

Agriculture Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

THE EARL OF DUNDEE

Page 2, line 31, at end insert –

- “(c) farming opportunities for new entrants and young farmers, including but not restricted to –
- (i) training,
 - (ii) start-up capital,
 - (iii) facilitating access to land, and
 - (iv) supporting landowners to make land available,
- for new farm and forestry entrepreneurs.”

Member’s explanatory statement

This new paragraph would add to the purposes for which financial assistance can be given by making it available to young farmers and new entrants into the sector.

Page 2, line 36, at end insert –

““agricultural, horticultural or forestry activity” includes activity on peri-urban and rural land;”

Member’s explanatory statement

This amendment would enable Government support for primary production and ancillary activities by peri-urban and rural enterprises and for peri-urban farms supplying food.

BARONESS BOYCOTT

Page 3, line 17, at end insert –

““public health goals” means objectives that have been set for improving the public health of the nation, and includes, but is not limited to, obesity reduction, access to fruit, vegetables and pulses, reduced exposure to harmful chemicals, protection of medically important antibiotics and other goals related to the food system.”

Member's explanatory statement

This addition will support greater public access to food that optimises nutritional and public health goals as well as supporting healthy and safe farming systems (which could include reference to obesity, access to fruit and vegetables and healthy foods, reduced exposure to antibiotics and pesticides and other goals).

After Clause 30

BARONESS MCINTOSH OF PICKERING

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.”

Member's explanatory statement

This new Clause places responsibility for the supply chain regulatory measures in this Part of the Bill on the Groceries Code Adjudicator.

Schedule 3

LORD WIGLEY

BARONESS MCINTOSH OF PICKERING

Page 51, line 34, at end insert—

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

Member's explanatory statement

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

BARONESS MCINTOSH OF PICKERING

Page 54, line 24, at end insert—

“Termination of tenancies of 10 years or more

22A Before section 8 insert—

“7A Termination of tenancies of 10 years or more

(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.

Schedule 3 - continued

- (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, which has not been covered by the Bill, to encourage landlords to let longer Farm Business Tenancies.

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) securing 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.

Schedule 3 - continued

- (4) The regulations may provide for the arbitrator or third party on a reference made under the regulations, where the arbitrator or third party considers it reasonable and just (as between the landlord and tenant) to do so—
- (a) to order the landlord to comply with the request (either in full or to the extent specified in the award or determination); or
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision—
- (a) about conditions to be met before a reference may be made;
 - (b) about matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (f) for restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.
- (7) In this section—
- “appropriate authority” means—
- (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers;
- “relevant financial assistance” means financial assistance under—
- (a) section 1 of the Agriculture Act 2020 (Secretary of State’s powers to give financial assistance),
 - (b) section 19 of, or paragraph 7 of Schedule 5 to, that Act (exceptional market conditions: powers available to Secretary of State and Welsh Ministers),
 - (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;

Schedule 3 - continued

- (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 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.

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28 August 2020
