

Agriculture Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD ADDINGTON

Page 2, line 11, after “farmland” insert “, water”

Page 2, line 11, at end insert “, including the provision of new public access or improved accessibility, navigation and enjoyment of existing public rights of way and waterways”

LORD TEVERSON
THE EARL OF DUNDEE

Page 2, line 25, at end insert –

- “() establishing and maintaining whole farm agroecological systems;
- () establishing and maintaining agroforestry systems.”

LORD ADDINGTON

Page 2, line 25, at end insert –

- “() Financial assistance provision under this section should have regard to joint strategic needs assessments and joint health and well-being strategies, as defined by sections 192 and 193 of the Health and Social Care Act 2012.”

BARONESS YOUNG OF OLD SCONE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 2, line 31, at end insert –

- “() The Secretary of State may only give financial assistance under this section for or in connection with environmental land management if all those standards for good agricultural and environmental condition set out in paragraphs 3 to 6 of Schedule 2 to the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263) as are applicable are met for the relevant land.”

Clause 1 - continued

LORD ADDINGTON

Page 2, line 35, at end insert –

- “() Financial assistance provided under this section must have regard to rights of way improvements plans, as defined under section 60 of the Countryside and Rights of Way Act 2000.”

LORD TEVERSON
THE EARL OF DUNDEE

Page 3, line 17, at end insert –

““whole farm agroecological systems” includes any whole enterprise system for farming or land management which is designed to produce food or fuel while delivering environmental and social benefits, and may include organic farming;

“agroforestry systems” means land management systems which integrate trees into productive farming landscapes, and includes silvopasture, hedgerows with standards, coppice, orchards and farm woodland.”

LORD ADDINGTON

Page 3, line 17, at end insert –

““water” means inland, non-tidal –

- (a) lakes,
- (b) canals,
- (c) rivers,
- (d) streams,
- (e) ditches,
- (f) drains,
- (g) cuts,
- (h) culvert dikes,
- (i) sluices, and
- (j) passages through which water flows,

which are located on agricultural land, and includes artificial watercourses, reservoirs whether natural or artificial, and the bed and any banks of such bodies of water.”

Clause 2

LORD ADDINGTON

Page 3, line 27, at end insert –

- “() The conditions under subsection (2) may require the recipient to fulfil their duties for public rights of way under section 130(A) of the Highways Act 1980.”

Clause 16

LORD CAMERON OF DILLINGTON

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 through a variety of non-production related schemes, so these households can continue to farm and manage their land.

After Clause 16

LORD GARDINER OF KIMBLE

Insert the following new Clause –

“Continuing EU programmes: power to provide financial assistance

- (1) The appropriate national authority may give financial assistance to –
- (a) a person who is a party to an agreement entered into in accordance with any of the following provisions –
 - (i) the Rural Development Regulation,
 - (ii) any legacy rural development provision, or
 - (iii) Articles 32 to 35 of the Common Provisions Regulation (community-led local development), so far as relating to support for rural development,where the agreement has not concluded, or
 - (b) a producer organisation implementing an operational programme approved in accordance with the producer organisations aid provisions.

- (2) In this section –

“appropriate national authority” means –

- (a) the Secretary of State, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to England;
- (b) the Welsh Ministers, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Wales;
- (c) DAERA, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Northern Ireland;

“the Common Provisions Regulation” means Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc;

After Clause 16 - continued

“legacy rural development provision” means any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—

- (a) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
- (b) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
- (c) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
- (d) Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
- (e) Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming);

“the producer organisations aid provisions” means—

- (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
- (b) so far as relating to producer organisations aid, Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and
- (c) so far as relating to producer organisations aid, Council Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors;

“the Rural Development Regulation” means Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development.”

Member’s explanatory statement

This amendment allows the Secretary of State, the Welsh Ministers and DAERA to continue to make payments where agreements and programmes are currently supported under an EU programme relating to rural development or fruit and vegetable producers.

Insert the following new Clause—

“Retained direct EU legislation

- (1) To the extent that any legislation within subsection (2), (3), (4) or (5) would (in the absence of this subsection) be prevented from becoming retained direct EU legislation on IP completion day by section 3(2)(a)(bi) of the European Union (Withdrawal) Act 2018, section 3 of that Act is to have effect in relation to that legislation as if subsection (2)(a)(bi) of that section were omitted.
- (2) The legislation within this subsection is—

After Clause 16 - continued

- (a) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development,
 - (b) Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,
 - (c) any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—
 - (i) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
 - (ii) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
 - (iii) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
 - (iv) Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
 - (v) Council Regulation (EEC) No 1096/88 of 25 April 1988 establishing a Community scheme to encourage the cessation of farming),
 - (d) any legislation made under the legislation in paragraphs (a) to (c), and
 - (e) so far as relating to support for rural development—
 - (i) Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc, and
 - (ii) any legislation made under that Regulation.
- (3) The legislation within this subsection is—
- (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
 - (b) so far as relating to producer organisations aid, Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and
 - (c) so far as relating to producer organisations aid, Council Implementing Regulation (EU) 2017/892 of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors.
- (4) The legislation within this subsection is—
- (a) Articles 55 to 57 of the CMO Regulation (provision about aid for apiculture), and
 - (b) any legislation made under that legislation.

After Clause 16 - continued

- (5) The legislation within this subsection is the following, so far as it relates to producer organisations aid, apiculture or support for rural development –
- (a) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy,
 - (b) any legislation made under that regulation, and
 - (c) any EU regulation, EU decision or EU tertiary legislation relating to the financing, management and monitoring of the common agricultural policy that preceded Regulation (EU) No 1306/2013 (including –
 - (i) Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures,
 - (ii) Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures, and
 - (iii) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy).”

Member’s explanatory statement

This amendment ensures that legislation relating to support for rural development, fruit and vegetable producer organisations and apiculture that has direct effect under the Withdrawal Agreement in relation to existing programmes will also be retained direct EU legislation.

After Clause 17

LORD KREBS
 BARONESS JONES OF WHITCHURCH
 BARONESS BOYCOTT
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“National Food Strategy

- (1) The Secretary of State must, before the end of the period of 12 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) increase sustainability of food production,
 - (b) support food production and consumption, and
 - (c) improve dietary health and reduce obesity,
- in the United Kingdom.
- (2) In relation to the priority mentioned in subsection (1)(a), the strategy must include analysis of the merits of –

After Clause 17 - continued

- (a) incorporating the environmental sustainability of food into the Eatwell Guide,
 - (b) ensuring that domestically produced food meets environmental sustainability standards,
 - (c) ensuring that food waste is minimised,
 - (d) ensuring that public procurement meets both health and sustainability standards, and
 - (e) providing increased funding for research and development into sustainable agriculture.
- (3) In relation to the priority mentioned in subsection (1)(b), the strategy must include analysis of the merits of –
- (a) supporting local and regional food identities,
 - (b) supporting procurement of food produced in the United Kingdom where appropriate and sustainable, and
 - (c) developing an assurance scheme for food produced in the United Kingdom to enhance consumer confidence in the safety, quality and sustainability of such food.
- (4) In relation to the priority mentioned in subsection (1)(c), the strategy must include analysis of the merits of –
- (a) ensuring the reformulation of less healthy foods using fiscal and other appropriate means,
 - (b) restricting the marketing, promotion, and advertising of less healthy food both in retail outlets and through the media,
 - (c) reducing food insecurity, food poverty, and obesity in the lowest income groups,
 - (d) standardising and mandating food labelling relating to nutrition, and
 - (e) improving children’s diets.
- (5) Before publishing the strategy under subsection (1), the Secretary of State must develop a standardised set of reporting metrics on health and sustainability across the food system by which progress on implementation of the strategy can be measured.
- (6) The strategy in subsection (1) must –
- (a) set out proposals for independent oversight of aspects of food policy covered by the strategy, and
 - (b) consider whether responsibility for such oversight should be given to –
 - (i) a new non-departmental public body, or
 - (ii) an existing organisation.
- (7) In preparing the strategy under subsection (1) the Secretary of State must consult –
- (a) other relevant Ministers of the Crown,
 - (b) the Scottish Ministers,
 - (c) the Welsh Ministers,
 - (d) the Northern Ireland Department, and

After Clause 17 - continued

- (e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural and food sectors.
- (8) In this section—
- “Eatwell Guide” means the United Kingdom’s national food guide entitled the “Eatwell Guide”, as produced by Her Majesty’s Government;
- “food waste” means waste of agri-food products by households or the food service sector;
- “less healthy food” means foods high in fat, salt and sugars.”

After Clause 34

LORD WHITTY
BARONESS JONES OF MOULSECOOMB

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 prohibiting the application of any pesticide for the purposes of agriculture or horticulture 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;
 - (ii) hospitals.
- (2) Regulations under subsection (1) must specify a minimum distance from any of the locations listed under subsection (1)(a) to (c) to be maintained during the application of any pesticide.
- (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 the affirmative resolution procedure.”

Member’s explanatory statement

This new Clause would protect 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.

After Clause 42

LORD RANDALL OF UXBRIDGE

As an amendment to the amendment in the name of Lord Curry of Kirkharle to insert the new clause “Trade and Agriculture Commission”, printed on sheet HL Bill 130(g).

After subsection (1) insert—

- “() The TAC is to consist of—

After Clause 42 - continued

- (a) a Chair appointed by the Secretary of State; and
 - (b) other members appointed by the Chair, in consultation with the Secretary of State.
- () The following groups must be represented through the membership of the TAC—
- (a) the farming sector;
 - (b) relevant government departments;
 - (c) representatives of the devolved administrations;
 - (d) experts on trade, the environment, animal welfare and the agri-food industry;
 - (e) consumer and public health groups;
 - (f) environmental organisations;
 - (g) animal welfare organisations;
 - (h) farm assurance and certification bodies.”

LORD WIGLEY

Insert the following new Clause—

“Tariffs on imported agricultural goods

In setting, amending or revising UK Global Tariff rates applied to imported agricultural goods, the Secretary of State shall have regard to—

- (a) the wellbeing of the UK agricultural sector; and
- (b) the importance of maintaining standards of imported goods which are equivalent to, or which exceed, the relevant domestic standards.”

THE EARL OF DUNDEE

Insert the following new Clause—

“Composition of the Trade and Agriculture Commission

The Trade and Agriculture Commission must include, but is not limited to, experts who represent the public interest on—

- (a) animal welfare,
- (b) climate,
- (c) pesticides,
- (d) food safety, hygiene and traceability,
- (e) agricultural livelihoods,
- (f) protection of the environment, including forests,
- (g) food security, and
- (f) fair trade with developing countries.”

Member’s explanatory statement

This new Clause broadens the composition of the Trade and Agriculture Commission to make the Trade and Agriculture Commission more representative and effective.

Schedule 5

LORD GARDINER OF KIMBLE

Page 60, line 26, at end insert –

“Apiculture

- 4A(1) The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales –
- (a) retained direct EU legislation relating to apiculture, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular –
- (a) Articles 55 to 57 of the CMO Regulation, and
 - (b) retained direct EU legislation made under that legislation.”

Member’s explanatory statement

This amendment allows the Welsh Ministers to amend retained direct EU legislation relating to apiculture.

Schedule 6

LORD GARDINER OF KIMBLE

Page 73, line 45, at end insert –

“Apiculture

- 5A(1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland –
- (a) retained direct EU legislation relating to apiculture, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular –
- (a) Articles 55 to 57 of the CMO Regulation, and
 - (b) retained direct EU legislation made under that legislation.”

Member’s explanatory statement

This amendment allows the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to amend retained direct EU legislation relating to apiculture.

Clause 48

LORD GARDINER OF KIMBLE

Page 41, line 38, at end insert –

““EU regulation”, “EU decision” and “EU tertiary legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20 of that Act);”

Member's explanatory statement

This amendment is consequential on the Minister's amendments to insert new Clauses (Continuing EU programmes: power to provide financial assistance) and (Retained direct EU legislation).

Clause 50

LORD GARDINER OF KIMBLE

Page 42, line 18, leave out "appropriate authority may" and insert "Secretary of State may, subject to subsections (1D) and (1E),"

Member's explanatory statement

This amendment and the other government amendments to Clause 50 are about the extent to which the Secretary of State and the devolved administrations may make supplementary, incidental, consequential or transitional provision in connection with provisions of the Bill.

Page 42, line 19, at end insert –

- “(1A) The Welsh Ministers may by regulations make supplementary, incidental or consequential provision in connection with –
- (a) sections 31 to 33, so far as relating to Wales,
 - (b) section 34 and Schedule 3, so far as relating to Wales,
 - (c) sections 36 and 37, so far as relating to Wales,
 - (d) section 43 and Schedule 5,
 - (e) section 44, and
 - (f) section 49 and Schedule 7 so far as they apply in relation to Wales.
- (1B) The Scottish Ministers may by regulations make supplementary, incidental or consequential provision in the law of Scotland in connection with –
- (a) sections 31 to 33, so far as relating to Scotland, and
 - (b) sections 36 and 37, so far as relating to Scotland.
- (1C) DAERA may by regulations make supplementary, incidental or consequential provision in the law of Northern Ireland in connection with –
- (a) sections 31 and 32, so far as relating to Northern Ireland,
 - (b) sections 36 and 37, so far as relating to Northern Ireland,
 - (c) section 45 and Schedule 6, and
 - (d) section 49 and Schedule 7 so far as they apply in relation to Northern Ireland.
- (1D) The Secretary of State may not make regulations under subsection (1) containing provision which could be made –
- (a) by the Welsh Ministers under subsection (1A)(a) or (b) or (d) to (f),
 - (b) by the Scottish Ministers under subsection (1B)(a), or
 - (c) by DAERA under subsection (1C)(a), (c) or (d).
- (1E) The Secretary of State may make regulations under subsection (1) containing provision which could be made –
- (a) by the Welsh Ministers under subsection (1A)(c),
 - (b) by the Scottish Ministers under subsection (1B)(b), or
 - (c) by DAERA under subsection (1C)(b),

Clause 50 - continued

only if the Secretary of State has first consulted (respectively) the Welsh Ministers, the Scottish Ministers or DAERA.”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 20, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 22, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 25, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 32, leave out sub-paragraph (i) and insert –

- “(i) sections 31 to 33, so far as relating to Wales,
- (ia) section 34 and Schedule 3, so far as relating to Wales,
- (ib) sections 36 and 37, so far as relating to Wales,”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 36, at end insert –

- “(aa) the Scottish Ministers, for provision in connection with –
- (i) sections 31 to 33, so far as relating to Scotland,
- (ii) sections 36 and 37, so far as relating to Scotland, and”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Page 42, line 37, at end insert –

- “(ai) sections 31 and 32, so far as relating to Northern Ireland,
- (bi) sections 36 and 37, so far as relating to Northern Ireland,”

Member’s explanatory statement

See the explanatory statement to the first government amendment to Clause 50

Page 42, line 42, leave out “paragraph (a) or (b)” and insert “paragraphs (a) to (b)”

Member's explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Divide Clause 50 into two clauses, the first (*Power to make consequential etc provision*) to consist of subsections (1) to (4) and the second (*Power to make transitional etc provision*) to consist of subsections (5) and (6)

Member's explanatory statement

See the explanatory statement to the first government amendment to Clause 50.

Clause 51

LORD GARDINER OF KIMBLE

Page 43, line 4, at end insert –

“(ia) giving financial assistance by the Secretary of State under section
(*Continuing EU programmes: power to provide financial assistance*);”

Member's explanatory statement

*This amendment is consequential on the Minister's amendment to insert new Clause
(Continuing EU programmes: power to provide financial assistance).*

Clause 52

LORD GARDINER OF KIMBLE

Page 43, line 19, at end insert “apart from sections (*Continuing EU programmes: power to provide financial assistance*) and (*Retained direct EU legislation*);”

Member's explanatory statement

*This amendment is partly consequential on the Minister's amendment at page 43, line 29 and also secures that new Clause (*Retained direct EU legislation*) extends to England and Wales, Scotland and Northern Ireland, by virtue of Clause 52(4).*

Page 43, line 29, at end insert –

“(3A) Section (*Continuing EU programmes: power to provide financial assistance*) extends to England and Wales and Northern Ireland only.”

Member's explanatory statement

*This provides for new Clause (*Continuing EU programmes: power to provide financial assistance*) to extend to England and Wales and Northern Ireland.*

Clause 53

LORD GARDINER OF KIMBLE

Page 43, line 34, at end insert –

“(za) sections (*Continuing EU programmes: power to provide financial assistance*) and (*Retained direct EU legislation*);”

Member's explanatory statement

This amendment secures that new Clauses (Continuing EU programmes: power to provide financial assistance) and (Retained direct EU legislation) will come into force on the day on which the Act is passed.

Agriculture Bill

AMENDMENTS
TO BE MOVED
ON REPORT

9 September 2020
