

# Good Food Nation (Scotland) Bill

[AS AMENDED AT STAGE 2]

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Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

# Good Food Nation (Scotland) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to require the Scottish Ministers to prepare and publish a national good food nation plan; to require certain authorities to prepare and publish their own good food nation plans; and to provide as to the effect of all of those plans.

## *National good food nation plan*

- 5     **1     Requirement to produce plan**
- (1) The Scottish Ministers must—
- (a) publish, and
- (b) lay before the Scottish Parliament,
- a national good food nation plan.
- 10     (2) Subsection (1) must be complied with before the end of the period of 3 months beginning with the expiry of the consideration period mentioned in section 1B.
- (3) The national good food nation plan must set out—
- (a) the main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved in relation to Scotland,
- 15     (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
- (c) the policies which the Scottish Ministers intend to pursue in order to secure the achievement of the outcomes.
- (4) The national good food nation plan may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.
- 20     (5) In determining the content of the national good food nation plan, the Scottish Ministers must have regard, among other things, to the scope for food-related issues to affect outcomes in relation to—
- (a) social and economic wellbeing,
- 25     (b) the environment, including in particular in relation to—
- (i) climate change, and
- (ii) wildlife and the natural environment,
- (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),

- (d) economic development,
- (e) animal welfare,
- (f) education, and
- (g) child poverty.

5 **1A Preparation of plan: principles**

In preparing the national good food nation plan, the Scottish Ministers must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- 10 (b) the role of sustainable food production in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- 15 (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,
- (e) the importance of the food business sector—
  - (i) continuing to be a thriving part of the Scottish economy,
  - 20 (ii) having resilient supply chains,
  - (iii) operating with fair work standards, and
  - (iv) in contributing to resilient local economies across Scotland.

**1B Requirement to lay proposed plan before the Parliament**

- (1) Before complying with the requirement to lay a national good food nation plan in section 1(1), the Scottish Ministers must—
  - (a) lay the proposed plan before the Scottish Parliament, and
  - (b) before finalising the plan have regard to—
    - (i) any representations about the proposed plan that are made to them,
    - (ii) any resolution relating to the proposed plan passed by the Parliament, and
    - 30 (iii) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of the standing orders, before the expiry of the consideration period.
- (2) The proposed plan must be laid before the Parliament under subsection (1)(a) not later than the end of the period of 12 months beginning with the day on which this section comes into force.
- 35 (3) The Scottish Ministers must, when laying the national good food nation plan before the Parliament under section 1(1), lay a statement setting out—
  - (a) details of any representations, resolutions or reports mentioned in subsection (1)(b), and

(b) the changes (if any) they have made to the plan in response to such representations, resolutions or reports and the reasons for those changes.

(4) In this section “consideration period” means the period of 28 days beginning with the day on which the proposed plan is laid before the Parliament under subsection (1)(a).

(5) In calculating the period of 28 days mentioned in subsection (4), no account is to be taken of any period during which the Parliament is dissolved or in recess for more than 4 days.

## 2 Preparation of plan: consultation

(1) In preparing the national good food nation plan, the Scottish Ministers must—

(a) publish, and consult on, a draft of the plan, and

(b) have regard to any responses to the consultation.

(2) The persons consulted under subsection (1)(a) are to be those who the Scottish Ministers consider appropriate.

## 3 Preparation of plan: consideration of international instruments

(1) In preparing the national good food nation plan, the Scottish Ministers must have regard to the international instruments listed in subsection (2).

(2) Those instruments are—

(a) Article 11 (so far as it concerns adequate food) of the International Covenant on Economic, Social and Cultural Rights,

(b) Article 24(2)(c) (so far as it concerns the provision of adequate nutritious foods) of the United Nations Convention on the Rights of the Child,

(c) Articles 27(1) and (3) (so far as they concern nutrition) of the United Nations Convention on the Rights of the Child,

(d) Article 12(2) (so far as it as concerns adequate nutrition during pregnancy and lactation) of the Convention on the Elimination of All Forms of Discrimination Against Women.

(3) The Scottish Ministers may by regulations modify the list in subsection (2) so as to add, remove or vary a reference to an international instrument.

(4) The provision which may be made by regulations under subsection (3) includes—

(a) limiting the extent of an international instrument to a particular matter,

(b) providing that a reference to an international instrument is a reference to that instrument as it has effect—

(i) at a particular time, or

(ii) as amended from time to time.

## 4 Effect of plan

The Scottish Ministers must, when exercising a specified function or a function falling within a specified description, have regard to the national good food nation plan.

## 5 Reporting

(1) As soon as practicable after the end of each reporting period, the Scottish Ministers must—

(a) publish, and

(b) lay before the Scottish Parliament,

a report setting out progress made in the reporting period towards achieving the outcomes set out in the national good food nation plan, by reference to the indicators or other measures contained in the plan by virtue of section 1(3)(b).

(2) The report may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.

(3) In this section, “reporting period” means—

(a) the period of 2 years beginning with the day on which section 1(1) is complied with, and

(b) each subsequent period of 2 years.

## 6 Review and revision of plan

(1) Before the end of—

(a) the period of 5 years beginning with the day on which section 1(1) is complied with, and

(b) each subsequent period of 5 years,

the Scottish Ministers must review the national good food nation plan.

(2) Following a review, the Scottish Ministers may revise the plan as they consider appropriate.

(3) Sections 1(3) to (5), 1A, 2 and 3(1) apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.

(4) As soon as practicable after revising the plan, the Scottish Ministers must—

(a) publish, and

(b) lay before the Scottish Parliament,

the plan as so revised.

(5) Sections 1B(1) and (3) to (5) apply in relation to a revised national good food nation plan as they apply in relation to the national good food nation plan in the first place.

### *Good food nation plans of public bodies*

## 7 Requirements to produce plans

(1) Each relevant authority must publish a good food nation plan.

(2) In this Act, a “relevant authority” is—

(a) a health board,

(b) a local authority,

(c) a specified public authority.

- (3) Subsection (1) must be complied with—
- (a) in the case of a health board or local authority, before the end of the period of 12 months beginning with the day on which this section comes into force,
  - (b) otherwise, before the end of the period specified in relation to the authority concerned.
- (4) A relevant authority's good food nation plan must set out—
- (a) the main outcomes in relation to food-related issues which the relevant authority wants to be achieved within the relevant authority's areas of responsibility,
  - (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
  - (c) the policies which the relevant authority intends to pursue in order to secure the achievement of the outcomes.
- (5) A relevant authority's good food nation plan may include such other material in relation to food-related issues as the relevant authority considers appropriate.
- (6) In determining the content of its good food nation plan, a relevant authority must have regard, among other things, to the scope for food-related issues to affect outcomes in relation to—
- (a) social and economic wellbeing,
  - (b) the environment, including in particular in relation to—
    - (i) climate change, and
    - (ii) wildlife and the natural environment,
  - (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),
  - (d) economic development,
  - (e) animal welfare,
  - (f) education, and
  - (g) child poverty.

#### **7A Preparation of plans: principles**

In preparing a good food nation plan under section 7, a relevant authority must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- (b) the role of sustainable food production in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,

- (e) the importance of the food business sector—
- (i) continuing to be a thriving part of the Scottish economy,
  - (ii) having resilient supply chains,
  - (iii) operating with fair work standards, and
  - (iv) contributing to resilient local economies across Scotland.

## 8 Preparation of plans: consultation

- (1) In preparing a good food nation plan under section 7, a relevant authority must—
- (a) publish, and consult on, a draft of the plan, and
  - (b) have regard to any responses to the consultation.
- (2) Those consulted under subsection (1)(a) are to be those who the relevant authority considers appropriate.

## 9 Preparation of plans: consideration of national plan

In preparing a good food nation plan under section 7, a relevant authority must have regard to the national good food nation plan.

## 9A Statement accompanying plan

A relevant authority must, when publishing its good food nation plan, publish a statement setting out how in preparing the plan it complied with sections 7A and 9.

## 10 Effect of plans

A relevant authority must, when exercising a specified function or a function falling within a specified description, have regard to the relevant authority's good food nation plan.

## 11 Reporting

- (1) As soon as practicable after the end of each reporting period, a relevant authority must publish a report setting out progress made in the reporting period towards achieving the outcomes set out in its good food nation plan, by reference to the indicators or other measures contained in its plan by virtue of section 7(4)(b).
- (2) The report may include such other material in relation to food-related issues as the relevant authority considers appropriate.
- (3) In this section, “reporting period” means—
- (a) the period of 2 years beginning with the day on which section 7(1) is complied with by the relevant authority, and
  - (b) each subsequent period of 2 years.

## 12 Review and revision of plans

- (1) Before the end of—
- (a) the period of 5 years beginning with the day on which section 7(1) is complied with by it, and

(b) each subsequent period of 5 years,  
a relevant authority must review its good food nation plan.

- (2) Following a review, the relevant authority may revise the plan as the relevant authority considers appropriate.
- 5 (3) Sections 7(4) to (6), 7A, 8 and 9 apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.
- (3A) A relevant authority must, when publishing a revised good food nation plan, publish a statement setting out how in revising the plan it complied with sections 7A and 9.
- 10 (4) As soon as practicable after revising the plan, a relevant authority must publish the plan as so revised.

### *Interpretation*

#### **13 Meaning of “food-related issue”**

- (1) In this Act, “food-related issue” means—
- (a) a food matter, or
- 15 (b) any other matter connected with—
- (i) the availability of food,
- (ii) the production, processing or distribution of food,
- (iii) the preparation or service of food for consumers.
- (2) In subsection (1), “food” and “food matter” have the same meanings as in the Food (Scotland) Act 2015 (see, respectively, sections 53(1) and 54 of that Act).
- 20

#### **14 Other defined expressions**

- (1) In this Act—
- “the Convention on the Elimination of All Forms of Discrimination Against Women” means the Convention on the Elimination of All Forms of Discrimination Against Women adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979,
- 25 “food business sector” means persons carrying out businesses involving—
- (a) any stage of the production, processing or distribution of food, or
- (b) the preparation or service of food for consumers,
- 30 “health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
- “the International Covenant on Economic, Social and Cultural Rights” means the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966,
- 35 “international instrument”—
- (a) means—
- (i) any treaty, convention or other international legislative instrument, or

(ii) any document issued by an international organisation for the purpose of giving guidance to states, and

(b) includes any provision of such an instrument,

“international organisation” means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more states,

“public authority” means a person who is—

(a) a part of the Scottish Administration, or

(b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),

“relevant authority” has the meaning given in section 7(2),

“specified” means specified in regulations made by the Scottish Ministers,

“the United Nations Convention on the Rights of the Child” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

- (2) A reference in this Act to an international instrument is, unless the reference contains contrary provision, a reference to the instrument as it has effect when section 3 comes into force.

#### *Ancillary provision*

### **15 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).

#### *Regulation-making powers*

### **16 Regulations**

- (1) A power of the Scottish Ministers to make regulations conferred by any of the preceding provisions includes power to make—
- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) different provision for different purposes.
- (1A) Before making regulations under section 4, 7(2)(c) or 10, the Scottish Ministers must—
- (a) consult those persons who the Scottish Ministers consider appropriate, and
- (b) have regard to any responses to the consultation.
- (3) Regulations under section 3(3) are subject to the affirmative procedure.
- (3A) The first regulations under section 4 are subject to the affirmative procedure.
- (3B) Subsequent regulations under section 4 are subject to the negative procedure.
- (3C) Regulations under section 7(2)(c) are subject to the affirmative procedure.

- (3D) Regulations under section 7(3)(b) or 10 are subject to the negative procedure.
- (4) Regulations under section 15(1)—
- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.

*Commencement and short title*

**17 Commencement**

- (1) The following sections come into force on the day after Royal Assent—
- (a) section 13,
  - (b) section 14,
  - (c) section 16,
  - (d) this section, and
  - (e) section 18.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
- (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

**18 Short title**

The short title of this Act is the Good Food Nation (Scotland) Act 2022.

# **Good Food Nation (Scotland) Bill**

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to require the Scottish Ministers to prepare and publish a national good food nation plan; to require certain authorities to prepare and publish their own good food nation plans; and to provide as to the effect of all of those plans.

Introduced by: Mairi Gougeon  
On: 7 October 2021  
Bill type: Government Bill

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