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To all MPs
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To all MPs,

Agriculture Bill: Commons Consideration of Lords Amendments

On Thursday 1 October the Agriculture Bill passed Third Reading in the House of Lords. The Bill will now return to the House of Commons for consideration of Lords Amendments. I am writing to explain these amendments and set out the Government's position on them.

The Bill enjoyed a broadly positive reception in the House of Lords, and I was pleased to see cross-party support for replacing the rigid bureaucracy of the Common Agricultural Policy with a system based on the principle of public money for public goods.

We have been clear that in all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards. On 10 July, we established the Trade and Agriculture Commission under the auspices of the Department for International Trade, to advise us on maintaining these standards in upcoming trade deals.

Government amendments

The Government tabled several amendments in the House of Lords, as explained below. More detail on the amendments can be found in **Annex A**. We will be recommending that the House of Commons agrees with these amendments.

The Government has listened carefully to peers, farmers and other stakeholders, prompting us to make a number of changes to the Bill. We have committed to publish food security reports at least once every three years, rather than every five years as originally envisaged.

In order to provide farmers and land managers with the information they require to plan ahead, we have included a new requirement to publish Multi-Annual Financial Assistance plans 12 months in advance of a plan coming into force.

We have also made several changes requested by the devolved administrations, and I am pleased to note that each of the devolved legislatures have now given legislative consent for the Agriculture Bill.

Additionally, we have made technical amendments to ensure that this legislation works as intended, such as by enabling rural development programmes to continue to be funded after the end of the Transition Period.

Opposition amendments

There were amendments on a number of issues on which the Government was defeated in the House of Lords. We will be recommending that the House of Commons disagrees with these amendments, for the reasons set out in **Annex B** and summarised here.

Amendments requiring the Government to publish a National Food Strategy within 12 months of the Bill's passage, and another requiring consideration to be given to the current Environmental Improvement Plan when setting strategic priorities for each Multi-Annual Financial Assistance plan, are unnecessary. They would impose arbitrary timetable requirements for objectives the Government has already committed to fulfil.

While our policies will be designed to help the agricultural sector to make its contribution to meeting greenhouse gas reduction targets, we do not consider it efficient to set a sector-specific target. We share the view of the independent Committee on Climate Change that a more flexible approach to emissions reductions would be most effective. Similarly, while we want to promote responsible use of pesticides, we hope the Commons will overturn the Lords amendment, which would impose disproportionate and burdensome restrictions on farmers by imposing a blanket ban on the use of *any* pesticides.

The amendments on trade also risk adverse effects. The amendment requiring imports of food and agricultural goods to meet domestic standards would be much wider ranging than those we have in place today. Such conditions are not in place for imports under trade agreements negotiated during our membership of the EU and they would make it very difficult to secure any new trade deals. The amendment changing the role and structure of the Trade and Agriculture Commission is unnecessary given the strength of membership, its broad representation and extensive remit. Moreover, the UK will maintain a strong institutional framework for upholding the quality and safety of the food we import and consume through a range of Government departments, agencies and bodies such as the Food Standards Agency, Food Standards Scotland, the Animal and Plant Health Agency, the Veterinary Medicines Directorate and the Health and Safety Executive.

I would be very happy to discuss these matters further with colleagues, and I look forward to leading the Agriculture Bill through this final stage of Parliamentary scrutiny.



VICTORIA PRENTIS MP

Annex A – Government amendments made in the House of Lords

Amendment 2

The amendment places a duty on the Secretary of State to lay before Parliament and publish a multi-annual financial assistance plan (other than the first plan) at least 12 months ahead of it coming into effect.

This places on the face of the Bill a requirement to give farmers and land managers sufficient notice of upcoming strategic priorities for financial assistance.

Amendments 3 and 4

These are technical operability amendments, which ensure that legislation relating to rural development, producer organisations in the Fruit and Vegetable Producer Organisation Aid Scheme, apiculture and promotion measures for agricultural products will become retained EU legislation after the end of the Implementation Period, even where this legislation has direct effect under the Withdrawal Agreement. They also ensure that the UK Government and the Devolved Administrations can continue to fund rural development programmes after the end of the Transition Period.

Amendments 5 to 8

These amendments require the Secretary of State to lay the first report on UK food security on or before the last sitting day before 25 Dec 2021 and subsequently to publish further reports at least every three years.

We have listened carefully to scrutiny from both Houses of Parliament on the topic of food security and are persuaded of the merit in changing the frequency of reporting on the face of the Bill to require reports to be published more frequently.

Amendments 10, 13, 14, 15 and 20 to 29.

These amendments require that the Secretary of State seeks the consent of the devolved authorities before making regulations within their competence under clauses 32 or 37. They also remove the provisions in clauses 42(4) and 42(5). Amendments 20 to 29 give the devolved administrations the power to make supplementary and consequential provision in all additional areas of the Bill where a Legislative Consent Motion is being sought.

We have always said that we would engage intensively with the devolved administrations prior to making any regulations that will apply to the devolved administrations. These amendments demonstrate the strength of that commitment and have enabled the devolved administration to recommend legislative consent to their respective legislatures for those provisions in scope of the Sewel Convention.

Amendments 32 to 44

These amendments bring forward commencement of powers in this Bill. This is to ensure that, despite the delays to legislation caused by the coronavirus pandemic, the necessary secondary legislation will be in place by the end of the year.

Amendments 19, 30, 31, 43, 45 and 46

These amendments are consequential on the other amendments set out above.

Annex B – Amendments made in the House of Lords which Government recommends the HoC disagrees with.

| Clause | Amendment number | Topic | Amendment aim | Reasons for disagreeing |
|----------|------------------|---------------------------------|--|---|
| 4 | 1 | Environmental Improvement Plans | Linking strategic priorities in Multi-Annual Financial Assistance plans to Environmental Improvement Plans. | <ul style="list-style-type: none"> • This amendment is not necessary - the Government will already take Environmental Improvement Plans into account when it determines the strategic priorities that will sit within the Multi-Annual Financial Assistance plans (Clause 4 of the Bill). • The Environmental Land Management scheme is being designed to help deliver the environmental goods set out in our 25 Year Environmental Plan. • Should there be any changes to our 25 Year Environmental Plan or a future Environmental Improvement Plans, the Government will review our Environmental Land Management scheme to ensure that the public goods it is funding remain in line with delivering our priority goals and commitments. |
| 17 | 9 | National Food Strategy | Duty to publish a National Food Strategy within 12 months of the Bill's Royal Assent. | <ul style="list-style-type: none"> • The Government has already committed to publish a Food White Paper within 6 months of receiving the final report of Henry Dimbleby's independent review. It will be for the independent team to develop their final report, and this should not be pre-empted. • Matters such as food supply and consumption, food safety, the resilience of the supply chain for food, and household expenditure are also in the scope of food security reports to be published under Clause 17. |
| After 34 | 11 | Pesticides | Prohibition of pesticide use near residential, commercial or public service buildings, or in areas members of the public may be present. | <ul style="list-style-type: none"> • In extending to <u>any</u> pesticide and <u>any</u> building, the amendment is very sweeping and would have disproportionate effects. Restrictions on use of a pesticide can be made through the authorisation system. • All pesticide users are required by law to take all reasonable precautions to protect human health and the environment and to confine the application of the product to the area intended to be treated. |

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| After 42 | 12 and 16 | Trade | Requirement for imports of food and agriculture goods to meet domestic standards. | <ul style="list-style-type: none"> • These amendments would create a potentially vast set of conditions applicable to imports under trade agreements that do not apply under any agreement the UK or EU has today. • We already have the <u>robust</u> processes, bodies and systems in place to protect our standards. • The Government has made an <u>unequivocal</u> commitment in our manifesto not to compromise on our high standards in all our trade negotiations. |
| After 42 | 18 | Trade | Expansion of role and lifetime of the Trade and Agriculture Commission. | <ul style="list-style-type: none"> • The Trade and Agriculture Commission’s work is already underway. The Commission is open to evidence and input from any organisation or individual and will be guided by its members and working group participants. • The Trade and Agriculture Commission is fully free to consider and make recommendations on any of the issues laid out in the Amendment including on the need for other groups, trade policy measures or duties on Government relating to the examination of trade agreements. It is already working on these issues. |
| After 42 | 17 | Climate Change | Requirement to have regard for climate change agreements, setting greenhouse gas reduction target for agriculture sector | <ul style="list-style-type: none"> • Not having sector-specific targets ensures that we can meet our climate change commitments in the most cost-effective way across the economy, maximising social and environmental benefits, and mitigating damaging trade-offs. • The Secretary of State is <u>already required</u> to have due regard to the Government’s commitment to achieving net zero as set out in the legally binding 2008 Climate Change Act, and in reference to the Paris Agreement on Climate Change. |