

# Agriculture Bill

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SEVENTH  
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 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 –

**Clause 40 - continued**

- (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
  - (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 42**

BARONESS 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.
- (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

**After Clause 42 - continued**

- (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—
    - (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

**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);
- “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;
- “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,

**After Clause 42 - continued**

- (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  
LORD ADDINGTON

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.
- (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.

**After Clause 42 - continued**

- (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  
LORD ADDINGTON

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

**After Clause 42 - continued**

- (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
      - (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;

**After Clause 42 - continued**

- (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 TANKERNESS

279

Insert the following new Clause—

**“Trade, Food and Farming Standards Commission**

- (1) The Trade, Food and Farming Standards Commission (“the TSC”) is established.

**After Clause 42 - continued**

- (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 –
  - (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

**After Clause 42 - continued**

- (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.
- (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.

**After Clause 42 - continued**

- (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  
LORD ADDINGTON

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.

**After Clause 42 - continued**

- (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.*

## LORD HOLMES OF RICHMOND

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.”

**Schedule 5 - continued**

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.

**After Clause 45 - continued**

- (2) Regulations made under paragraph 8(1) of Schedule 6 (power to modify retained direct EU legislation relating to public market intervention and private storage aid) cease to have effect at the end of 2026 (so that any amendment made by them ceases to have effect and any enactment repealed by them is revived). But see subsections (4) and (5) for saving provision.
- (3) Otherwise, subsection (1) does not affect the continuation in force or effect of any regulations made, or other thing done, by virtue of Schedule 6 before the end of 2026.
- (4) Despite subsections (1) and (2), paragraph 7 of Schedule 6, and regulations made under paragraph 8(1) of that Schedule, continue to have effect in relation to any period which ends after the end of 2026 and for which DAERA is giving, or has agreed to give, financial assistance under paragraph 7 of Schedule 6.
- (5) Subsection (2) does not affect the lawfulness of anything done in accordance with retained direct EU legislation as modified by regulations made under paragraph 8(1) of Schedule 6 before those regulations cease to have effect.
- (6) DAERA may by regulations make transitional, transitory or saving provision in connection with this section.
- (7) The provision which may be made by virtue of subsection (6) includes provision modifying primary legislation, retained direct EU legislation or subordinate legislation.
- (8) Regulations under this section which contain provision modifying primary legislation (with or without other provision) are subject to affirmative resolution procedure.
- (9) Other regulations under this section are subject to negative resolution procedure.”

***Member’s explanatory statement***

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

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.

**After Clause 45 - continued**

- (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
  - (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;

**After Clause 45 - continued**

- (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.
- (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  
LORD ADDINGTON  
BARONESS JONES OF MOULSECOOMB

- 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.
  - (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,

**After Schedule 7 - continued**

- (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  
BARONESS JONES OF MOULSECOOMB

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

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

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*23 July 2020*

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