

Agriculture and Rural Communities (Scotland) Bill — Stage 3

Section 1

Ariane Burgess

- 18 In section 1, page 1, line 14, after <on-farm> insert <and between-farm>

Rachael Hamilton

- 19 In section 1, page 1, line 16, at end insert—
<() the acknowledgement and preservation of the traditions and cultural role of farmers and crofters.>

Rachael Hamilton

- 20 In section 1, page 1, leave out lines 17 to 19

Section 2

Ariane Burgess

- 21 In section 2, page 2, line 2, at end insert—
<() targets to reduce agriculture's environmental impact in relation to biodiversity, including indicators to measure progress towards these targets,>

Rachael Hamilton

- 8A As an amendment to amendment 8, line 4, leave out <an indication of>

Rachael Hamilton

- 8B As an amendment to amendment 8, line 9, leave out <an indication of>

Rachael Hamilton

- 8C As an amendment to amendment 8, line 11, leave out <an indication of>

Ariane Burgess

- 22 In section 2, page 2, line 9, after <may> insert <—
() describe how the Scottish Ministers consider the support provided under the plan will—
(i) reduce greenhouse gas emissions (within the meaning of section 10 of the Climate Change (Scotland) Act 2009) from agriculture,
(ii) reduce harm from pesticides,
(iii) reduce nitrogen loss and waste,
(iv) optimise the proportion of land which is farmed organically,
(v) optimise the proportion of land which is used for agroforestry,

- (vi) improve the biodiversity of agricultural land, including the contribution of agriculture to landscape-scale nature recovery,
- (vii) protect and improve the welfare conditions of farmed animals,
- (viii) improve the quality of ground and surface water, and

()>

Rachael Hamilton

23 In section 2, page 2, line 20, at end insert—

<() Before the Scottish Ministers amend the rural support plan, they must consult a committee of the Scottish Parliament whose remit includes agricultural policy.>

Ariane Burgess

24 In section 2, page 2, line 35, at end insert—

<(11) The Scottish Ministers may by regulations modify subsection (3) to add, adjust or remove information that may be included in a rural support plan.

(12) Regulations under subsection (11) are subject to the affirmative procedure.>

Section 3

Ariane Burgess

25 In section 3, page 3, line 5, after <agriculture,> insert <forestry,>

After section 3

Rhoda Grant

10A As an amendment to amendment 10, line 15, after <including> insert <by use of fair work practices,>

Rhoda Grant

10B As an amendment to amendment 10, line 15, at end insert—

<() the redistribution of support provided, to ensure a more equitable distribution of funds,>

Rhoda Grant

10C As an amendment to amendment 10, line 15, at end insert—

<() an analysis of the use of the Scottish Ministers' power to cap support and assistance under section 9,>

Rachael Hamilton

10D As an amendment to amendment 10, line 25, leave out <may> and insert <must>

Rachael Hamilton

10E As an amendment to amendment 10, line 26, leave out <interim> and insert <yearly>

Ariane Burgess

26 After section 3 insert—

<Evaluation of rural support plan

- (1) In the case of the first rural support plan, the Scottish Ministers must—
 - (b) two and a half years after the plan is published, prepare and publish a progress evaluation,
 - (c) following the end of the plan period, commission an ex-post evaluation.
- (2) For every subsequent rural support plan, the Scottish Ministers must commission—
 - (a) an ex-ante evaluation before publishing the plan, and
 - (b) an ex-post evaluation at the appropriate time following the end of the plan period.
- (3) This section does not apply to any rural support plans amended under section 2(5).
- (4) In this section—

“ex-ante evaluation” means an evaluation or an assessment done to predict the impact of a policy or program prior to its implementation,

“ex-post evaluation” means a summative evaluation conducted to demonstrate the achievements of policy objectives, impacts and results to stakeholders and the general public, and to increase transparency and learn how to do policy better in the future.>

Rachael Hamilton

11A As an amendment to amendment 11, line 16, at end insert—

- <() The Scottish Ministers must consult a relevant committee of the Scottish Parliament whose remit includes agricultural policy.>

Section 4

Rachael Hamilton

27 In section 4, page 3, line 28, at end insert—

- <() Any support provided for the purposes of—
 - (a) peatland restoration,
 - (b) agroforestry,must be accessible to tenant farmers and crofters.>

Rachael Hamilton

28 In section 4, page 3, line 24, at end insert—

- <() Support provided under subsection (1) must be provided through a multi-year financial framework and, where appropriate, ring-fenced funding.>

Ariane Burgess

- 29 In section 4, page 3, line 28, at end insert—
- <() Before making regulations under this section in relation to support for forestry, the Scottish Ministers must—
 - (a) engage with communities affected by the activity, and
 - (b) consult such other persons as they consider appropriate.>

After section 6

Ariane Burgess

- 30 After section 6 insert—
- <Distributional impact of support**
- (1) Before introducing a support scheme, the Scottish Ministers must—
 - (a) consider the methods of redistribution within the support scheme,
 - (b) consider the distributional impact of funding a support scheme, in particular working towards a more equitable support scheme for sustainable and regenerative practices,
 - (c) consider any administrative barriers and up-front costs faced by crofters and small producers, and
 - (d) publish these considerations in a statement at the same time as introducing a support scheme.
 - (3) In relation to each support scheme, the Scottish Minister must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report on—
 - (a) the measures, if any, they plan to take with regards to redistribution,
 - (b) the distributional impact of the support scheme.
 - (4) For the purposes of this section—
 - “reporting period” means—
 - (a) the period of five years beginning with the introduction of a support scheme,
 - (b) each subsequent period of five years,
 - “support scheme” means a scheme operated by the Scottish Ministers for the provision of support under or by virtue of this Act.>

Section 9

Ariane Burgess

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

Ariane Burgess

- 32 In section 9, page 5, line 10, at beginning insert <in relation to basic income support,>

Ariane Burgess

33 In section 9, page 5, line 14, 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

34 In section 9, page 5, line 14, 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.>

Ariane Burgess

35 In section 9, page 5, line 14, 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, provided that the recipient meets the eligibility criteria and conditions for basic income support.>

Ariane Burgess

36 In section 9, page 5, line 18, at end insert—

<“basic income support” means financial support that acts as a safety net for farmers and crofters by supplementing their main business income,>

Section 10

Ariane Burgess

37 In section 10, page 5, line 27, at end insert—

<() refuse to provide support if they consider that it is not aligned with the objectives of Scottish agricultural policy under section 1,>

Ariane Burgess

38 In section 10, page 5, line 27, at end insert—

<() refuse to provide support to a landowner if the primary activity on the land is the management of driven grouse shooting,>

Ariane Burgess

39 In section 10, page 5, line 32, at end insert—

<() refuse to provide support to any person found guilty of a wildlife crime or who has had a section 16AA licence revoked under the Wildlife and Countryside Act 1981,

() in a case where a person has been found guilty of a wildlife crime or has had a section 16AA licence revoked under the Wildlife and Countryside Act 1981, the

Scottish Ministers must take such steps as they consider appropriate to recover any support previously provided.>

Edward Mountain

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

<() the manner and circumstances in which a person who has had support refused or recovered under subsection (1) may—

- (i) have the Scottish Ministers review their decision to exercise the powers, or
- (ii) appeal the decision.>

Section 13

Ariane Burgess

41 In section 13, page 7, line 37, 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.>

Section 14

Ariane Burgess

42 In section 14, page 8, line 36, after <time> insert <or meeting a specific threshold for turnover from agricultural activity>

Ariane Burgess

43 In section 14, page 8, line 38, after <activity,> insert <which may be set by reference to the type of activity (for example, horticulture), or the manner in which the land is occupied (for example, as a croft),>

Ariane Burgess

44 In section 14, page 9, line 5, at end insert—

<() if a person employs temporary migrant workers—

- (i) the person's inclusion on the register established under section (*Fair work employer register*),
- (ii) the wages paid to workers,
- (iii) the availability of channels for workers' representation,
- (iv) any history of tax avoidance.>

Ariane Burgess

45 In section 14, page 9, line 5, at end insert—

<() if a person employs temporary migrant workers, whether a person operates with fair work principles.>

Ariane Burgess

46 In section 14, page 9, line 5, at end insert—

<() Regulations under section 13(2)(a) must provide that any person receiving support for or in connection with the purposes described in schedule 1 must act in accordance with any principles of the Scottish Land Rights and Responsibilities Statement.>

Ariane Burgess

47 In section 14, page 9, line 7, at end insert—

<() In this section, “temporary migrant worker” includes seasonal workers (under the meaning of section 315 of the Housing (Scotland) Act 1987) and such other workers engaged in work of a temporary nature as may be prescribed by the Home Secretary in the administration of the Immigration Acts.>

Section 16

Edward Mountain

48 In section 16, page 10, line 26, at end insert—

<() Regulations made by virtue of subsection (2)(i) may only create a penalty in relation to an over-claim of support where the penalty does not exceed ten per cent of the over-claim for support, where it is the first instance the person has received the penalty.>

Section 17

Richard Leonard

49 In section 17, page 10, line 33, at end insert <(and, in such circumstances as may be specified in the regulations, any person who owns or controls the recipient)>

Section 26

Edward Mountain

50 In section 26, page 15, line 5, at end insert <within the period of one year beginning with the day on which this section comes into force.>

Section 27

Rachael Hamilton

51 In section 27, page 16, line 22, at end insert—

<() The Scottish Ministers must, when making regulations under this section, ensure that CPD activities are affordable and accessible for those receiving the CPD activities.>

Beatrice Wishart

52 In section 27, page 16, line 22, at end insert—

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

After section 27

Ariane Burgess

53 After section 27, insert—

<Fair work employer register

- (1) The Scottish Ministers must establish a register of persons who—
 - (a) employ temporary migrant workers for agricultural activity, and
 - (b) operate with fair work principles.
- (2) The purpose of the register is to—
 - (a) identify employers exercising best practice,
 - (b) improve delivery of support services to temporary migrant workers.
- (3) The Scottish Ministers may, by regulations, make provision for—
 - (a) eligibility criteria for registration,
 - (b) the process for registration,
 - (c) information the register is to contain,
 - (d) the form and manner in which the register is to be kept,
 - (e) any other matters as the Scottish Ministers may consider appropriate.
- (4) Regulations under subsection (3) are subject to the affirmative procedure.
- (5) In this section “temporary migrant worker” includes seasonal workers (under the meaning of section 315 of the Housing (Scotland) Act 1987) and such other workers engaged in work of a temporary nature as may be prescribed by the Home Secretary in the administration of the Immigration Acts.>

Rachael Hamilton

54 After section 27, insert—

<Collection and processing of data

- (1) The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 is amended as follows.
- (2) After section 13(8) (defined terms), insert—

“(8A) “Labour market intelligence” means information about an agricultural labour market to understand and inform employment trends, skills demand, job opportunities and workforce characteristics.”
- (3) After section 15 (agricultural activity: requirement to provide information), insert—

“15A Labour market intelligence: requirement to provide information

- (1) The Scottish Ministers may require a person who carries on an agricultural activity or a person in, or closely connected with an agri-food supply chain to provide information about matters connected with agricultural labour market intelligence so far as that labour takes place in Scotland.
 - (2) The Scottish Ministers may by regulations impose requirements on a person who carries on an agricultural activity or a person in, or closely connected with an agri-food supply chain to provide information about matters connected with agricultural labour market intelligence so far as that labour takes place in Scotland.
 - (3) A requirement under subsection (1) must be made in writing.
 - (4) Regulations under subsection (2) are subject to the affirmative procedure.”
- (4) After section 17(4)(i) (purposes for which information may be required and processed), insert—
- “(j) the purposes of any function of Skills Development Scotland or other public authority to monitor and analyse the agricultural labour market to understand and inform skills demand.”.>

Rachael Hamilton

55 After section 27, insert—

<Review of agricultural labour market intelligence

- (1) The Scottish Ministers must periodically review the agricultural labour market intelligence, so far as that labour takes place in Scotland, for the purpose of monitoring or analysing the agricultural labour market to understand and inform skills demand.
- (2) In this section “labour market intelligence” means information about agricultural labour market to understand and inform employment trends, skills demand, job opportunities and workforce characteristics.
- (3) The Scottish Ministers must publish a review prepared under this section.>

After section 28

Richard Leonard

56 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) Act 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.>

Schedule 1

Rhoda Grant

- 57** In schedule 1, page 19, line 25, after <purposes,> insert <only in so far as the production of energy is a byproduct of food production, or where the land is unsuitable for food production,>

Ariane Burgess

- 58** In schedule 1, page 20, line 4, at end insert—
- <() For the purposes of this paragraph, game farming for the purpose of providing game-bird for sporting activity is not eligible for support.>

Ariane Burgess

- 59** In schedule 1, page 21, line 3, at end insert—
- <Land for food production*
- (1) Assisting small to medium scale farmers, crofters and growers to purchase land for food production.
 - (2) For the purposes of this paragraph, the land purchased must either—
 - (a) be a total of 50 hectares in a single purchase, or

(b) take a person's combined holdings to a total of 50 hectares or above.>

Rachael Hamilton

60 In schedule 1, page 21, line 8, at end insert—

<() encourage agricultural and scientific innovation.>

Ariane Burgess

61 In schedule 1, page 21, line 29, at end insert—

<() restock commercial tress with trees or a mix of trees, as the case may be, that produce food, including fruit, nuts and leaves,>

Ariane Burgess

62 In schedule 1, page 22, line 2, at end insert—

<() This paragraph is without prejudice to the duties contained in section 2 of the Forestry and Land Management (Scotland) Act 2018 (duty to promote sustainable forest management).>

Ariane Burgess

63 In schedule 1, page 22, line 2, at end insert—

<() Support under this paragraph must only be provided where an Environmental Impact Assessment has been completed, if the activity is on land—

- (a) of 50 hectares or above,
- (b) the cumulative area of land held by the person receiving support would be 50 hectares or above if—
 - (i) adjoined with or adjacent to existing or proposed woodland also held by the person receiving support, and
 - (ii) support is being provided for the same activity across the cumulative landholding,
- (c) that is a sensitive area, including—
 - (i) a Site of Special Scientific Interest,
 - (ii) land to which an order has been made under section 23 of the Nature Conservation (Scotland) Act 2004,
 - (iii) an area classified as a National Park under section 6(1) of the National Parks (Scotland) Act 2000,
 - (iv) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the Worlds Cultural and Natural Heritage,
 - (v) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979,
 - (vi) a National Scenic Area as designated by a direction made by Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997,

(vii) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994,

(viii) deep peat soil which is organic soil containing more than 60 per cent organic matter and exceeds 50 centimeters in thickness.>

Ariane Burgess

64 In schedule 1, page 22, line 4, at end insert—

<*Common grazing committees*

Assisting grazing committees in accessing and administering the support options designed to fulfil the objectives of Scottish agricultural policy on common grazings.>

Ariane Burgess

65 In schedule 1, page 22, line 4, at end insert—

<*Venison supply chains and infrastructure*

Assisting persons who work in, operate, or seeking to establish venison supply chains and infrastructures, such as deer larders and access to carcass removal.>

Rachael Hamilton

66 In schedule 1, page 22, line 15, at end insert—

<() Assisting persons to preserve and maintain the traditions and cultural roles of farmers and crofters.>

Ariane Burgess

67 In schedule 1, page 23, line 11, at end insert—

<() degree level courses in local food production or processing and business management,>

Finlay Carson

68 In schedule 1, page 23, line 11, at end insert—

<() educational activities and learning opportunities for students linked to the Curriculum for Excellence,>

Rachael Hamilton

69 In schedule 1, page 24, line 30, after <quality,> insert <through effective management of soil>

Ariane Burgess

70 In schedule 1, page 25, line 20, at end insert—

<() Assisting persons to carry out deer management activities in order to enhance or protect the natural environment.>

Tim Eagle

71 In schedule 1, page 25, line 28, at end insert—

- <() Assisting persons who have sustained loss or damage in consequence of—
- (a) the reintroduction of a native species of plant or animal (including species which were, but are no longer, native to the area of reintroduction by reason of having become extinct in part or all of Scotland),
 - (b) the activity of a species of wild animal—
 - (i) which is considered by the Scottish Ministers to have conservation value, and
 - (ii) the killing or control of which is limited or prohibited by an enactment or an agreement (for example, a lease or other land management agreement).
- () For the purposes of this paragraph, “animal” means a vertebrate (other than a human) or invertebrate.>

Rachael Hamilton

72 In schedule 1, page 25, line 34, at end insert—

<*Geese*

- (1) Assisting persons whose agricultural fields have experienced significant damage due to the feeding habits of geese.
- (2) For the purposes of this paragraph, “geese” includes but is not limited to the greylag goose (*Anser anser*) and pink-footed goose (*Anser Fabalis*).>