

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

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above the line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Objectives of secondary legislation

21

Group 2: Regulations: procedure

2, 3, 8, 9, 12, 13, 17, 18

Group 3: Regulations: consultation

4, 5, 6, 7, 10, 11, 14, 15

Group 4: Statement by the Scottish Ministers under section 4

1

Debate to end no later than 1 hour 5 minutes after proceedings begin

Group 5: Marketing standards: compatibility with UK standards and internal market

16

Group 6: Purpose for which information may be required or processed

22, 23, 24

Group 7: Requirement for new Scottish agricultural policy

19

Group 8: Crown application

20

Debate to end no later than 2 hours after proceedings begin

THIS IS NOT THE MARSHALLED LIST

Amendments in debating order

Group 1: Objectives of secondary legislation

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.>

Group 2: Regulations: procedure

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>

THIS IS NOT THE MARSHALLED LIST

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>

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>

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>

Group 3: Regulations: consultation

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.>

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.>

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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.>

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.>

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.>

Group 4: Statement by the Scottish Ministers under section 4

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.>

THIS IS NOT THE MARSHALLED LIST

Group 5: Marketing standards: compatibility with UK standards and internal market

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.>

Group 6: Purpose for which information may be required or processed

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.>

THIS IS NOT THE MARSHALLED LIST

Group 7: Requirement for new Scottish agricultural policy

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.>

Group 8: Crown application

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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