

# Agriculture Bill

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[With corrected text of Amendment 102A]

CORRECTED THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

*The amendments have been marshalled in accordance with the Order of 9th September 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.

**After Clause 34**

BARONESS HODGSON OF ABINGER  
BARONESS FOOKES

74

Insert the following new Clause –

**“Welfare of animals as sentient beings**

- (1) Ministers of the Crown and local authorities must, when formulating and implementing any relevant policy, have regard to the welfare requirements of animals as sentient beings.
- (2) The Secretary of State must lay before Parliament an annual report explaining how the duty in subsection (1) has been discharged.
- (3) For the purposes of this section –
  - (a) “animals” are any non-human vertebrates, any member of the Class *Cephalopoda* and any member of the Order *Decapoda*;
  - (b) “IP completion day” has the same meaning as in section 39 of the European Union (Withdrawal Agreement) Act 2020;
  - (c) “local authorities” has the same meaning as in the Localism Act 2011;
  - (d) “Ministers of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

**After Clause 34 - continued**

- (e) “relevant policy” is an agricultural, horticultural or forestry policy relating to the treatment of, or taking action in relation to, animals or their habitats.”

**Member’s explanatory statement**

*This new Clause incorporates into UK law the principles of Article 13 of the Treaty on the Functioning of the European Union which recognises animals as sentient beings and requires governments to pay full regard to the welfare requirements of animals in formulating and implementing agricultural, horticultural or forestry policies.*

BARONESS FINLAY OF LLANDAFF

75 Insert the following new Clause—

**“Application of pesticides: limitations on use in certain wind conditions**

- (1) The Secretary of State must by regulations make provision for prohibiting the application of any pesticide for the purposes of agriculture at high wind speeds.
- (2) In particular, the regulations must make provision prohibiting the use of pesticides when wind speeds are high, near—
  - (a) any dwelling;
  - (b) any water source;
  - (c) any public or private building or space where members of the public may be present.
- (3) Regulations under this section must specify a minimum distance between any of the locations listed under subsection (2)(a) to (c).”

BARONESS FINLAY OF LLANDAFF

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

76 Insert the following new Clause—

**“Information regarding pesticide application**

- (1) A person who is responsible for the application of pesticides for the purposes of agriculture must inform residents living within a certain radius of the pesticide application that such an application will be occurring.
- (2) It is an offence to fail to provide information of such pesticide application to residents, when the pesticides used are labelled as—
  - (a) “Very toxic by inhalation”,
  - (b) “Do not breathe spray, fumes or vapour”,
  - (c) “Harmful: possible risk of irreversible effects through inhalation”.
- (3) The Secretary of State must make regulations specifying the radius within which the provision of such information to residents is mandatory.”

**After Clause 34 - continued**

BARONESS FINLAY OF LLANDAFF

77 Insert the following new Clause –

**“Monitoring of pesticide application: upwind and downwind**

The Secretary of State must, within six months of this Act being passed, publish proposals –

- (a) to monitor the levels of pesticides and herbicides used for the purposes of agriculture in the air within 1 km upwind and downwind of pesticide application in areas near –
  - (i) any dwelling;
  - (ii) any water source;
  - (iii) any public or private building or space where members of the public may be present;
- (b) to conduct research into methods of reducing the air levels of pesticides used for the purposes of agriculture upwind and downwind of where they are applied.”

LORD WHITTY

BARONESS JONES OF MOULSECOOMB

LORD RANDALL OF UXBRIDGE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

78 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.*

## THE EARL OF DUNDEE

79 Insert the following new Clause—

**“Planning guidance for agricultural smallholdings**

The Secretary of State may create planning guidance for local authorities to facilitate the development of combined smallholding home and work spaces for the following purposes—

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

***Member’s explanatory statement***

*This new Clause would enable the Government to give guidelines to local authorities to encourage combined smallholding home and workspace development, thus promoting employment whilst also increasing local food supplies through productive and profitable agroecological smallholder farming.*

80 Insert the following new Clause—

**“Targets for the reduction of pesticides**

The Secretary of State may by regulations make provision—

- (a) to develop targets for the adoption of integrated pest management based upon agroecological farming practices, including organic farming; and
- (b) to create a system for monitoring the reduction of harm to people and animals caused by the use of chemicals and pesticides on farms and for monitoring the reduction of pesticide residues in food.”

***Member’s explanatory statement***

*This amendment would enable the Secretary of State to set and monitor targets for the uptake of integrated pest management based on agroecological farming practices, including organic farming. The purpose is to reduce the use of chemicals and pesticides on farms to ensure healthy food and a cleaner environment.*

**Schedule 3**

BARONESS ROCK

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

81 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 the 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.*

- 82 Page 50, line 29, at end insert “or  
(iii) the landlord's consent to a matter which otherwise requires such consent,”

***Member's explanatory statement***

*This amendment and the amendment in the name of Baroness Rock to page 50, line 36 close 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.*

- 83 Page 50, line 36, leave out “and” and insert “or  
(iii) securing the full and efficient farming of the holding or an environmental improvement, and”

LORD WIGLEY

BARONESS MCINTOSH OF PICKERING

- 84 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 ROCK

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 85 Page 53, line 9, at end insert—  
*“Succession on death of tenant: eligible relatives*  
16A (1) Section 35 (application of sections 36 to 48) is amended as follows.  
(2) After subsection (2)(c) insert—  
“(ca) a nephew or niece of the deceased;  
(cb) a grandchild of the deceased;”  
(3) In subsection (2)(d), after “(c)” insert “or (ca) or (cb)”  
(4) In subsection (2)(d), after “civil partnership” in both places insert “or cohabitation”.”

***Member's explanatory statement***

*This amendment will extend the franchise for farm tenancy succession on death to include nephews, nieces and grandchildren.*

- 86 Page 53, line 35, at end insert—  
*“Succession on retirement of tenant: eligible relatives*  
18A (1) Section 49 (application of sections 50 to 58) is amended as follows.  
(2) After subsection (3)(c) insert—  
“(ca) a nephew or niece of the retiring tenant;  
(cb) a grandchild of the retiring tenant;”  
(3) In subsection (3)(d), after “(c)” insert “or (ca) or (cb)”.

**Schedule 3 - continued**

- (4) In subsection (3)(d), after “civil partnership” in both places insert “or cohabitation”.”

***Member’s explanatory statement***

*This amendment will extend the franchise for farm tenancy succession on retirement to include nephews, nieces and grandchildren.*

BARONESS MCINTOSH OF PICKERING  
THE LORD BISHOP OF ST ALBANS

87 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 Parts 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 –
- (a) Case B,
  - (b) Case D,
  - (c) Case E,
  - (d) Case F,
  - (e) 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, which has not been covered by the Bill, to encourage landlords to let longer Farm Business Tenancies.*

88 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**

**Schedule 3 - continued**

- (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.
- (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;

**Schedule 3 - continued**

- (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;
    - (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.*

THE EARL OF DEVON

## Clause 35

LORD GRANTCHESTER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD KREBS  
BARONESS BOYCOTT

89ZA★ Page 32, line 45, at end insert –

“( ) where a product is imported, a statement of compliance with the relevant domestic standards and regulations specified under section (*Requirement for agricultural and food imports to meet domestic standards*).”

LORD HOLMES OF RICHMOND

89A Page 32, line 45, at end insert –

“( ) Regulations under subsection (1) must make provision for the administration of marketing standards of imported wine products, including the digitisation of the information required on Vi-1 forms.

( ) The Secretary of State must –

- (a) review the need for detailed import certification for wine and consult industry and enforcement bodies as part of this review;
- (b) should the review under paragraph (a) conclude that specific information about wine imports is needed, not re-introduce any requirement until the information can be exchanged electronically and securely;
- (c) consult with international partners including the World Wine Trade Group and the International Organisation of Vine and Wine to develop a technologically driven electronic system;
- (d) determine how any secure electronic system can be included in a wider secure supply chain information system as part of the Government's plans for the 2025 Border Strategy.”

***Member's explanatory statement***

*This amendment makes provision for all regulatory information relating to imported wine products to be permitted in electronic form.*

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

90 Page 33, line 20, 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.”

**Clause 35 - continued**

BARONESS NEVILLE-ROLFE  
 THE EARL OF LINDSAY  
 LORD CURRY OF KIRKHARLE

91 Page 33, line 20, 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.”

LORD BRUCE OF BENNACHIE  
 BARONESS HUMPHREYS  
 LORD THOMAS OF GRESFORD

92 Page 33, line 20, at end insert –

- “(7) Before laying regulations made under subsection (1), the Secretary of State must secure the consent of –
- (a) the Scottish Parliament,
  - (b) Senedd Cymru, and
  - (c) the Northern Ireland Assembly.
- (8) If more than one of the devolved administrations listed in subsection (7) do not consent to the proposed regulations, the regulations may not proceed.”

**After Clause 39**

LORD WALLACE OF TANKERNESS  
 LORD TYLER  
 LORD FOULKES OF CUMNOCK

92A 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 currently 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.*

**Clause 40**

LORD FOULKES OF CUMNOCK

92B Page 36, line 40, 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.*

**After Clause 42**

LORD GRANTCHESTER  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD KREBS  
BARONESS BOYCOTT

93 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 United Kingdom 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 United Kingdom under the agreement will have been produced or processed according to standards which, on the date of their importation, are 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 United Kingdom 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 United Kingdom;
  - (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—

**After Clause 42 - continued**

- (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) are subject to affirmative resolution procedure.
- (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;
  - “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.”

VISCOUNT TRENCHARD  
BARONESS NOAKES

*As an amendment to Amendment 93 in the name of Lord Grantchester*

94

In subsection (2)(b), leave out “their importation, are equivalent to, or exceed, the relevant domestic standards and regulations” and insert “its import, are equivalent to, or exceed, the relevant international standards and regulations and which are consistent with the United Kingdom's obligations contained in subsection (2)(a),”

**Member's explanatory statement**

*This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester's amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.*

*As an amendment to Amendment 93 in the name of Lord Grantchester*

95 In subsection (3)(a)(i), leave out “domestic” and insert “international”

**Member's explanatory statement**

*This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester's amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.*

*As an amendment to Amendment 93 in the name of Lord Grantchester*

96 In subsection (3)(b), leave out “domestic” and insert “international”

**Member's explanatory statement**

*This amendment, and the others in the name of Viscount Trenchard to Lord Grantchester's amendment, recognise that domestic standards are identical to EU standards and in certain respects are not compliant with WTO rules, correct the conflict between subsection (2)(a) and subsection (2)(b) as drafted, and ensure that international trade agreements will be compliant with WTO rules.*

BARONESS MCINTOSH OF PICKERING  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS HENIG  
BARONESS HODGSON OF ABINGER

97 Insert the following new Clause—

**“Trade and Agriculture Commission**

- (1) The Trade and Agriculture 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.
- (2) “Agricultural goods” under subsection (1) 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.
- (3) Her Majesty’s Government may not make any international trade agreement that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless the Trade and Agriculture Commission has expressed in writing to the Secretary of State that it is satisfied the criteria under subsection (1) have been met in relation to the draft of the agreement.

**After Clause 42 - continued**

- (4) The Trade and Agriculture Commission may submit recommendations to the Secretary of State for how the draft agreement could be revised in order to meet the criteria established under subsection (1).
- (5) Where the Trade and Agriculture Commission submit recommendations to the Secretary of State under subsection (4), the Secretary of State must –
  - (a) respond in writing within 14 calendar days, and
  - (b) lay the recommendations and response before Parliament.
- (6) The Trade and Agriculture Commission may appoint staff and advisers.
- (7) The Trade and Agriculture Commission may authorise staff to do anything required or authorised to be done by the Commission.”

VISCOUNT TRENCHARD  
BARONESS NOAKES

*As an amendment to Amendment 97 in the name of Baroness McIntosh of Pickering*

- 98 In subsection (1), leave out “as high as, or higher than,” and insert “which (a) are equivalent to or exceed”

***Member’s explanatory statement***

*This amendment and the other in the name of Viscount Trenchard to Baroness McIntosh’s amendment would ensure that the Trade and Agriculture Commission would establish criteria which would ensure that United Kingdom standards comply with WTO rules.*

*As an amendment to Amendment 97 in the name of Baroness McIntosh of Pickering*

- 99 In subsection (1), at end insert “and (b) are consistent with the terms of the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures”

***Member’s explanatory statement***

*This amendment and the other in the name of Viscount Trenchard to Baroness McIntosh’s amendment would ensure that the Trade and Agriculture Commission would establish criteria which would ensure that United Kingdom standards comply with WTO rules.*

BARONESS JONES OF WHITCHURCH  
BARONESS JONES OF MOULSECOOMB  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
LORD RANDALL OF UXBRIDGE

- 100 Insert the following new Clause –

**“Contribution of agriculture and associated land use to climate change targets**

- (1) In performing functions under this Act, 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 to which the United Kingdom is a signatory, including the Paris Agreement on Climate Change.

**After Clause 42 - continued**

- (2) Within 6 months of the day on which this Act is passed, the Secretary of State must by regulations introduce an interim target for 2030 which would provide for agriculture and associated land use to reduce and sequester climate change emissions in a manner commensurate with meeting the target for 2050.
- (3) Within 12 months of the day on which this Act is passed, the Secretary of State must lay before Parliament a strategy outlining the policies Her Majesty's Government will pursue to meet the interim target for 2030.
- (4) Before fulfilling the requirements under subsections (2) and (3), the Secretary of State must—
  - (a) consult the devolved authorities, and
  - (b) obtain, and take into account, the advice of the Committee on Climate Change.
- (5) Regulations under subsection (2) are subject to affirmative resolution procedure.
- (6) In this section—

“Committee on Climate Change” means the body established under section 32 of the Climate Change Act 2008;

“devolved authorities” has the meaning outlined in section 40 of this Act.”

LORD CURRY OF KIRKHARLE  
LORD WALLACE OF TANKERNESS  
LORD ROOKER  
THE LORD BISHOP OF ST ALBANS

**101** Insert the following new Clause—

**“Trade and Agriculture Commission**

- (1) The Trade and Agriculture Commission (“the TAC”) is established.
- (2) Within three months of the day on which this Act is passed, the TAC 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.
- (4) The report under subsection (2) must include—
  - (a) recommendations 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;

**After Clause 42 - continued**

- (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 should 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 instance where a requirement may have negative impacts on consumer interests or on developing countries, and recommendations of how best 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 TAC's other recommendations under subsection (2).
- (5) In addition to the report under subsection (2), the TAC must produce a report relating to each and any international trade agreement agreed, negotiated or concluded by the Government at any time after the commencement of this Act, prior to such an agreement being signed, considering its impact on the trade of agri-food products.
- (6) A report under subsection (5) must assess the terms of the international trade agreement under consideration and its impact 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 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 prior to the relevant agreement being signed.
- (8) The relevant international trade agreement may not be signed by the Secretary of State or another Minister of the Crown within 21 days of a motion being moved under subsection (7).

**After Clause 42 - continued**

- (9) “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).
- (10) The TAC may create such working groups and commission such research as it deems appropriate to meet its duties under subsections (2) and (5).
- (11) Within three months of a report being laid under subsection (3), the Secretary of State must –
- (a) lay before Parliament a response to the TAC’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 Government’s response to the TAC’s recommendations.
- (12) Ministers of the Crown must table motions for resolution regarding the response under subsection (11) in each House of Parliament.
- (13) It shall be an objective of the Secretary of State to achieve outcomes consistent with the relevant resolutions passed under subsection (12).
- (14) The Secretary of State may by regulations made by statutory instrument confer further functions on the TAC after the report under subsection (2) has been published.
- (15) The Secretary of State may by regulations made by statutory instrument amend the period of three months under subsection (2) provided that such an extension is agreed by the TAC in writing.
- (16) A statutory instrument containing regulations under subsection (14) is subject to affirmative resolution procedure.
- (17) A statutory instrument containing regulations under subsection (15) is subject to negative resolution procedure.”

## LORD RANDALL OF UXBRIDGE

*As an amendment to Amendment 101 in the name of Lord Curry of Kirkharle*

102

After subsection (1) insert –

- “( ) The TAC is to consist of –
- (a) a Chair appointed by the Secretary of State; and
  - (b) other members appointed by the Chair, in consultation with the Secretary of State.

**After Clause 42 - continued**

- ( ) 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 NASEBY

*As an amendment to Amendment 101 in the name of Lord Curry of Kirkharle*

**102A★** After subsection (1) insert—

- “( ) The horticulture and viniculture sectors must be represented through the membership of the TAC.”

LORD WIGLEY

**103** 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

**104** 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
- (h) 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.*

## LORD EMPEY

105 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 means—
  - (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.*

**After Clause 43**

## LORD WIGLEY

106 Insert the following new Clause—

**“Financial assistance: Wales**

In considering the levels of financial assistance and design of financial assistance schemes under Schedule 5, Welsh Ministers must have due regard to the support provided to, and operational environments of, agricultural businesses in other countries against which Welsh producers compete, or may compete, in the United Kingdom or other markets.”

***Member’s explanatory statement***

*The purpose of this Clause is to require relevant ministers to bear in mind the need to endeavour to provide a level playing field for agricultural businesses when providing financial assistance.*

## Schedule 5

LORD GARDINER OF KIMBLE

107 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.*

LORD CARRINGTON

BARONESS MCINTOSH OF PICKERING

108 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,”

***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 that lead to chronic problems in addition to the acute economic problems already covered by the Bill.*

### After Clause 45

BARONESS RITCHIE OF DOWNPATRICK

LORD HAIN

BARONESS BENNETT OF MANOR CASTLE

LORD ALDERDICE

109 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.

**After Clause 45 - continued**

- (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.”

**Schedule 6**

LORD GARDINER OF KIMBLE

110 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

111 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

- 112** 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.*

- 113** 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.*

- 114** 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.*

- 115** 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.*

- 116** 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.*

- 117** 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.*

- 118** 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.*

- 119** 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.*

- 120** 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.*

- 121 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

- 122 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

- 123 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).*

- 124 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

- 125 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

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*[With corrected text of Amendment 102A]*

CORRECTED THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*17 September 2020*

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