

# Agriculture and Rural Communities (Scotland) Bill

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## Groupings of Amendments for Stage 2

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;
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- the text of amendments to be debated on the day of Stage 2 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

#### **Purpose and objectives of agricultural policy**

92, 93, 96, 20, 94, 95, 21, 22, 23, 97, 98, 24, 25, 3, 99, 100, 101, 26, 27, 102, 103, 104, 105, 106, 107, 108

#### *Notes on amendments in this Group*

Amendment 96 pre-empts amendments 20, 94 and 95

Amendment 98 pre-empts amendments 24 and 25

#### **Indicators, targets, monitoring and reporting**

109, 110, 111, 64, 150, 189, 190

#### **Rural Support Plan: contents and scrutiny**

28, 29, 112, 30, 31, 113, 114, 32, 115, 116, 117, 33, 118, 119, 120, 34, 121, 35, 122, 123, 124, 36, 37, 38, 39, 125, 40, 126, 127, 128, 129, 41

#### *Notes on amendments in this Group*

Amendment 34 pre-empts amendment 121

Amendments 35 pre-empts amendments 122 and 123

Amendments 122 and 123 are direct alternatives

Amendment 39 pre-empts amendments 125, 40 and 126

Amendment 129 pre-empts amendment 41

#### **Rural Support Plan: considerations**

130, 4, 42, 131, 5, 43, 44, 45, 46, 47, 48, 49

#### **Regulation procedures under this Bill**

132, 139, 156, 168, 77, 172, 184, 87, 90

*Notes on amendments in this Group*  
Amendment 77 pre-empts 172

**Support for Rural Communities**

133

**Power to provide support procedure**

134, 135, 50, 136, 137, 138, 157

**Purposes of support**

140, 141, 142, 143, 51, 52, 6, 53, 7, 144, 145, 54, 146, 55, 147, 56, 57, 58, 8, 10, 11, 148, 59, 60, 61, 62, 149, 63

**Minor and technical**

9, 12, 18, 19

*Notes on amendments in this Group*  
Amendment 12 pre-empts amendment 179 in Group Support on basis of land area or productive activity

**Form of support and conditions**

65, 66

**Guidance**

151, 152, 153, 154, 155

**Power to cap support and assistance**

67, 158, 68, 69, 70, 71, 159, 160, 161, 162, 163, 164, 165

**Refusal or recovery of support where in the public interest**

166, 72, 167, 169

**Duration of declaration relating to exceptional market conditions**

73

**Support on basis of land area or productive activity**

74, 170, 75, 78, 79, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182

*Notes on amendments in this Group*  
Amendment 179 is pre-empted by amendment 12 in Group Minor and technical

**Regulation and eligibility of support**

76, 171, 80, 81

*Notes on amendments in this Group*  
Amendments 76 and 171 are direct alternatives

**Appeals**

183

**Information**

82, 13, 83, 14, 15

**Review of payments under CAP legislation**

185

**Code of Practice on Sustainable and Regenerative Agriculture**

84, 85, 86, 186, 187, 188

**Code for tenant farmers**

191

**Continuing Professional Development**

16, 192, 193, 194, 195, 88, 196, 17, 197, 198, 89, 199

**Officers to inspect accommodation**

91

**Local authority procurement targets**

200

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## Amendments in debating order

### Purpose and objectives of agricultural policy

#### Colin Smyth

92 Before section 1, insert—

#### <Purpose of this Act

- (1) The purpose of this Act is to—
  - (a) make provision for the support of agriculture in Scotland,
  - (b) ensure that such support is in the public interest, and contributes to the achievement of the overarching policy objectives listed in section 1.
- (2) In exercising any powers under this Act, the Scottish Ministers must act in a manner best calculated to achieve the overarching policy objectives in section 1 through a rural support plan under section 2.>

#### Emma Harper

93 In section 1, page 1, line 9, after the second <of> insert <Scottish>

#### Beatrice Wishart

96 In section 1, page 1, leave out line 11 and insert—

<( ) sustainable and high-quality agricultural and food production,>

#### Rhoda Grant

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

#### Rachael Hamilton

94 In section 1, page 1, line 11, leave out <high-quality>

#### Colin Smyth

95 In section 1, page 1, line 11, after <food,> insert <and other farm products using sustainable and regenerative agricultural practices,>

#### 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,>

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### **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,>

### **Rachael Hamilton**

- 97 In section 1, page 1, line 11, at end insert—  
<( ) the protection and preservation of food security,>

### **Colin Smyth**

- 98 In section 1, page 1, leave out lines 12 and 13

### **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>

### **Colin Smyth**

- 3 In section 1, page 1, line 13, at end insert—  
<( ) to improve animal welfare,>

### **Colin Smyth**

- 99 In section 1, page 1, line 13, at end insert—  
<(ca) to mitigate and adapt to climate change,>

### **Colin Smyth**

- 100 In section 1, page 1, line 13, at end insert—  
<(cb) to maintain and enhance the natural heritage of Scotland,>

### **Rachael Hamilton**

- 101 In section 1, page 1, line 14, leave out <enabling> and insert <allowing farmers and>

### **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—

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<( ) enabling diversity in agricultural landholding and practice by facilitating crofting and small-scale production.>

### **Rachael Hamilton**

**102** In section 1, page 1, line 14, at end insert—

<( ) the protection and effective management of soil health,>

### **Colin Smyth**

**103** In section 1, page 1, line 14, at end insert—

<( ) For the purposes of the objective in paragraph (a), factors relevant to whether food and other goods are produced in a sustainable manner include, among other things, the resilience of agricultural businesses within the communities in which they operate and their contribution to the local economy.>

### **Colin Smyth**

**104** In section 1, page 1, line 14, at end insert—

<( ) For the purposes of the objective in paragraph (ca), factors relevant to climate change mitigation and adaptation include, among other things—

- (a) the nature and extent to which they contribute to the reduction of emissions in line with the targets set under the Climate Change (Scotland) Act 2009,
- (b) the contribution made to the delivery of any programme for adaptation to climate change published under section 53 of the Climate Change (Scotland) Act 2009.>

### **Colin Smyth**

**105** In section 1, page 1, line 14, at end insert—

<( ) For the purpose of the objective in paragraph (cb), factors relevant to the natural heritage include, among other things—

- (a) diversity between and within ecosystems,
- (b) the connections between and within ecosystems,
- (c) the scale of ecosystems,
- (d) the condition of ecosystems, including their structure and functioning,
- (e) the adaptability of ecosystems.>

### **Colin Smyth**

**106** In section 1, page 1, line 14, at end insert—

<( ) For the purpose of the objective in paragraph (d), factors relevant to whether rural communities are thriving include, among other things, the impact of shorter supply chains and the adequacy and fairness of incomes received by farmers and crofters.>

### **Colin Smyth**

**107** In section 1, page 1, line 14, at end insert—

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- <( ) In exercising their functions under this Act, the Scottish Ministers must act in a manner they consider best contributes to achieving the objectives in this section.>

### Colin Smyth

108 In section 1, page 1, line 14, at end insert—

- <( ) The Scottish Ministers may, by regulation, amend the objectives of agricultural policy under subsection (1).  
( ) Regulations under this section are subject to the affirmative procedure.>

### **Indicators, targets, monitoring and reporting**

#### Colin Smyth

109 After section 1, insert—

##### **<Indicators and targets**

- (1) The Scottish Ministers must, by regulations, set out—
  - (a) indicators for measuring progress towards achieving the objectives listed in section 1,
  - (b) targets in relation to those indicators.
- (2) For the avoidance of doubt, targets may be set by reference to any period that the Scottish Ministers consider appropriate.
- (3) Regulations under subsection (1) must be laid by 31 December 2025.
- (4) Regulations under this section are subject to the affirmative procedure.>

#### Rachael Hamilton

110 After section 1, insert—

##### **<Monitoring by the Scottish Food Commission**

- (1) The Good Food Nation (Scotland) Act 2022 is amended as follows.
- (2) In section 20 (functions of the Commission), after subsection (1)(a), insert—

“(aa) to keep under review progress in achieving the objective in section 1(b) of the Agriculture and Rural Communities (Scotland) Act 2025.”>

#### Rachael Hamilton

111 After section 1, insert—

##### **<Report on objectives**

- (1) The Scottish Ministers must, in respect of each reporting period—
  - (a) undertake a review of the impact of the provisions of this Act on achieving the objectives set out in section 1,
  - (b) prepare a report on that review.

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- (2) For the purposes of this section, a “reporting period” is—
  - (a) in the case of the first report, the period of 12 months beginning with the day after Royal Assent,
  - (b) each successive period of 12 months.>

### **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.>

### **Colin Smyth**

**150** After section 6, insert—

#### **<Distributional impact of support**

- (1) As soon as possible after the introduction of a support scheme, the Scottish Ministers must publish a statement including—
  - (a) the budget for the scheme,
  - (b) the anticipated number of people who will receive support through the scheme,
  - (c) the anticipated distribution of support in relation to—
    - (i) size of landholding of persons receiving support, and
    - (ii) income of persons receiving support,
  - (d) the expected impact of the scheme on socio-economic inequality in terms of the duty contained in section 1 of the Equality Act 2010,
  - (e) what consideration has been given to the just transition principles contained in section 35C of the Climate Change (Scotland) Act 2009.
- (2) In relation to each support scheme, the Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and publish a report including, in particular—
  - (a) the cost of the scheme,
  - (b) the number of people receiving support each year,
  - (c) the distribution of support in relation to—
    - (i) size of landholding of persons receiving support, and
    - (ii) income of persons receiving support,
  - (d) the impact of the scheme on socio-economic inequality in terms of the duty contained in section 1 of the Equality Act 2010,
  - (e) how the scheme has applied the just transition principles contained in section 35C of the Climate Change (Scotland) Act 2009.

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- (3) 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.>

### Beatrice Wishart

189 After section 26, insert—

#### <Duty to report to Parliament on Scotland's food security

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and lay before the Scottish Parliament a report on statistical data in relation to food security in Scotland.
- (2) A report under subsection (1) must, in particular, include information on—
  - (a) global food availability,
  - (b) supply sources for food, including the range of supply sources and the availability to the public of food from domestic and other sources,
  - (c) the resilience of the supply chain for food, including in response to disruptions in, or significant price increases for, the supply of energy,
  - (d) household expenditure on food, including in comparison to expenditure on other items,
  - (e) food safety and consumer confidence in food.
- (3) For the purposes of subsection (1), a reporting period is—
  - (a) the period of one year beginning with the day of Royal Assent,
  - (b) each subsequent period of 3 years.>

### Rachael Hamilton

190 After section 26, insert—

#### <Duty to report to Parliament on Scotland's food security

- (1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period, prepare and lay before the Scottish Parliament a report on food security in Scotland.
- (2) A report under subsection (1) must, in particular, include information on—
  - (a) disruptions to Scotland’s food supply chain, and
  - (b) what steps the Scottish Ministers are taking to address such disruptions.
- (3) For the purposes of subsection (1), a reporting period is—
  - (a) the period of one year beginning with the day of Royal Assent,
  - (b) annually thereafter.>

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**Rural Support Plan: contents and scrutiny**

**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**

112 In section 2, page 1, line 21, at end insert—

<(aa) how the Scottish Ministers intend to define the overarching policy objectives under section 1,

(ab) the outcomes sought for each objective,

(ac) how the Scottish Ministers intend to achieve the outcomes in paragraph (ab),>

**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**

113 In section 2, page 2, line 1, leave out <the Scottish Ministers' consider appropriate,> and insert <prescribed in subsection (2A),>

**Rachael Hamilton**

114 In section 2, page 2, line 4, at end insert—

<( ) in each plan subsequent to the first plan published under this section, an evaluation of the previous plan.>

**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**

115 In section 2, page 2, line 4, at end insert—

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- <(2A) The details to be given under subsection (2)(c) are—
- (a) the objectives and rationale for that scheme and the expected uptake,
  - (b) the indicative proportionality of multi-year budgets,
  - (c) information on how the impact of funding will be monitored, and
  - (d) the predicted impact of each scheme on the overarching objectives under section 1.>

### **Rachael Hamilton**

**116** In section 2, page 2, line 4, at end insert—

- <( ) The description of each support scheme under subsection (2)(c) must include—
- (a) the objectives for the scheme,
  - (b) the intended outcomes of the scheme,
  - (c) targets and milestones for the outcomes of the scheme,
  - (d) how the scheme will be monitored and evaluated,
  - (e) the date that the scheme will commence,
  - (f) the initial budget for the scheme and the sources of funding.>

### **Rachael Hamilton**

**117** In section 2, page 2, line 4, at end insert—

- <( ) A rural support plan must include details of at least one support scheme intended to support farmers under the age of 41.>

### **Colin Smyth**

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

### **Beatrice Wishart**

**118** In section 2, page 2, line 6, at end insert—

- <( ) In preparing a plan under this section, the Scottish Ministers must—
- (a) publish, and consult for a period of no less than 84 days, on a draft of the plan, and
  - (b) have regard to any responses to the consultation.>

### **Alasdair Allan**

**119** In section 2, page 2, line 6, at end insert—

- <( ) When preparing or reviewing a rural support plan, the Scottish Ministers must consult such persons as they consider likely to be interested in or affected by the rural support plan.>

### **Rachael Hamilton**

**120** In section 2, page 2, line 6, at end insert—

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- <( ) Before publishing a plan, or as the case may be a subsequent plan, the Scottish Ministers must—
- (a) conduct a food mile analysis to consider the distance food travels to reach a consumer in Scotland, and
  - (b) have regard to that analysis in the plan.>

### 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—>

### Rachael Hamilton

- 121 In section 2, page 2, line 7, after <Parliament> insert <for a period of no less than 30 days>

### Colin Smyth

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

### Beatrice Wishart

- 122 In section 2, page 2, line 9, leave out from first <as> to <force> in line 10 and insert <no later than 6 months beginning with the day after Royal Assent>

### Tim Eagle

- 123 In section 2, page 2, line 9, leave out from first <as> to <force> in line 10 and insert <within 3 months of Royal Assent>

### Tim Eagle

- 124 In section 2, page 2, line 11, leave out <6> and insert <12>

### 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

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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.>

### **Beatrice Wishart**

125 In section 2, page 2, line 17, after <must> insert <—

- (a) publish and consult on a draft amended plan for a period of no less than 84 days, and have regard to any responses to that consultation,
- (b)>

### **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>

### **Rachael Hamilton**

126 In section 2, page 2, line 18, after <Parliament> insert <for a period of no less than 30 days>

### **Rachael Hamilton**

127 In section 2, page 2, line 19, at end insert—

<( ) Before publishing a plan under subsection (4) or an amended plan under subsection (6), the Scottish Ministers must consult such persons as they consider appropriate or affected by it.>

### **Colin Smyth**

128 In section 2, page 2, line 30, after <section,> insert <—

“rationale” means an analysis of—

- (a) the objectives of each scheme,
- (b) the logic and reason for intervention,
- (c) the use of public funds,

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- (d) the other options that were considered and rejected for achieving those objectives, including the reasons for the choices made, and
- (e) the lessons learnt from previous evaluations of similar schemes in Scotland or elsewhere, and how this learning has been incorporated into the design of the scheme.>

### **Colin Smyth**

- 129 In section 3, page 2, line 33, leave out subsection (1) and insert—
- <( ) The Scottish Ministers must, when preparing or amending a rural support plan—
- (a) act in a manner they consider best contributes to achieving the objectives in section 1, and
  - (b) have regard to the matters under subsection (2).>

### **Colin Smyth**

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

### **Rural Support Plan: considerations**

### **Colin Smyth**

- 130 In section 3, page 2, leave out line 36

### **Mairi Gougeon**

- 4 In section 3, page 2, line 39, after <agriculture> insert <, rural land use>

### **Elena Whitham**

#### **Supported by: Colin Smyth**

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

### **Rachael Hamilton**

- 131 In section 3, page 3, leave out line 1

### **Mairi Gougeon**

- 5 In section 3, page 3, line 1, at end insert—
- <( ) the desirability of the agricultural sector operating with fair work principles.>

### **Rhoda Grant**

#### **Supported by: Colin Smyth**

- 43 In section 3, page 3, line 1, at end insert—
- <( ) any proposals and policies contained in the good food nation plan.>

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**Brian Whittle**

**Supported by: Colin Smyth**

- 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.

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- (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.>

### **Regulation procedures under this Bill**

#### **Rachael Hamilton**

132 After section 3, insert—

##### **<Timetable for regulations**

As soon as practicable following Royal Assent, Scottish Ministers must publish a timetable for regulations, including in particular—

- (a) details of regulations under this Act that they intend to introduce in the following two years,
- (b) when any draft regulations will be published,
- (c) whether any regulations are intended to be introduced at the same time as other regulations,
- (d) any other information relating to existing or planned regulations under this Act that they consider appropriate.>

#### **Tim Eagle**

139 In section 4, page 3, line 17, leave out <negative> and insert <affirmative>

#### **Beatrice Wishart**

156 In section 7, page 4, line 25, leave out <negative> and insert <affirmative>

#### **Tim Eagle**

168 In section 10, page 5, line 34, leave out <negative> and insert <affirmative>

#### **Rhoda Grant**

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

#### **Tim Eagle**

172 In section 13, page 8, line 9, leave out from <if> to end of line 11

#### **Tim Eagle**

184 In section 18, page 11, line 23, leave out <negative> and insert <affirmative>

#### **Rhoda Grant**

87 In section 26, page 14, line 33, leave out subsection (5) and insert—

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

### **Rhoda Grant**

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

### **Support for Rural Communities**

#### **Rachael Hamilton**

133 After section 3, insert—

#### **<PART**

#### SUPPORT FOR RURAL COMMUNITIES

##### **Rural community wealth fund**

- (1) The Scottish Ministers must, as soon as practicable after Royal Assent, establish and maintain a fund to be known as the “rural community wealth fund”.
- (2) The Scottish Ministers must use the fund to provide financial assistance to rural projects.
- (3) The Scottish Ministers may by regulations make provision about—
  - (a) who may apply to the fund,
  - (b) the form of applications to the fund,
  - (c) the nature of projects that will be supported by the fund,
  - (d) any other provision as to the operation of the fund as the Scottish Ministers consider appropriate.
- (4) Regulations under subsection (3) are subject to the affirmative procedure.>

### **Power to provide support procedure**

#### **Rachael Hamilton**

134 In section 4, page 3, line 12, at end insert—

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

#### **Colin Smyth**

135 In section 4, page 3, line 12, at end insert—

- <(1A) Subject to subsection (1B), support provided under subsection (1) must be consistent with the rural support plan.
- (1B) If support provided under subsection (1) is not consistent with the rural support plan, Scottish Ministers must publish a statement including—
- (a) the reasons for departing from the rural support plan,
  - (b) proposals for amending the rural support plan to reflect the support being provided,

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- (c) how the support being provided will contribute to the objectives set out in section 1.>

### **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.>

### **Rachael Hamilton**

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

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

### **Ariane Burgess**

**137** In section 4, page 3, line 16, 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.>

### **Rachael Hamilton**

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

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

### **Tim Eagle**

**157** In section 8, page 4, line 35, at end insert—

- <( ) The Scottish Ministers must prepare a report, no more than 1 year after this section comes into force, on the performance of any functions delegated under subsection (1).>

## **Purposes of support**

### **Kate Forbes**

**140** In schedule 1, page 18, leave out lines 24 and 25 and insert—

- <( ) growing crops, including fruit, seeds and plants grown for the production of energy or other non-food purposes,>

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### Tim Eagle

141 In schedule 1, page 18, line 27, at end insert—

<( ) deer and game farming,>

### Ariane Burgess

142 In schedule 1, page 18, line 31, after <purposes> insert <, including—

- (i) providing shelter to livestock,
- (ii) reducing flood risk,
- (iii) reducing soil loss,
- (iv) reducing risks to wader birds, including curlew>

### Tim Eagle

143 In schedule 1, page 18, line 31, at end insert—

<( ) cereals and oilseeds, peas and beans, other foraged crops.>

### 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,>

### Mairi Gougeon

6 In schedule 1, page 19, line 23, after first <meat> insert <, pig meat>

### Rhoda Grant

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

<( ) herbs,  
( ) machinery,>

### Rhoda Grant

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

<( ) poultry meat and eggs,>

### Beatrice Wishart

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

<( ) venison,>

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### **Rhoda Grant**

145 In schedule 1, page 19, line 32, at end insert—

<( ) If venison is the only product produced as an ancillary activity, the person is not eligible for support.>

### **Brian Whittle**

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

### **Ariane Burgess**

146 In schedule 1, page 20, line 16, after <woodland> insert <that have a positive impact on biodiversity, carbon, and where appropriate, are a public amenity to the local area>

### **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.>

### **Ariane Burgess**

147 In schedule 1, page 20, line 30, 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 40 hectares or above, or

(b) less than 40 hectares that would exceed 40 hectares if adjoined with existing woodland.>

### **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.>

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### **Ariane Burgess**

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

### **Mairi Gougeon**

- 8 In schedule 1, page 21, line 19, at end insert—

<( ) For the purposes of this paragraph, “enterprise” includes co-operative societies and similar organisations.>

### **Mairi Gougeon**

- 10 In schedule 1, page 22, line 2, leave out <and> and insert <or>

### **Mairi Gougeon**

- 11 In schedule 1, page 22, line 9, leave out <(c)> and insert <(d)>

### **Tim Eagle**

- 148 In schedule 1, page 22, line 33, after <improve> insert <responsible>

### **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.>

### **Tim Eagle**

- 149 In schedule 1, page 23, line 27, after the first <of> insert <—

( ) the reintroduction of species, including, in particular, beavers and white-tailed eagles,

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( )>

### **Rhoda Grant**

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

### **Minor and technical**

#### **Mairi Gougeon**

- 9 In schedule 1, page 21, line 23, leave out <agricultural> and insert <agriculture>

#### **Mairi Gougeon**

- 12 In section 15, page 9, line 6, leave out from <to> to <by> and insert <of payment entitlements to, or the reclamation or cancelling of payment entitlements by,>

#### **Mairi Gougeon**

- 18 In schedule 2, page 24, line 20, leave out <16> and insert <6>

#### **Mairi Gougeon**

- 19 In schedule 2, page 25, leave out line 17

### **Form of support and conditions**

#### **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.>

### **Guidance**

#### **Tim Eagle**

- 151 In section 7, page 4, line 15, leave out from <(including> to end of line 16

#### **Tim Eagle**

- 152 In section 7, page 4, line 19, leave out <or> and insert <and>

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**Tim Eagle**

- 153 In section 7, page 4, line 19, leave out <(or both)>

**Tim Eagle**

- 154 In section 7, page 4, leave out lines 21 to 23

**Tim Eagle**

- 155 In section 7, page 4, leave out line 24

**Power to cap support and assistance**

**Ariane Burgess**

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

**Colin Smyth**

- 158 In section 9, page 5, line 3, leave out <the overall amount of support or relevant assistance (or both)> and insert <payments under tier 1>

**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**

**Supported by: Colin Smyth**

- 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.>

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### Beatrice Wishart

159 In section 9, page 5, line 7, at end insert—

<( ) provide, in relation to those payments under tier 1, for the amount of support or relevant assistance (or both) that a person may receive in a payment period (or periods) to be adjusted such that the payment per hectare is greater for recipients claiming in relation to holding below a specified number of hectares and to progressively reduce in relation to specified hectarages.>

### Rachael Hamilton

160 In section 9, page 5, line 7, at end insert—

<( ) Within six months of Royal Assent, the Scottish Ministers must consult such persons as they consider appropriate about the use of powers under this section.>

### Edward Mountain

161 In section 9, page 5, line 8, after <consult> insert <—

( ) persons in receipt of support or relevant assistance,  
( ) persons recommended for consultation by the committee of the Scottish Parliament into whose remit agricultural policy falls, and  
( )>

### Edward Mountain

162 In section 9, page 5, line 8, after <such> insert <other>

### Beatrice Wishart

163 In section 9, page 5, line 9, leave out <appropriate> and insert <likely to be affected by provisions in this section>

### Beatrice Wishart

164 In section 9, page 5, line 10, leave out <negative> and insert <affirmative>

### Beatrice Wishart

**Supported by: Colin Smyth**

165 In section 9, page 5, line 12, at end insert—

< “payments under tier 1” means “Base Level Direct Payments” under or by virtue of any another enactment (including, in particular, assimilated law governing the CAP direct payment schemes and assimilated direct CAP legislation) or their successors,>

## Refusal or recovery of support where in the public interest

### Rachael Hamilton

166 In section 10, page 5, line 25, at end insert—

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<( ) The Scottish Ministers must, by regulations, define what is considered to be in the public interest.>

### **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.>

### **Beatrice Wishart**

167 In section 10, page 5, line 33, leave out <appropriate> and insert <likely to be affected by provisions in this section>

### **Edward Mountain**

169 Leave out section 10

## **Duration of declaration relating to exceptional market conditions**

### **Rhoda Grant**

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

## **Support on basis of land area or productive activity**

### **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**

170 In section 13, page 7, line 34, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

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

### **Ariane Burgess**

78 In section 14, page 8, line 23, at end insert—

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- <( ) 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,>

### **Ariane Burgess**

- 173 In section 15, page 8, line 38, after <with> insert—
- <(a) for productive activity basis—
    - (i) setting an annual minimum labour requirement threshold,
    - (ii) the assessment and allocation of standard labour requirements,
  - (b) for land area basis—>

### **Ariane Burgess**

- 174 In section 15, page 8, line 39, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 175 In section 15, page 9, line 1, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 176 In section 15, page 9, line 2, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 177 In section 15, page 9, line 3, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 178 In section 15, page 9, line 4, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 179 In section 15, page 9, line 6, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 180 In section 15, page 9, line 8, leave out <entitlements> and insert <allocations>

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### **Ariane Burgess**

- 181 In section 15, page 9, line 10, leave out <entitlements> and insert <allocations>

### **Ariane Burgess**

- 182 In section 15, page 9, line 11, leave out from first <entitlement> to end of line 13 and insert <allocation” is the amount of support to be provided to a person once a land area or productive activity assessment under section 13 has been completed.>

### **Regulation and eligibility of support**

#### **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>

#### **Beatrice Wishart**

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

#### **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.>

### **Appeals**

#### **Edward Mountain**

- 183 In section 16, page 10, line 3, leave out <appeals> and insert <appealed within 3 months>

### **Information**

#### **Rhoda Grant**

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

#### **Richard Leonard**

- 13 In section 17, page 10, line 22, at end insert—

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<( ) the beneficial ownership of the recipient of any support provided,>

### **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.>

### **Mairi Gougeon**

14 In section 18, page 11, line 2, leave out <data> and insert <information>

### **Mairi Gougeon**

15 In section 18, page 11, line 7, leave out subsection (3) and insert—

- <(3) A duty or power to disclose or use information which is imposed or conferred by regulations under subsection (1) may not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).>

## **Review of payments under CAP legislation**

### **Rachael Hamilton**

185 After section 25, insert—

#### **<Review of payments under CAP legislation**

- (1) Within one year of Royal Assent, the Scottish Ministers must review the effectiveness of payments made under the legislation listed in section 1 of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020.
- (2) Following a review under subsection (1), the Scottish Ministers must—
  - (a) prepare a report on the review, and
  - (b) lay that report before the Scottish Parliament.>

## **Code of Practice on Sustainable and Regenerative Agriculture**

### **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>

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### **Rhoda Grant**

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

### **Rachael Hamilton**

- 186 In section 26, page 14, line 28, at end insert—  
<( ) an assessment of the potential impact the reintroduction of species may have on food producing land,>

### **Edward Mountain**

- 187 In section 26, page 14, line 30, at end insert—  
<( ) The Scottish Ministers must—  
(a) no later than 180 days after Royal Assent, publish a draft code, and  
(b) consult on the draft code.>

### **Tim Eagle**

- 188 In section 26, page 14, line 30, at end insert—  
<( ) The Scottish Ministers must only adopt the code (or the code as revised) by resolution of the Scottish Parliament.>

## **Code for tenant farmers**

### **Rachael Hamilton**

- 191 After section 26, insert—  
**<Code of practice for tenant farmers**
- (1) The Scottish Ministers must prepare and publish a document providing guidance for tenant farmers.
  - (2) The document is to be called the “Code of Practice for Tenant Farmers” (and is referred to in this section as “the tenant farmer code”).
  - (3) The Scottish Ministers must, no later than 180 days after Royal Assent, publish the tenant farmer code.
  - (4) The Scottish Ministers must review and, if they consider it appropriate, revise and publish the tenant farmer code (as so revised) by the end of each review period.
  - (5) Before publishing the tenant farmer code or any revised tenant farmer code, the Scottish Ministers must lay it before the Scottish Parliament.
  - (6) The Scottish Ministers must, in preparing or reviewing the tenant farmer code, consult such persons as they consider likely to be interested in or affected by it.
  - (7) The Scottish Ministers must take such steps as they consider appropriate to promote awareness of the tenant farmer code to persons likely to be affected by it—
    - (a) after publication of the tenant farmer code (or the tenant farmer code as revised),

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- (b) at such other times as they consider appropriate.
- (8) In this section, “review period” means—
  - (a) the period of 5 years beginning with the day on which the first tenant farmer code is published, and
  - (b) each subsequent period of 5 years.>

### **Continuing Professional Development**

#### **Richard Leonard**

- 16 In section 27, page 15, line 9, at end insert—  
<( ) farm workers,>

#### **Alasdair Allan**

- 192 In section 27, page 15, line 11, at end insert—  
<( ) persons who work in agriculture (whether as employees or otherwise),>

#### **Rachael Hamilton**

- 193 In section 27, page 15, line 17, at end insert—  
<( ) When making regulations under subsection (1), the Scottish Ministers must take into account the need for continuing professional development to—
  - (a) be co-designed with the sector to which it will apply in order to identify and meet their needs,
  - (b) be delivered in the most appropriate format, which could include peer-to-peer knowledge exchange,
  - (c) be accessible to all farmers, crofters and land managers,
  - (d) include an accreditation scheme for trainers and advisers,
  - (e) be monitored and evaluated.>

#### **Beatrice Wishart**

- 194 In section 27, page 15, line 17, at end insert—  
<( ) Before making regulations under subsection (1), the Scottish Ministers must—
  - (a) consult—
    - (i) farmers,
    - (ii) crofters,
    - (iii) land managers, and
  - (b) have regard to any responses to the consultation.>

#### **Rachael Hamilton**

- 195 In section 27, page 15, line 18, at beginning insert <Subject to subsection (3A),>

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### **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,>

### **Edward Mountain**

- 196 In section 27, page 15, line 23, at end insert—  
<( ) formal and informal CPD activities, including peer-to-peer learning,>

### **Mairi Gougeon**

- 17 In section 27, page 15, line 26, after <qualifications> insert <, skills or experience>

### **Rachael Hamilton**

- 197 In section 27, page 15, line 37, 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.>

### **Rachael Hamilton**

- 198 In section 27, page 15, line 37, at end insert—  
<(3A) Regulations under subsection (1) may only require a person to undertake CPD activities that are related to relevant health and safety issues as defined by any Agricultural Code of Practice published by the Scottish Ministers.>

### **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,>

### **Rachael Hamilton**

- 199 In section 27, page 16, line 1, at end insert—  
<(5) The Scottish Ministers must as soon as reasonably practicable after the end of each reporting period, prepare and publish a report on how continuing professional development is being carried out and managed.  
(6) A report under subsection (5) must be laid before the Scottish Parliament.  
(7) For the purposes of subsection (5), a reporting period is—  
(a) the period of one year beginning with the day regulations are laid under subsection (1),  
(b) each subsequent period of one year.>

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### **Officers to inspect accommodation**

**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.>

### **Local authority procurement targets**

**Rachael Hamilton**

**200** After section 28, insert—

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### **<Local authority procurement targets**

The target is that within 3 years of Royal Assent, 60% of the food procured by each local authority will be produced within 60 miles of the local authority area.>



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