

Agriculture and Rural Communities (Scotland) Bill — Stage 2

Section 1

Rhoda Grant

- 20 In section 1, page 1, line 11, at beginning insert <food security, and>

Rhoda Grant

- 21 In section 1, page 1, line 11, at end insert—
<() access to locally produced food for every person in Scotland,>

Elena Whitham

- 22 In section 1, page 1, line 11, at end insert—
<() the promotion and support of agricultural practices that protect and improve animal health and welfare,>

Ariane Burgess

- 23 In section 1, page 1, line 11, at end insert—
<() enabling generational renewal through support for new entrants, young farmers and crofters,>

Ariane Burgess

- 24 In section 1, page 1, line 12, leave out <on-farm>

Ariane Burgess

- 25 In section 1, page 1, line 12, after <on-farm> insert <and between-farm>

Rhoda Grant

- 26 In section 1, page 1, line 14, at end insert—
<() ensuring rural businesses have sufficient funds and resources to enable them to provide fair work conditions.>

Rhoda Grant

- 27 In section 1, page 1, line 14, at end insert—
<() enabling diversity in agricultural landholding and practice by facilitating crofting and small-scale production.>

Section 2

Colin Smyth

- 28 In section 2, page 1, line 17, at beginning insert <by regulations,>

Colin Smyth

- 29 In section 2, page 1, line 20, leave out <A rural support plan> and insert <Regulations>

Colin Smyth

- 30 In section 2, page 1, line 23, leave out <and>

Colin Smyth

- 31 In section 2, page 1, line 23, at end insert—
<() the Scottish Ministers’ multi-annual financial framework of annual funding commitments,>

Colin Smyth

- 32 In section 2, page 2, line 4, at end insert—
<() A plan prepared under this section must include—
(a) in the case of the first plan, baseline figures for support for agriculture, rural development and related matters from equivalent relevant plans or schemes,
(b) in the case of a subsequent plan, the baseline figures from the preceding plan.>

Colin Smyth

- 33 In section 2, page 2, line 5, leave out <A rural support plan> and insert <Regulations under this section>

Colin Smyth

- 34 In section 2, page 2, line 7, leave out from <A> to end of line 8 and insert <Regulations under this section must be laid—>

Colin Smyth

- 35 In section 2, page 2, line 9, leave out <as soon as practicable> and insert <no more than 6 months>

Colin Smyth

- 36 In section 2, page 2, line 13, after <amend> insert <, by regulations,>

Colin Smyth

- 37 In section 2, page 2, line 16, at end insert—
<() Before amending the rural support plan under subsection (5), the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by the rural support plan.>

Colin Smyth

- 38 In section 2, page 2, line 16, at end insert—

- <() If the Scottish Ministers amend, by regulations, the rural support plan, and in advance of their consulting requirements under section 3(3A), the Scottish Ministers must publish a review of the impact and effectiveness of any previous rural support plan, and any support schemes established under it, including their assessment of the way in which, and the extent to which—
- (a) the support has achieved the purposes for which it was provided,
 - (b) the provision of the support has contributed to achieving the overarching objectives under section 1.>

Colin Smyth

- 39** In section 2, page 2, leave out subsection (6) and insert—

<() Regulations under this section are subject to the affirmative procedure.>

Colin Smyth

- 40** In section 2, page 2, line 17, at end insert—

- <() publish a review of the impact and effectiveness of any previous rural support plan, and support schemes established under it, including their assessment of the way in which and the extent to which—
- (i) the support has achieved the purposes for which it was provided,
 - (ii) the provision of the support has contributed to achieving the overarching objectives under section 1, and>

Section 3

Colin Smyth

- 41** In section 3, page 2, line 34, leave out <a rural support plan> and insert <regulations>

Elena Whitham
Supported by: Colin Smyth

- 42** In section 3, page 2, line 39, after <agriculture> insert <, biodiversity>

Rhoda Grant

- 43** In section 3, page 3, line 1, at end insert—

<() any proposals and policies contained in the good food nation plan.>

Brian Whittle

- 44** In section 3, page 3, line 1, at end insert—

<() the objectives of a plan produced under section 1 of the Good Food Nation (Scotland) Act 2022.>

Colin Smyth

- 45** In section 3, page 3, line 1, at end insert—

<() any other financial support provided by the Scottish Government to agriculture and rural communities.>

Rhoda Grant

46 In section 3, page 3, line 1, at end insert—

<() any objectives of the Scottish Ministers relating to any legislative land reform provision.>

Emma Harper

47 In section 3, page 3, line 1, at end insert—

<() the need for sustainable food systems and supply chains in delivering food security.>

Ariane Burgess

48 In section 3, page 3, line 1, at end insert—

<() the benefits of a diverse and resilient agricultural sector including small producers, tenant farmers, crofters and agricultural co-operative societies.>

Colin Smyth

49 In section 3, page 3, line 3, at end insert—

<(3A) In exercising their functions under subsection (1), the Scottish Ministers must consult with the relevant persons under subsection (3B).

(3B) The persons are—

- (a) in relation to matters under subsection (2)(b), the advisory body designated under section 24 of the Climate Change (Scotland) Act 2009 or, if established, the Scottish Committee on Climate Change,
- (b) in relation to matters under subsection (2)(c)—
 - (i) Scottish Natural Heritage,
 - (ii) Scottish Environmental Protection Agency,
 - (iii) Food Standard Scotland, and
 - (iv) Historic Environment Scotland.

(3C) Regulations laid under section 2 must be accompanied by—

- (a) a summary of any representations received as a result of the consultation under subsection (3A),
- (b) a statement of the changes (if any) made to the regulations as a result of those representations.>

Section 4

Rhoda Grant

50 In section 4, page 3, line 16, at end insert—

<() Before making regulations under this section, the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by the rural support plan.>

Schedule 1

Ariane Burgess

51 In schedule 1, page 19, line 4, after <continues> insert <or evolves to support a transition to a sustainable land management regime>

Ariane Burgess

52 In schedule 1, page 19, line 18, at end insert—

<() wool,>

Rhoda Grant

53 In schedule 1, page 19, line 24, at end insert—

<() herbs,
() machinery,>

Brian Whittle

54 In schedule 1, page 19, line 35, after <food,> insert <with preference given to those in the primary production activities,>

Rhoda Grant

55 In schedule 1, page 20, line 28, at end insert—

<() For the purposes of sub-paragraph (1)(c), arable land forestry can only be used to create hedges and wind breaks.>

Brian Whittle

56 In schedule 1, page 21, line 2, after <area,> insert <including identification of rural anchor institutions,>

Ariane Burgess

57 In schedule 1, page 21, line 6, at end insert—

<Community benefits

Assisting persons to create community benefits, including—

- (a) clean air,
- (b) clean water,
- (c) carbon sequestration,
- (d) biodiversity gains,
- (e) access to nature,

(f) wider economic and social benefits.>

Ariane Burgess

58 In schedule 1, page 21, line 10, after <forestry> insert <, nature restoration>

Ariane Burgess

59 In schedule 1, page 22, line 34, at end insert—

<*Nature-based economy*

Assisting persons to invest in nature-based enterprises in rural areas.>

Ariane Burgess

60 In schedule 1, page 23, leave out line 8 and insert—

<() the physical, chemical and biological condition of the soil, determining its capacity to function as a vital living system and to provide ecosystem services,>

Rhoda Grant

61 In schedule 1, page 23, line 17, at end insert—

<() take action in respect to any relevant plan, policies or objectives relating to agriculture, forestry, land use and land use change.>

Ariane Burgess

62 In schedule 1, page 23, line 25, at end insert—

<() Assisting persons to set aside land for the natural environment and to prevent further biodiversity loss.>

Rhoda Grant

63 In schedule 1, page 23, line 30, after <water> insert <, the water holding capacity of land>

Section 5

Rhoda Grant

64 In section 5, page 3, line 33, at end insert—

<(3) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, lay before the Scottish Parliament a report on funding third party support.

(4) For the purposes of subsection (3), a reporting period is—

(a) the period of one year beginning with the day of Royal Assent,

(b) each subsequent period of one year.>

Section 6

Brian Whittle

- 65 In section 6, page 4, line 3, at end insert—
<() prioritising activities which carry out primary production on high quality agricultural land,>

Rhoda Grant

- 66 In section 6, page 4, line 12, at end insert—
<() Conditions imposed under this section must be proportionate to the size of land where the activity is taking place.>

Section 9

Ariane Burgess

- 67 In section 9, page 5, line 2, leave out <may> and insert <must>

Ariane Burgess

- 68 In section 9, page 5, line 7, at end insert—
<() provide for the amount of support or relevant assistance (or both) that a person may receive in a payment period (or periods) to be increased where support falls under a specified amount of support.>

Rhoda Grant

- 69 In section 9, page 5, line 7, at end insert—
<() provide for the redistribution of the amount of support or relevant assistance (or both) that a person may receive in a payment period (or periods) in accordance with fair work practices.>

Ariane Burgess

- 70 In section 9, page 5, line 7, at end insert—
<() provide for the amount of support or relevant assistance (or both) that a person may receive in a payment period (or periods) to be higher for the first 30 hectares of land.>

Ariane Burgess

- 71 In section 9, page 5, line 7, at end insert—
<() provide for the amount of support or relevant assistance (or both) that a person may receive in a payment period (or periods) to be higher per hectare on a specified number of hectares of land.>

Section 10

Rhoda Grant

- 72 In section 10, page 5, line 31, at end insert—
- <() Regulations under this section must set out the circumstances under which support could be refused or recovered in relation to a public interest test.>

Section 12

Rhoda Grant

- 73 In section 12, page 7, line 2, leave out <3> and insert <6>

Section 13

Ariane Burgess

- 74 In section 13, page 7, line 31, at end insert—
- <() Regulations under this section must make provision to give a recipient of support the choice to have their support determined on the basis of—
- (a) land area, or
 - (b) productive activity.>

Ariane Burgess

- 75 In section 13, page 7, leave out line 36

Rhoda Grant

- 76 In section 13, page 8, line 7, leave out <appropriate> and insert <likely to be interested in or affected by provisions in this section>

Rhoda Grant

- 77 In section 13, page 8, line 9, leave out from <if> to end of line 22

Section 14

Ariane Burgess

- 78 In section 14, page 8, line 23, at end insert—
- <() Regulations under section 13(2)(a) must make provision for or in connection with criteria for productive activity support, in particular the eligibility for receiving support based on—
- (a) the amount of hours of activity per year being more than the annual minimum labour requirement,
 - (b) standard labour requirements where an assessment of farm labour needs has been conducted.>

Ariane Burgess

- 79 In section 14, page 8, line 26, after <out,> insert <in particular by either—
- <() meeting a minimum labour requirement, or
 - () allocating a standard labour requirement for the farm unit, or
 - () a turnover above a minimum threshold (to be set each year by Scottish Ministers) with a minimum of 10 crops,>

Rhoda Grant

- 80 In section 14, page 8, line 35, at end insert—
- <() the ability of grazing committees and co-operatives to claim support as a collective for joint projects separate to individual support.>

Rhoda Grant

- 81 In section 14, page 8, line 35, at end insert—
- <() In this section “grazing committee” has the meaning given by section 47 of the Crofters (Scotland) Act 1993.>

Section 17

Rhoda Grant

- 82 In section 17, page 10, line 19, leave out <may> and insert <must>

Rhoda Grant

- 83 In section 17, page 10, line 24, at end insert—
- <() the outcomes of any support provided,
 - () progress towards the objectives of agricultural policy in section (1),
 - () the outcome of any support provided and where applicable, broken down by reference to support tiers.>

Section 26

Rhoda Grant

- 84 In section 26, page 14, line 20, after <must> insert <, by regulations,>

Rhoda Grant

- 85 In section 26, page 14, line 20, leave out <prepare and publish a document providing> and insert <provide>

Rhoda Grant

- 86 In section 26, page 14, line 22, leave out <document is> and insert <regulations under this section are>

Rhoda Grant

- 87 In section 26, page 14, line 33, leave out subsection (5) and insert—
<() Regulations under this section are subject to the affirmative procedure.>

Section 27

Emma Harper

- 88 In section 27, page 15, line 23, after <activities,> insert <having regard to the need for CPD activities to be available in a range of formats,>

Rhoda Grant

- 89 In section 27, page 15, line 40, at end insert—
<() must make provision for continuing professional development that the Scottish Ministers consider to be appropriate for the size and scale of the activity carried out and the amount of land on which a person carries out the activity,>

Rhoda Grant

- 90 In section 27, page 16, line 1, leave out <negative> and insert <affirmative>

After section 28

Richard Leonard

- 91 After section 28, insert—
- <Officers to inspect accommodation**
- (1) The Scottish Ministers may delegate to such public body as they consider appropriate the function of providing officers under the Agricultural Wages (Scotland) Act 1949 with the ability to—
 - (a) after giving reasonable notice, inspect any and all accommodation provided for workers to ensure it is fit for human habitation, and
 - (b) if not satisfied the accommodation is fit for human habitation, to notify the relevant local authority in order that they may serve, as the case may be, a notice under the Housing (Scotland) 1987 or the Housing (Scotland) Act 2006.
 - (2) The functions delegated under subsection (1) may also provide the officer with the ability to—
 - (a) inspect that the accommodation—
 - (i) meets the Scottish tolerable standard (under the meaning of section 86 of the Housing (Scotland) Act 1987),
 - (ii) has satisfactory facilities for the washing and cleaning of laundry,
 - (b) review the form of agreement between the tenant and landlord, review what has been charged as part of the accommodation and how those charges will be taken as deductions from payslips,
 - (c) provide for a translator to accompany them on an inspection.

- (3) Without prejudice to the generality of subsection (2)—
- (a) water, heating and power should be included in any accommodation charge with the option for the landlord to set a limit on services such as washing,
 - (b) any inspection reports must include—
 - (i) photographic documentation of the inspection,
 - (ii) interviews with workers selected at random by the inspector,
 - (iii) where an inspection has failed, a list of actions to address the reasons for failure and a time frame in which these actions must be concluded by,
 - (c) an inspection must only be passed if no actions are required as a result of the inspection,
 - (d) an inspection must be failed where there is a serious and immediate threat to health and safety.>