

Agriculture (Retained EU Law and Data) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 24
Long Title

Schedule

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 1

Colin Smyth

Supported by: John Finnie, Oliver Mundell

21 After section 1, insert—

<Objectives of secondary legislation

- (1) A power under this Part to make regulations may only be exercised by the Scottish Ministers for the purpose of contributing to one or more of the objectives in subsection (2).
- (2) The objectives are to ensure that agricultural activity contributes to—
 - (a) land management and food production guided by agro-ecological principles,
 - (b) supporting the transitions required to meet the net-zero emissions target (within the meaning of section A1 of the Climate Change (Scotland) Act 2009),
 - (c) increasing the resilience of the agricultural sector to climate change,
 - (d) encouraging innovation, productivity, profitability and resilience in agriculture,
 - (e) facilitating local supply chains,
 - (f) encouraging inclusion and diversity within agriculture,
 - (g) improving and safeguarding Scotland's natural capital through maintaining, restoring and enhancing biodiversity and landscapes,
 - (h) enabling and encouraging good business practice and collaborative working,
 - (i) delivering flourishing rural communities,
 - (j) improving working conditions within the sector,
 - (k) maintaining and enhancing animal welfare,
 - (l) improving food security for healthy sustainable diets.
- (3) Provisions designed to contribute to achieving one objective in subsection (2) must not undermine the ability of regulations under this Part to contribute to the achievement of any other objective in that subsection.>

Section 2

Willie Rennie

- 2 In section 2, page 2, line 19, after <are> insert <(if they have not been subject to the affirmative procedure)>

Oliver Mundell

- 3 In section 2, page 2, line 19, leave out <negative> and insert <affirmative>

Oliver Mundell

- 4 In section 2, page 2, line 19, at end insert—
<() Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

Oliver Mundell

- 5 In section 2, page 2, line 19, at end insert—
<() Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.>

Section 3

Oliver Mundell

- 6 In section 3, page 2, line 32, at end insert—
<() Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

Section 4

Oliver Mundell

- 7 In section 4, page 3, line 6, at end insert—
<() Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

Peter Chapman
Supported by: Oliver Mundell

1 In section 4, page 3, line 7, at end insert—

<() Regulations under this section must be accompanied by a statement by the Scottish Ministers outlining how any surplus or reallocation of funds resulting from modifications or improvements to any payment or expenditure for any purpose under the legislation is to be used.>

Section 5

Willie Rennie

8 In section 5, page 3, line 38, after <are> insert <(if they have not been subject to the affirmative procedure)>

Oliver Mundell

9 In section 5, page 3, line 38, leave out <negative> and insert <affirmative>

Oliver Mundell

10 In section 5, page 3, line 38, at end insert—

<() Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

Oliver Mundell

11 In section 5, page 3, line 38, at end insert—

<() Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.>

Section 6

Willie Rennie

12 In section 6, page 4, line 21, after <are> insert <(if they have not been subject to the affirmative procedure)>

Oliver Mundell

13 In section 6, page 4, line 21, leave out <negative> and insert <affirmative>

Oliver Mundell

14 In section 6, page 4, line 21, at end insert—

<() Before laying a draft of a Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult such persons as they consider appropriate.>

Oliver Mundell

15 In section 6, page 4, line 21, at end insert—

<() Before making regulations under subsection (1), the Scottish Ministers must consult such persons as they consider appropriate.>

Section 8

Oliver Mundell

16 In section 8, page 6, line 5, at end insert—

<(3A) Regulations under this section may only be exercised in a manner such that modifications of retained EU law made by the regulations would be considered—

- (a) compatible with corresponding provisions in any equivalent UK legislation, and
- (b) not to disrupt the UK internal market.

(3B) In this section “UK legislation” means any Act or statutory instrument of the—

- (a) UK Parliament,
- (b) National Assembly for Wales, or
- (c) Northern Ireland Assembly.

(3C) Subsection (3A) does not apply to a provision which has no practical application in relation to Scotland.>

Section 10

Fergus Ewing

17 In section 10, page 7, line 17, leave out <negative> and insert <affirmative>

Fergus Ewing

18 In section 10, page 7, line 18, leave out <making regulations under this section> and insert <laying a draft of a Scottish statutory instrument containing regulations under this section before the Scottish Parliament>

Section 16

Maureen Watt

22 In section 16, page 10, line 33, at end insert—

<() monitoring or analysing—

- (i) supply sources for food (including the availability to the public of food from those sources),
- (ii) household expenditure on food,>

Colin Smyth

23 In section 16, page 10, line 33, at end insert—

<() contributing to any national food plan being prepared by the Scottish Ministers,>

Colin Smyth

24 In section 16, page 11, line 6, at end insert—

<“national food plan” means a strategic framework of the Scottish Ministers’ policies and proposals on—

- (a) food production and consumption, including the growing, harvesting, processing, marketing, sale, preparation and consumption of food,
- (b) the disposal of waste arising from food production and consumption,
- (c) access to affordable, local, nutritious and culturally appropriate food,
- (d) procurement and food provision through the public sector,
- (e) any national targets to be met.>

After section 20

Oliver Mundell

19 After section 20, insert—

<Requirement for new Scottish agricultural policy

- (1) The Scottish Ministers must lay a report before the Parliament on progress towards establishing a new Scottish agricultural policy.
- (2) A report under subsection (1) must include—
 - (a) the Scottish Ministers’ policies and proposals as to—
 - (i) the sustainability of Scottish agriculture and its resilience to climate change,
 - (ii) the simplicity of any modified or future agricultural payment schemes,
 - (iii) the profitability of Scottish agriculture and the agri-food supply chain,
 - (iv) the support and encouragement to innovations and good business practice,
 - (v) the inclusion of new entrants,
 - (vi) the improvement of productivity of Scottish agriculture,
 - (b) an outline of any legislation that will be required to implement the policies and proposals mentioned in paragraph (a) and a timeline of when that legislation will be introduced,
 - (c) the details and result of any consultation undertaken on proposed policies and proposals and any required legislation under paragraph (b),
 - (d) any other matter related to Scottish agriculture that the Scottish Ministers consider appropriate.
- (3) A report under subsection (1) must be laid before the Parliament no later than 31 December 2024.
- (4) For the purposes of paragraph (b), reference to legislation being introduced means—

- (a) the introduction of a Bill for an Act of the Scottish Parliament,
- (b) the making, or laying before the Parliament a draft of, regulations in exercise of powers in an Act of Parliament or an Act of the Scottish Parliament.>

After section 22

Fergus Ewing

20 After section 22, insert—

<Crown application

- (1) Nothing in or under this Act makes the Crown criminally liable.
- (2) The Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (1).
- (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.>

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