

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL FOR THE RIGHT TO FOOD (SCOTLAND) BILL

1. A draft proposal for a Right to Food (Scotland) Bill was lodged on 2 September 2021 by Rhoda Grant MSP.
2. The proposal is for a bill to incorporate the human right to food into Scots Law.
3. The draft proposal is accompanied by a statement of reasons setting out why the member considers that further consultation is not necessary.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee within whose remit the subject matters falls.
5. The committee may consider the statement of reasons and decide whether it is satisfied with the reasons given in the statement.
6. The proposal falls within the remit of the following committee(s)

Committee	Remit and relevance
Equalities, Human Rights and Civil Justice	<p>The Committee's remit is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—</p> <ul style="list-style-type: none"> • matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament • human rights, including Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom • matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans <p>The right to adequate food is included in article 25 of the Universal Declaration of Human Rights, article 11 of the International Covenant on Economic, Social and Cultural Rights and article 24 of the United Nations Convention on the Rights of the Child, all of which the United Kingdom has ratified. It</p>

	therefore is apparent that a proposed bill concerning the human right to food falls within the committee's remit.
Rural Affairs, Islands and Natural Environment	<p>The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.</p> <p>The Cabinet Secretary's responsibilities include the food and drink supply chain, and the Scottish Food Agency. The Cabinet Secretary also has responsibility for agriculture, including food production.</p> <p>As the proposed bill is concerned specifically with food, it falls within the Committee's remit.</p>
Social Justice and Social Security	<p>The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.</p> <p>The Cabinet Secretary's responsibilities include tackling inequalities, poverty action measures, human rights, child poverty and equalities. The remit of the committee is therefore engaged by the proposed bill's focus on the human right to food and by its aim of reducing food inequality and insecurity.</p>

7. This draft proposal is based on an identical proposal made in Session 5 by Elaine Smith MSP. That proposal earned the right to introduce a bill but ran out of time for a bill to be introduced before the end of the session. The draft proposal for the session 5 proposal was referred, for information only, to the Equalities and Human Rights Committee and the Rural Economy and Connectivity Committee.
8. As this draft proposal is accompanied by a statement of reasons, it must be referred to one committee, which may consider and decide whether it is satisfied by the statement.
9. The statement of reasons states that:

“Access to food is a human right, but it is currently being denied to too many people in Scotland. The covid-19 pandemic has exacerbated this and increased the need for action to address this problem.”

10. The key aims of this proposed bill are to:

- Enshrine the right to food in Scots Law
- Place responsibility for oversight onto either an existing body or create an independent statutory food commission to:
 - enable joined up policy making across food policy
 - set measurable targets on food security
 - require the Scottish Government to check policies against requirements of non-regression of the right to food¹.

11. The proposal engages the remits of the three committees mentioned above. The Rural Affairs, Islands and Natural Environment Committee considers food production and supply as part of its remit. However, as the proposal aims to address food insecurities and the barriers to accessing food, it might be more suitable for the statement of reasons to be considered by another committee.

12. Given the proposal's focus on access to food and nourishment, and reducing food inequalities, the proposal would be suitable for referral to either the Equalities, Human Rights and Civil Justice Committee or the Social Justice and Social Security Committee.

13. As the proposal's principal aim is enshrining the right to food in Scots law, and on how this would be overseen and implemented, it is considered that the Equalities, Human Rights and Civil Justice Committee would be best placed to consider all aspects of the background of the proposal and the reasons as to why further consultation is not required.

14. Ahead of submitting this paper, NGBU consulted informally with the clerks of the three committees engaged by the proposal.

Recommendation

15. The Bureau is invited to refer the draft proposal on the Right to Food (Scotland) Bill to the Equalities, Human Rights and Civil Justice Committee.

Non-Government Bills Unit
2 September 2021

¹ that any changes in law or policy should maintain the human right to food, and not allow any deterioration in accessibility etc.