmer or agricultural or horticultural producer making the application.”

THE EARL OF DEVON

236 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) is amended as follows.
- (2) In paragraph (5), after “agricultural land”, insert “and that soils are managed sustainably”.
- (3) After paragraph (6)(a)(v), insert—
 - “(vi) maintaining maximum soil cover,
 - (vii) taking actions to limit soil erosion by wind,
 - (viii) maintaining and increasing the carbon and organic content of soil, and”

Member’s explanatory statement

This new Clause amends the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 to include the sustainable management and protection of soil on agricultural land.

Schedule 3

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
THE EARL OF CAITHNESS

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

237 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.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
THE EARL OF CAITHNESS
BARONESS ROCK

238 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

Schedule 3 - continued

- (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.

BARONESS MCINTOSH OF PICKERING

- 239 Page 50, line 36, leave out “and” and insert “or
- (iii) enabling the tenant to undertake an activity to improve or maintain the productivity or sustainability of the activities undertaken on the holding, including starting, improving or maintaining an agricultural, horticultural, forestry or diversification activity, and”

- 240 Page 51, line 24, at end insert —
- ““diversification activity” means an activity which is not agricultural, horticultural or arboricultural in nature which has as its purpose the support or maintenance of the agricultural, horticultural or arboricultural activities on the holding;”

BARONESS MCINTOSH OF PICKERING
 BARONESS JONES OF MOULSECOOMB
 BARONESS NORTHOVER

- 241 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.

LORD LUCAS
 BARONESS BENNETT OF MANOR CASTLE

- 242 Page 52, line 29, leave out “three” and insert “four”

Member's explanatory statement

This amendment is intended to better reflect the reality of modern higher and further education, particularly in relation to land-based institutions where sandwich courses are common.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS ROCK

243 Page 54, line 20, at end insert –

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

(2) For subsection (3) substitute –

“(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;
- (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.”

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS NORTHOVER
BARONESS ROCK

244 Page 54, line 20, at end insert –

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

(2) For subsection (2) substitute –

“(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.

BARONESS MCINTOSH OF PICKERING
BARONESS JONES OF MOULSECOOMB
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS ROCK

245 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,
 - (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;

Schedule 3 - continued

- (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),
 - (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.

BARONESS MCINTOSH OF PICKERING
 BARONESS JONES OF MOULSECOOMB
 THE EARL OF CAITHNESS
 BARONESS ROCK

246

Page 56, line 8, at end insert –

“30 Before section 8 insert –

“Termination of tenancies of 10 years or more

Schedule 3 - continued

- 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.

Clause 35

LORD CARRINGTON

- 247 Page 32, line 9, at end insert “for the purposes of improving the economic conditions for the production, marketing and quality of agricultural products, and to take into account the expectations of consumers.”

Member's explanatory statement

To ensure that regulations are only brought in for legitimate purposes. This is taken from the purposes in the CMO Regulation (EU Regulation 1308/2013). The rest of the clause mirrors the relevant provisions in the CMO Regulation.

BARONESS JONES OF MOULSECOOMB

- 248 Page 32, line 28, leave out paragraph (j) and insert –
- “(j) requirements to label animal produce in accordance with the requirements established under section 89A of the Natural Environment and Rural Communities Act 2006 (see section 32) for all animals used in food production, including but not limited to poultry;”

LORD LUCAS

- 249 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 JONES OF MOULSECOOMB
LORD HOLMES OF RICHMOND

250 Page 32, line 36, at end insert “, and the use of QR codes on agricultural product packaging to disclose this information.”

251 Page 32, line 36, at end insert –
“() animal welfare standards of the product.”

252 Page 32, line 36, at end insert –
“() the traceability of animals used in agri-food products or sold as meat.”

LORD HOLMES OF RICHMOND

253 Page 32, line 36, at end insert –
“() the administration of maintaining marketing standards of imported wine products, including the digitisation of wine importation data and documentation.”

THE EARL OF CAITHNESS
BARONESS JONES OF MOULSECOOMB

253A Page 32, line 36, at end insert –
“(o) requiring information about attributed lifecycle greenhouse gas emissions for the product to be available at the point of sale, including on packaging.
(2A) For the purposes of subsection (2)(o), regulations may include provision for financial assistance for businesses towards the cost of providing that information.”

Member’s explanatory statement

This amendment makes provision for greenhouse gas emissions emitted in the lifecycle of agriculture products to be available to consumers at the point of sale (e.g. on packaging), and allows for the provision of financial assistance for food producers and accreditation bodies to compile this information.

BARONESS JONES OF MOULSECOOMB
LORD HOLMES OF RICHMOND

254 Page 32, line 36, at end insert –
“() The Secretary of State must by regulations establish a requirement for –
(a) origin,
(b) transportation, and
(c) method of slaughter of animals (where applicable),
to be included in marketing standards for relevant agricultural products listed in Schedule 4, including the display of the information listed in paragraphs (a) to (c) on any packaging of the agricultural products sold.”

Clause 35 - continued

LORD HOPE OF CRAIGHEAD
 BARONESS JONES OF WHITCHURCH
 LORD WIGLEY
 BARONESS MCINTOSH OF PICKERING

255 Page 33, line 8, 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 with regard to agricultural products grown in their areas for marketing in England.

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

256 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.”

BARONESS NEVILLE-ROLFE

257 Page 33, line 9, at end insert –

- “() Before making regulations under this section, the Secretary of State must consult anyone reasonably likely to be affected by the regulations and lay a report summarising the responses to that consultation before Parliament.”

After Clause 35

BARONESS MALLALIEU
 LORD TREES
 LORD DE MAULEY
 BARONESS BENNETT OF MANOR CASTLE

258 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.

BARONESS FINLAY OF LLANDAFF
LORD WIGLEY
LORD PATEL

259

Insert the following new Clause—

“National Food Strategy: review of herbicides and pesticides

The Secretary of State must—

- (a) commission the reviewer and advisory panel of the National Food Strategy to report annually on the safety of herbicides and pesticides, taking into consideration matters including—
 - (i) the effect on pollinators,
 - (ii) evidence of carcinogenicity, neurotoxicity and effects on the developing foetus having regard to the precautionary principle,
 - (iii) the identification of imported food products that are contaminated with herbicides and pesticides, and
- (b) lay each report before Parliament.”

Clause 36

LORD LUCAS
LORD GREAVES

- 260 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.

Clause 37

LORD GARDINER OF KIMBLE

- 261 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.

- 262 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.

After Clause 39

LORD TYLER
LORD WALLACE OF TANKERNESS
LORD HOLMES OF RICHMOND
LORD BRUCE OF BENNACHIE

- 263 Insert the following new Clause –

“Geographical Indications Scheme

It is an objective of Her Majesty’s Government to seek agreement with the EU that all traditional speciality food and drink products of the United Kingdom protected under the EU Geographical Indications Scheme are covered by exact equivalent international protection after 31 December 2020.”

Member’s explanatory statement

This amendment requires the Government to seek an agreement for continued protection of UK speciality food and drink products.

BARONESS FINLAY OF LLANDAFF

263A Insert the following new Clause—

“Food standards: devolved administrations

The Secretary of State must ensure, in exercising his or her functions, that food and agricultural minimum standards established by—

- (a) Senedd Cymru,
- (b) the Scottish Parliament, and
- (c) the Northern Ireland Assembly,

are upheld and maintained, in cooperation with the relevant devolved authorities.”

Clause 40

LORD FOULKES OF CUMNOCK
BARONESS MCINTOSH OF PICKERING

264 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.

265 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).

BARONESS JONES OF MOULSECOOMB

266 Page 36, line 42, at end insert—

“() Regulations under this section may not—

- (a) relax or reduce United Kingdom animal welfare standards, or
- (b) allow deviations from requirements for the labelling of animal food products as established under section 89A of the Natural Environment and Rural Communities Act 2006 (see section 32).”

LORD HOPE OF CRAIGHEAD
LORD BRUCE OF BENNACHIE
LORD WIGLEY
LORD WALLACE OF TANKERNESS

267 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

Clause 40 - continued

- (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

268 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.

LORD HAIN
LORD WIGLEY

269 Page 38, line 47, at end insert –

- “() Regulations under this section may not be used to make provisions which will have the effect of lowering –
- (a) animal health, hygiene or welfare standards,
 - (b) plant health standards,
 - (c) food safety and traceability for agricultural products, or
 - (d) environmental standards in relation to agricultural processes and production,
- below established European Union or United Kingdom standards.”

Member’s explanatory statement

This will support the delivery of the Wales well-being goals in terms of global responsibility and also reduce the impact of trade on pressurising agricultural or environmental standards.

After Clause 42BARONESS MCINTOSH OF PICKERING
BARONESS HENIG
BARONESS RITCHIE OF DOWNPATRICK
LORD KREBS

270 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.

After Clause 42 - continued

- (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.”

LORD GRANTCHESTER
LORD CAMERON OF DILLINGTON
BARONESS HODGSON OF ABINGER
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

271

Insert the following new Clause—

“Requirement for agricultural and food imports to meet domestic standards

- (1) Chapters of an international trade agreement that contain provisions relating to the importation of agricultural and food products into the UK may not be ratified unless the conditions in subsections (2) to (5) have been met.
- (2) The condition in this subsection is that a Minister of the Crown has laid before Parliament a statement confirming that—
 - (a) the agreement contains an affirmation of the United Kingdom’s rights and obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement, and
 - (b) any agricultural or food product imported into the UK under the agreement will have been produced or processed according to standards which are, on the date of their importation, equivalent to, or exceed, the relevant domestic standards and regulations in relation to—
 - (i) animal health and welfare,
 - (ii) protection of the environment,
 - (iii) food safety, hygiene and traceability, and
 - (iv) plant health.
- (3) The condition in this subsection is that the Secretary of State has by regulations specified—
 - (a) the process by which the Secretary of State will determine—

After Clause 42 - continued

- (i) that the standards to which any agricultural or food product imported into the UK under a trade agreement is produced or processed are equivalent to, or exceed, the relevant domestic standards and regulations in relation to animal health and welfare, protection of the environment, food safety, hygiene and traceability, and plant health, and
 - (ii) that the enforcement of standards in relation to any product under subsection (3)(a)(i) is at least as effective as the enforcement of the equivalent domestic standards and regulations in the UK;
- (b) the “relevant domestic standards and regulations” for the purposes of subsections (2)(b) and (3)(a)(i).
- (4) The condition in this subsection is that the chapters have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
- (5) The condition in this subsection is that a motion for the House of Lords to take note of the chapters has been tabled in the House of Lords by a Minister of the Crown and—
- (a) the House of Lords has debated the motion, or
 - (b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in subsection (4).
- (6) A Minister of the Crown may where the Minister considers appropriate make regulations amending any regulations made under subsection (3).
- (7) Regulations made under subsection (3) or (6) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (8) In this section—
- “chapters” means any individual section or sections of an international trade agreement;
- “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 paragraph (a)(i) or (ii);
- “Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

After Clause 42 - continued

“ratified” has the same meaning as in the Constitutional Reform and Governance Act 2010;

“World Trade Organisation Sanitary and Phytosanitary 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.”

BARONESS JONES OF WHITCHURCH
LORD GRANTCHESTER
LORD JUDD
LORD KREBS

272 Insert the following new Clause—

“Contribution of agriculture and associated land use to targets under the Climate Change Act 2008

- (1) In performing functions under this Act, including but not limited to the provision of financial assistance under sections 1(1) and 1(2), the Secretary of State must have due regard to—
 - (a) the target for 2050 contained in section 1 of the Climate Change Act 2008, and
 - (b) international climate change treaties of which the UK is a signatory, including the Paris Agreement on Climate Change.
- (2) Within 12 months of the day on which this Act is passed, the Secretary of State must—
 - (a) publish a strategy outlining how Her Majesty’s Government plans to reduce the emissions resulting from agriculture and associated land use, and
 - (b) by regulations introduce an interim emissions target for 2030 which would provide for agriculture and associated land use to make substantial progress towards the target for 2050 under section 1 of the Climate Change Act 2008.
- (3) In formulating the strategy under subsection (2)(a), the Secretary of State must consult—
 - (a) other relevant UK Ministers,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland department,
 - (e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural industry.
- (4) The strategy must be laid before Parliament.
- (5) Regulations under subsection (2)(b)—
 - (a) must define what is meant by the term “substantial progress”, and
 - (b) are subject to the affirmative resolution procedure.”

Member's explanatory statement

This Clause would require the Secretary of State to have due regard to the target for 2050 in the Climate Change Act 2008 and other international climate change treaties when exercising functions under this Act, and introduce an interim target for 2030 which will provide for agriculture to make substantial progress towards the target for 2050.

BARONESS JONES OF MOULSECOOMB
LORD RANDALL OF UXBRIDGE
LORD GREAVES

273 Insert the following new Clause—

“Ratification of international trade agreements

- (1) After IP completion day, any agricultural food products imported into the United Kingdom under an international trade agreement must—
 - (a) comply with the standards laid down by primary and subordinate legislation in the United Kingdom regarding food safety, the environment and the welfare of farm animals, or
 - (b) have been produced to standards or in ways that are comparable in effectiveness to the legislative standards of the United Kingdom in protecting food safety, the environment and the welfare of farm animals.
- (2) The United Kingdom shall not ratify any international trade agreement unless it includes provisions that enable the United Kingdom to refuse to permit the import of food products that are inconsistent with subsection (1).
- (3) In this section, “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member's explanatory statement

This amendment ensures that UK standards regarding food safety, the environment and animal welfare cannot be undermined by imports produced to lower standards.

BARONESS JONES OF MOULSECOOMB
LORD RANDALL OF UXBRIDGE
BARONESS WORTHINGTON

274 Insert the following new 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 must 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 United Kingdom 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 from the day on which this Act is passed, publish interim emissions reductions targets for agriculture and related land use that align with budgetary periods as they relate to carbon budgets.

After Clause 42 - continued

- (4) It is the duty of the Secretary of State to ensure that the net United Kingdom 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 from the day on which this Act is passed, 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 United Kingdom 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 set 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 – and policy proposals to ensure those targets are met.

LORD CAMERON OF DILLINGTON
LORD KREBS
BARONESS HAYMAN
LORD ROOKER

275

Insert the following new Clause—

“Agricultural research

- (1) The Secretary of State may by regulations modify the definitions contained in Part VI of the Environmental Protection Act 1990 in relation to products of breeding techniques for agricultural purposes where nucleic acid changes could have occurred naturally or through traditional breeding methods.
- (2) Regulations under subsection (1) may only be made after the Secretary of State has held a public consultation on any proposed modifications to the definitions.
- (3) Regulations under subsection (1) may only be made in relation to England.
- (4) Regulations under subsection (1) are subject to the affirmative resolution procedure.”

Member’s explanatory statement

To enable the Secretary of State to make changes to the Environmental Protection Act 1990, as it applies in England, in relation to breeding techniques after the UK leaves the EU. This would allow for regulation of new precision breeding techniques compatible with international definitions.

LORD HAIN
LORD WIGLEY
LORD GREAVES

276 Insert the following new Clause—

“International trade agreements: agricultural and food products

- (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 that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless they have first made a statement confirming that—
 - (a) the agreement contains an affirmation of the United Kingdom’s rights and obligations under the World Trade Organisation Sanitary and Phytosanitary Agreement, and
 - (b) any agricultural or food product imported into the United Kingdom under the agreement will have been produced or processed according to standards which are equivalent to, or which exceed, the relevant domestic standards and regulations in relation to—
 - (i) animal health and welfare,
 - (ii) plant health, and
 - (iii) environmental protection.
- (2) A statement under subsection (1) must be laid before each House of Parliament.
- (3) Before the first statement under subsection (1) may be made, the Secretary of State must by regulations specify—
 - (a) the process by which the Secretary of State will determine—
 - (i) that the standards to which any agricultural or food product imported into the United Kingdom under a trade agreement is produced or processed are equivalent to, or exceed, the relevant domestic continued standards and regulations in relation to animal health and welfare, plant health and environmental protection, and
 - (ii) that the enforcement of standards in relation to any product under sub-paragraph (3)(a)(i) is at least as effective as the enforcement of the equivalent domestic standards and regulations in the United Kingdom,
 - (b) the “relevant domestic standards and regulations” for the purposes of subsections (1)(b) and (3)(a)(i).
- (4) The Secretary of State may make regulations amending any regulations made under subsection (3).
- (5) Regulations under subsection (3) or (4) are subject to affirmative resolution procedure.
- (6) In this section—

“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

After Clause 42 - continued

- (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 paragraph (a)(i) or (ii);
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “World Trade Organisation Sanitary and Phytosanitary 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.”

Member’s explanatory statement

This amendment would require the Minister, before laying an international trade agreement under CRAG 2010 which contains provisions relating to the importation of agricultural and food products, to (a) make a statement to Parliament, and (b) lay regulations before Parliament relating to the standards of imported products.

BARONESS JONES OF WHITCHURCH
BARONESS JONES OF MOULSECOOMB

277

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
LORD WIGLEY

278 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.

LORD CURRY OF KIRKHARLE
LORD WALLACE OF TANKERNES

279 Insert the following new Clause –

“Trade, Food and Farming Standards Commission

- (1) The Trade, Food and Farming Standards Commission (“the TSC”) is established.
- (2) Within six months of the day on which this Act is passed, the TSC must produce a report making recommendations to the Secretary of State to promote, maintain and safeguard current standards of food production through international trade policy, including standards related to food safety, the environment and animal welfare.
- (3) The Secretary of State must lay the report under subsection (2) before Parliament on the date of publication, and Ministers of the Crown must table motions to approve the recommendations in the report in each House of Parliament within two weeks of the report being laid.
- (4) The report under subsection (2) must include –

After Clause 42 - continued

- (a) recommendations, including for the policies and legislation that the Government may adopt, including the necessary processes and institutions, in order to ensure that imported agri-food products placed on the market in the United Kingdom meet equivalent standards to those required of UK producers and that UK law and policy relating to food imports is effectively supportive of high standards, including in relation to food safety, the environment and animal welfare both domestically and internationally;
 - (b) where relevant production standards are not provided for in existing primary or secondary legislation in the United Kingdom, recommendations for the policies and legislation that the Government may adopt, including the necessary processes and institutions (such as testing regimes, assurance schemes and certification bodies), in order to ensure that imported agri-food products sold in the United Kingdom are produced to appropriately high standards in relation to food safety, the environment and animal welfare;
 - (c) the scope of agri-food standards and regulations for production methods and final and intermediate products that are relevant to agri-food products which the Government will aim to maintain in future trade negotiations relating to the trade of agri-food products;
 - (d) identification of existing powers exercisable by a Minister of the Crown for administering, enforcing and monitoring standards as set out in paragraph (c), including import restrictions based on those standards;
 - (e) recommendations about how to ensure effective and transparent comparison of agri-food production standards with international standards, including how different production systems and regulatory approaches might be considered equivalent to those that apply in the United Kingdom;
 - (f) recommendations for how to monitor imports of agri-food products in order to assess and compare the standards as defined under paragraph (c);
 - (g) consideration of exceptions to import restrictions of agricultural products, for example where a requirement may have negative impacts on consumer interests or on developing countries, and recommendations of how to manage such exceptions; and
 - (h) recommendations for public and Parliamentary scrutiny of any current or future trade negotiations relating to the trade of agri-food products with a view to agreeing an international trade agreement consistent with the TSC's other recommendations under subsection (2).
- (5) The TSC may produce one or more interim reports in addition to the report under subsection (2) in the event that an international trade agreement is negotiated or concluded by the Government within the period of six months beginning with the day on which this Act is passed.
- (6) An interim report under subsection (5) must assess the terms and impact of the international trade agreement on the Secretary of State's ability to promote, maintain and safeguard standards of agri-food production, including in relation to food safety, the environment and animal welfare.

After Clause 42 - continued

- (7) The Secretary of State must lay any interim report under subsection (5) before Parliament on the date of publication, and a Minister of the Crown must move a motion to consider any recommendations in the report in each House of Parliament.
- (8) “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 paragraph (a)(i) or (ii).
- (9) The TSC may create such working groups and commission such research as it deems appropriate to meet its duties under subsection (2).
- (10) Within three months of a report being laid under subsection (3), the Secretary of State must –
 - (a) lay before Parliament a response to the TSC’s report and all its recommendations, including how the Secretary of State intends to maintain the United Kingdom’s standards for food production in importing agricultural products in relation to food safety, the environment and animal welfare, and
 - (b) make a statement to Parliament on the response to the TSC’s recommendations.
- (11) Ministers of the Crown must table motions for resolution regarding the response under subsection (10) in each House of Parliament.
- (12) It shall be an objective of the Secretary of State to achieve outcomes consistent with relevant resolutions under subsection (11).
- (13) The Secretary of State may by regulations dissolve the TSC at any time after the publication of the report under subsection (2).
- (14) The Secretary of State may by regulations confer further functions on the TSC after the report in subsection (2) has been published.
- (15) The Secretary of State may by regulations amend the period of six months under subsection (2) provided that such an extension is agreed by the TSC in writing.
- (16) Regulations under subsections (13) and (14) are subject to affirmative resolution procedure.
- (17) Regulations under subsection (15) are subject to negative resolution procedure.”

Member's explanatory statement

The amendment establishes a Trade, Food and Farming Standards Commission (TSC), which will report to Parliament on how best Government can meet its manifesto pledge not to compromise on the UK's high environmental protection, animal welfare and food standards through its international trade policy.

LORD BRUCE OF BENNACHIE
LORD WIGLEY

280 Insert the following new Clause –

“Report on lamb and beef sector

- (1) If Her Majesty's Government has not made an agreement with the European Union on agricultural tariff rate quotas by IP completion day, the Secretary of State must lay a report before Parliament on the expected impact upon the lamb and beef sector.
- (2) A report under subsection (1) must be laid within three months of such an agreement being unable to be reached.”

LORD HOLMES OF RICHMOND

281 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
 - (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.

282 Insert the following new Clause –

“Report on digital means of compliance with statutory obligations

- (1) The Chair of the Agriculture and Horticulture Development Board shall 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

BARONESS JONES OF MOULSECOOMB

283 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.”

LORD HAIN

284 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.”

Member's explanatory statement

This amendment provides for a multi-annual financial framework in Wales so that budgets are not limited by the Spending Review cycle between the Welsh Government and HM Treasury.

BARONESS MCINTOSH OF PICKERING
 BARONESS JONES OF MOULSECOOMB
 LORD CARRINGTON
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 285 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.

BARONESS BENNETT OF MANOR CASTLE
 BARONESS BOYCOTT

- 286 Page 65, line 11, after “plants” insert “or fungi”
- 287 Page 65, line 25, after “plants” insert “or fungi”
- 288 Page 65, leave out line 27

After Clause 45

BARONESS RITCHIE OF DOWNPATRICK
 LORD ALDERDICE
 LORD HAIN
 BARONESS MCINTOSH OF PICKERING

- 289 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.

After Clause 45 - continued

- (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.

BARONESS JONES OF WHITCHURCH
LORD THOMAS OF GRESFORD

290

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 subsection (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

After Clause 45 - continued

- (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 to 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.

LORD WIGLEY
LORD BRUCE OF BENNACHIE
LORD THOMAS OF GRESFORD

291

Insert the following new Clause –

“UK framework for agriculture

- (1) Subject to subsection (2), a UK framework for agriculture, agricultural support and land management must be established jointly by –
 - (a) Ministers of the Crown;
 - (b) Scottish Ministers;
 - (c) Welsh Ministers; and
 - (d) Northern Ireland Ministers.
- (2) A framework under subsection (1) must be established if it is deemed necessary, with regard to agriculture, agricultural support and land management –
 - (a) to enable the functioning of the UK internal market, while allowing for policy divergence;
 - (b) to ensure compliance with international obligations;
 - (c) to enable the management of common resources;
 - (d) to administer and provide access to arbitration for disputes in cases with a cross-border element; or
 - (e) to facilitate the allocation of funding to the devolved administrations to provide financial support.
- (3) A framework under subsection (1) must respect the devolution settlements and the democratic accountability of the devolved legislatures and –
 - (a) be based on established conventions and practices, including the principle that the competence of the devolved institutions will not be adjusted without their consent;
 - (b) maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules for each nation of the United Kingdom; and
 - (c) lead to a significant increase in joint decision-making powers for the devolved administrations.

After Clause 45 - continued

- (4) Decisions made under a framework established under subsection (1) require unanimous agreement among the authorities in subsection (1)(a) to (d)."

Schedule 6

BARONESS BENNETT OF MANOR CASTLE
BARONESS BOYCOTT

- 292 Page 77, line 11, after "plants" insert "or fungi"
- 293 Page 77, line 25, after "plants" insert "or fungi"
- 294 Page 77, leave out line 27

Clause 47

LORD CARRINGTON
LORD GREAVES

- 295 Page 40, line 28, leave out "primary legislation,"

Member's explanatory statement

This amendment seeks to remove the power for statutory instruments to be used to amend primary legislation

After Clause 49

BARONESS JONES OF WHITCHURCH

- 296 Insert the following new Clause—

"Additional amendments to secondary legislation

Schedule (*Additional amendments to secondary legislation*) contains amendments of subordinate legislation relating to agricultural practices."

Member's explanatory statement

This new Clause gives effect to a new Schedule, which amends two regulations relating to intensive farming and managing livestock and soil.

After Schedule 7

BARONESS JONES OF WHITCHURCH

- 297 Insert the following new Schedule—

"SCHEDULE 8**ADDITIONAL AMENDMENTS TO SECONDARY LEGISLATION**

The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)

- 1 (1) The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) are amended as follows.

After Schedule 7 - continued

- (2) Section 6.9 of Schedule 1 Part 2 Chapter 6 (intensive farming) is amended in accordance with sub-paragraph (3).
- (3) In Part A(1) –
 - (a) after “pigs (over 30 kg)” omit “or”,
 - (b) after “sows” insert “, or
 - (iv) 150 places for beef or dairy cows”, and
 - (c) at end insert –
 - “(b) Rearing pigs on any land at a density greater than 20 pigs per hectare.”

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (S.I. 2018/151)

- 2 (1) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (S.I. 2018/151) are amended as follows.
- (2) Regulation 10 (managing livestock and soil) is amended in accordance with sub-paragraphs (3) to (5).
- (3) In paragraph (5), after “agricultural land” insert “and that soils are managed sustainably”.
- (4) After paragraph (5) insert –
 - “(5A) In relation to the growing of potatoes, maize or any other crop that the Secretary of State may by order prescribe –
 - (a) a land manager must take all reasonable precautions as specified in sub-paragraph (6)(a) that are applicable to the growing of that crop on any land,
 - (b) upon request by the Environment Agency, a land manager must provide information on the reasonable precautions taken on any land, and
 - (c) if, in the opinion of the Environment Agency, that information shows that any applicable reasonable precaution specified in sub-paragraph (6)(a) was not taken on that land, Regulation 12 shall not apply.”
- (5) In sub-paragraph (6)(a)(v) –
 - (a) omit “and”, and
 - (b) at end insert –
 - “(vi) maintaining maximum soil cover;
 - (vii) taking actions to limit soil erosion by wind;
 - (viii) maintaining and increasing the carbon and organic content of soil; and”

Member’s explanatory statement

This new Schedule makes a range of changes to agricultural regulations relating to intensive farming and the management of livestock and soil.

Clause 50

LORD CARRINGTON
LORD GREAVES

298 Page 42, line 23, leave out “primary legislation,”

Member’s explanatory statement

This amendment seeks to remove the power for statutory instruments to be used to amend primary legislation.

Clause 53

LORD GARDINER OF KIMBLE

299 Page 43, line 35, leave out subsection (1) and insert –

“(1) The following provisions come into force on the day on which this Act is passed –

- (a) any provision of Parts 1 to 7 which –
 - (i) confers a power to make regulations, or
 - (ii) modifies legislation so as to confer a power to make regulations or a power to make an order by statutory instrument;
- (b) any other provision of those Parts so far as it, or a modification of legislation it makes, affects the exercise of such a power (for example by defining an expression used in the provision conferring it);
- (c) this Part, apart from section 49 and Schedule 7.”

Member’s explanatory statement

The Amendment enables legislative powers created by the Bill to be exercised on or after the day on which the Bill receives Royal Assent.

300 Page 43, line 37, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (2) any provision mentioned in Clause 53(2)(a) to (f) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

301 Page 43, line 39, leave out “to 20” and insert “and 19”

Member’s explanatory statement

Clause 20 has effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (2)(a).

302 Page 43, line 40, leave out “to 30” and insert “and 29”

Member’s explanatory statement

Clause 30 will have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (2)(b).

303 Page 44, line 1, after “to” insert “16 and”

Member’s explanatory statement

Paragraph 17 of Schedule 3 has effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so should not be mentioned in subsection (2)(c).

304 Page 44, leave out lines 3 and 4

Member’s explanatory statement

Clause 35 and Schedule 4 and clauses 38 and 39 and Schedule 4 have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so they should not be mentioned in subsection (2).

305 Page 44, line 7, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (3) any provision mentioned in Clause 53(3)(a) to (c) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

306 Page 44, line 11, after “to” insert “16 and”

Member’s explanatory statement

Paragraph 17 of Schedule 3 has effect in relation to Wales from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (3)(a).

307 Page 44, line 13, leave out “Parts 2 and 4” and insert “Part 2”

Member’s explanatory statement

Part 4 of Schedule 5 will have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (3)(b).

308 Page 44, line 13, leave out “those Parts” and insert “that Part”

Member’s explanatory statement

This amendment is consequential on Lord Gardiner’s earlier amendment to line 13 on page 44.

309 Page 44, line 17, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (4) any provision mentioned in Clause 53(4)(a) or (b) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

310 Page 44, line 20, leave out “Parts 2 and 4” and insert “Part 2”

Member's explanatory statement

Part 4 of Schedule 6 will have effect from Royal Assent under Lord Gardiner's first amendment to Clause 53, so it should not be mentioned in subsection (4)(a).

311 Page 44, line 20, leave out “those Parts” and insert “that Part”

Member's explanatory statement

The amendment is consequential on Lord Gardiner's earlier amendment to line 20 on page 44.

Agriculture Bill

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

16 July 2020
