

Good Food Nation (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 18

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Before section 1

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

1 Before section 1, insert—

<Purpose of this Act

Purpose of this Act

The purpose of this Act is to give effect to the human right to food through good food nation plans.>

Rachael Hamilton

31 Before section 1, insert—

<Purpose of Act

Purpose of Act

- (1) The purpose of this Act, and any regulations made under this Act, is to require Ministers and local authorities to put in place procedures to ensure that their policies and activities, and future proposals for legislation, taken together enable Scotland to become a good food nation.
- (2) In subsection (1), “good food nation” means a nation which—
 - (a) eats sustainably and healthily,
 - (b) sources high-quality food locally,
 - (c) supports local food producers, purveyors and farmers,
 - (d) understands how food is produced, from farm to fork,
 - (e) is resilient to global food supply crises,
 - (f) contributes towards the restoration of our natural environment and towards the Scottish Government’s goal of reaching net zero by 2045,
 - (g) meets public expectation on health, environment, and animal welfare,

- (h) reduces diet-related inequality,
- (i) aligns with cross-cutting policy that everyone in Scotland has ready access to healthy and nutritious food.>

Colin Smyth

Supported by: Rhoda Grant, Beatrice Wishart

2 Before section 1, insert—

<Purpose of Act

Purpose of Act

- (1) The purpose of this Act, and any regulations made under this Act, is to require Scottish Ministers and relevant authorities to ensure that both their policies (including proposals for legislation) and activities enable Scotland to move towards being a Good Food Nation.
- (2) In this section, a “Good Food Nation” means a country where both all legislation and policies in relation to all food-related issues, and in relation to the country’s place in the world, seeks to ensure—
 - (a) improved social and economic well-being so people from every walk of life take pride and pleasure in, and benefit from the food they produce, buy, cook, serve and eat each day,
 - (b) improved protection and enhancement of the environment and animal welfare,
 - (c) improved public health so diet-related illnesses are in decline,
 - (d) practical effect is given to the right to food so everyone in the country has access to and the means to afford the health and nutritious food they need, and
 - (e) a transparent and accountable process for monitoring and reporting on the progress of all legislation and policies in relation to paragraphs (a) to (d) of this section. >

Section 1

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

3 In section 1, page 1, leave out lines 7 and 8 and insert <set out in regulations>

Colin Smyth

Supported by: Rhoda Grant

4 In section 1, page 1, line 9, at end insert—

- <() A national good food plan must be accompanied by a statement setting out—
- (a) the consultation undertaken in accordance with section 2, including outlining the efforts made to ensure the consultation was accessible and inclusive,
 - (b) any representation received as a result of the consultation, and
 - (c) the ways in which views expressed during consultation have been taken into account when preparing the national good food plan.>

Mairi Gougeon

- 5 In section 1, page 1, line 10, leave out from the second <of> to end of line 11 and insert <of 3 months beginning with the expiry of the consideration period mentioned in section (*Requirement to lay proposed plan before the Parliament*).>

Rachael Hamilton

- 32 In section 1, page 1, line 18, at end insert—
<() an assessment of the likely impact the national good food nation plan will have towards any childhood obesity targets prepared by the Scottish Ministers.>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

- 6 In section 1, page 1, line 18, at end insert—
<() The main outcomes under subsection (3)(a), must include—
- (a) encouraging sustainable food harvesting, production and consumption, including minimising food waste, that contributes to any climate and biodiversity targets as prepared by the Scottish Ministers,
 - (b) improving animal welfare,
 - (c) improving health and well-being, including through nutrition and other food related matters,
 - (d) ensuring universal and dignified access to high-quality, culturally-appropriate, nutritious and sustainable food,
 - (e) building resilient local food economies in rural, island and urban areas,
 - (f) building fair and resilient food supply chains, including fair work standards,
 - (g) reducing Scotland’s international carbon footprint, including by seeking to ensure that any food and animal feed that is imported meets the same standards as food produced in Scotland. >

Beatrice Wishart

- 6A As an amendment to amendment 6, line 13, leave out <carbon> and insert <environmental and social>

Rachael Hamilton

- 33 In section 1, page 1, line 18, at end insert—
<() The main outcomes in subsection (3)(a) must include—
- (a) an assessment of the likely impact the national good food nation plan will have towards any child obesity targets prepared by the Scottish Ministers,
 - (b) ways of encouraging local, sustainable food production and consumption, including the minimisation of food waste, that contributes to achieving any climate and biodiversity targets as prepared by the Scottish Ministers,
 - (c) improving regional and local supply chain infrastructure for processing, marketing, and distribution to support direct sales of fresh, local food at affordable prices,

including by investing in enterprise and skills in the agricultural sector and giving reference to Scotland's future farm policy.>

Rachael Hamilton

34 In section 1, page 1, line 18, at end insert—

- <() The main outcomes under subsection (3)(a) must include the Scottish Ministers working with accreditation schemes, such as Food for Life, to improve food and education across all public bodies.>

Monica Lennon

71 In section 1, page 1, line 18, at end insert—

- <() One of the main outcomes, specified under subsection (3)(a), must be the reduction of food waste in Scotland. >

Monica Lennon

70 In section 1, page 1, line 18, at end insert—

- <(3A) The outcomes specified under subsection (3)(a) must include ensuring the fulfilment of all children and young people's right to high-quality, nutritious food as set out in Article 24 of the United Nations Convention on the Rights of the Child.
- (3B) To secure the achievement of the outcome specified in (3A), the policies specified under subsection (3)(c) must include the provision of universal free school meals to all children and young people attending local authority nurseries or schools which—
- (a) consist of high-quality ingredients,
 - (b) are nutritious,
 - (c) are fully inclusive of all dietary needs arising from health, religious or cultural grounds,
 - (d) are procured sustainably, and
 - (e) meet any minimum standard set out in guidance by the Scottish Ministers.
- (3C) Local authorities must comply with any guidance under subsection (3B)(d).
- (3D) Any guidance issued under subsection (3B)(d) must be published in such a manner as the Scottish Ministers consider appropriate.
- (3E) The national good food nation plan must set out how the Scottish Ministers intend to ensure—
- (a) high uptake of universal free school meals, including how they will ensure this is inclusive of all children and young people and free of stigma,
 - (b) the fulfilment of children and young people's right to high-quality, nutritious food during periods that their school or nursery is on holiday, and
 - (c) the views of children and young people are taken into account, particularly in relation to—
 - (i) the design of school meal menus,
 - (ii) how a universal system of free school meals should operate, and

(iii) how uptake of free school meals can be encouraged.>

Colin Smyth

Supported by: Rhoda Grant

7 In section 1, page 1, line 18, at end insert—

<(3A) The indicators under subsection (3)(b) must include—

- (a) Scotland halving its environment impact of the food system by 2030,
- (b) food waste halved by 2030,
- (c) childhood obesity halved by 2030,
- (d) any Scottish Dietary Goals as prepared by the Scottish Ministers achieved by 2035,
- (e) no person in Scotland experiencing severe household food insecurity by 2030,
- (f) 60% of food served on the premises of public bodies is sourced from Scotland by 2030,
- (g) 25% of food served on the premises of public bodies is organic by 2030,
- (h) food workers employed by public bodies or through public sector contracts are covered by collective bargaining agreements and are paid at least the real living wage by 2025, and
- (i) end the use of crates and cages with farmed animals by 2027.

(3B) In subsection (3A), “sourced from Scotland” means grown, reared or harvested in Scotland, or processed in Scotland with the majority of the ingredients so grown, reared or harvested.>

Beatrice Wishart

35 In section 1, page 1, line 18, at end insert—

<() The national good food nation plan must have regard to the social and nutritional needs of children and young people in full time education at breakfast and lunch times.>

Rachael Hamilton

69 In section 1, page 1, line 18, at end insert—

<() The national good food nation plan must also include a review into Scotland’s public food procurement system, including a review of the Scottish Government’s Central Excel contract.>

Monica Lennon

72 In section 1, page 1, line 18, at end insert—

<() The national good food nation plan must set out how the Scottish Ministers will ensure the free supply of school milk to children in pre-school, nurseries and primary schools.>

Ariane Burgess

73 In section 1, page 1, line 25, at end insert <including in particular in relation to—

() climate change, and

() wildlife and the natural environment,>

Jenni Minto

- 36 In section 1, page 1, line 26, after <health> insert <and physical and mental wellbeing (including in particular through the provision of health and social care services)>

Jenni Minto

- 37 In section 1, page 1, line 27, at end insert—
<() animal welfare.>

Rachael Hamilton

- 38 In section 1, page 1, line 27, at end insert—
<() education.>

Monica Lennon

- 74 In section 1, page 1, line 27, at end insert—
<() child poverty.>

Rachael Hamilton

- 39 In section 1, page 1, line 27, at end insert—
<() any other matter specified by the Scottish Ministers.>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

- 8 In section 1, page 1, line 27, at end insert—
<() The Scottish Ministers must, in exercising their duty under this section—
(a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the right to food requirements of the International Covenant on Economic Social and Cultural Rights and other international human rights instruments, and
(b) if they consider it appropriate to do so, take any of the steps identified by that consideration.>

Beatrice Wishart

- 40 In section 1, page 1, line 27, at end insert—
<() The Scottish Ministers must publish in such a manner as they consider appropriate any national good food nation plan prepared under this section.>

After section 1

Mairi Gougeon

9 After section 1, insert—

<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,
- (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) in contributing to resilient local economies across Scotland.>

Mairi Gougeon

10 After section 1, insert—

<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—

- 5 (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
 - 10 (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.

- 15 (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
- 20 (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.>

Beatrice Wishart

10A As an amendment to amendment 10, line 24, at end insert—

- <() The Scottish Ministers cannot lay a good food nation plan under section 1 unless the
proposed plan under this section is approved by a resolution of the Parliament.>

Section 2

Colin Smyth

Supported by: Rhoda Grant

- 11** In section 2, page 2, line 6, after <appropriate> insert <, but must include such persons as appear
to the Scottish Ministers to be representative of the interests, including organisations working for
and on behalf of—
- (a) farming, crofting, growing, fishing and aquaculture interests,
- 5 (b) food retailing, serving, processing, catering and distribution businesses,
- (c) those with an interest in food education,
- (d) those with an interest in agri-food skills and training,
- (e) those with lived experience of or an interest in public health issues, including
diet-related poor health outcomes,
- 10 (f) those with lived experience of or an interest in social care and health inequalities,
in particular communities whose right to food and health outcomes are most likely
to be at risk, including people with no recourse to public funds,
- (g) those with an interest in environmental protection and enhancement,
- (h) those with an interest in animal welfare,
- 15 (i) those with an interest in local economies and food supply chains, including fair
work standards,
- (j) those with an interest in human rights, in particular the right to food, and
- (k) those with an interest in Scotland’s international footprint, including food and animal
feed that is imported>

Beatrice Wishart

- 11A As an amendment to amendment 11, line 18, after <international> insert <, environmental and social>

Monica Lennon

- 75 In section 2, page 2, line 6, at end insert <and must include children and young people, particularly in respect of the provision of free school meals.>

Section 3

Beatrice Wishart

- 41* In section 3, page 2, line 8, leave out <have regard to> and insert <act in accordance with>

Beatrice Wishart

- 42 In section 3, page 2, line 12, at end insert—

<() the United Nations Committee on Economic Social and Cultural Rights, General Comment 12, Right to adequate food (Twentieth session, 1999) U.N. Doc E/C.12/1999/5(1999).>

After section 3

Colin Smyth

Supported by: Rhoda Grant

- 12 After section 3, insert—

<National good food nation plan: further procedure

- (1) The Scottish Ministers must, before laying a good food nation plan under section 1, before the Scottish Parliament—
- 5 (a) lay a draft of the plan before the Parliament for a period of 120 days, of which no fewer than 60 must be days on which the Parliament is not dissolved or in recess, and
- (b) have regard to—
- 10 (i) any representations on the draft plan made to them,
- (ii) any resolution relating to the draft plan passed by the Parliament, and
- (iii) any report relating to the draft plan published by any committee of the Parliament.
- (2) The Scottish Ministers must, when laying a good food nation plan under section 1 before the Parliament, lay a statement setting out—
- 15 (a) details of any representations, views, resolutions or reports mentioned in subsection (1)(b),
- (b) the changes (if any) they have made to the plan in response to such representations, views, resolutions or reports and the reasons for those changes. >

Beatrice Wishart

12A As an amendment to amendment 12, line 18, at end insert—

- <() The Scottish Ministers cannot lay a good food nation plan under section 1 unless the draft of the plan under this section is approved by a resolution of the Parliament. >

Section 4

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

13 In section 4, page 2, line 30, leave out <have regard to> and insert <act in accordance with>

Section 5

Colin Smyth

Supported by: Rhoda Grant, Beatrice Wishart

14 In section 5, page 2, line 38, at end insert—

- <() Where a report states that progress is not being made at a sufficient pace to meet any dates specified in the outcomes or indicators or other measures contained in the plan, the Scottish Ministers must set out in the report proposals to address the lack of progress.>

Section 6

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

15 In section 6, page 3, line 13, after <may> insert <, by regulations,>

Mairi Gougeon

16 In section 6, page 3, line 15, after <1(3) to (5)> insert <, (*Preparation of plan: principles*)>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

17 In section 6, page 3, line 17, leave out subsection (4)

Mairi Gougeon

18* In section 6, page 3, line 20, at end insert—

- <() Sections (*Requirement to lay proposed plan before the Parliament*)(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.>

After section 6

Colin Smyth

76* After section 6, insert—

<Have regard to relevant policies and strategies

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 3AB(3)(Revising the framework: participation statement and considerations)—
 - (a) in sub-paragraph (ix) the word “and” is repealed,
 - (b) after sub-paragraph (x), insert—
 - “(xi) the national good food nation plan prepared under section 1 of the Good Food Nation (Scotland) Act 2022, and”>

Section 7

Maurice Golden

- 19 In section 7, page 3, line 26, at end insert—
<() Scottish Funding Council,>

Rachael Hamilton

- 43 In section 7, page 3, line 26, at end insert—
<() subject to subsection (2A), integration joint board,>

Rachael Hamilton

Supported by: Beatrice Wishart

- 44 In section 7, page 3, line 27, at end insert—
<(2A) A integration joint board is a relevant authority unless the following conditions are met—
 - (a) that the plans of both the relevant local authority and relevant health board address food-related issues of functions delegated to the joint board,
 - (b) that the relevant joint board has been notified of the plan’s content in relation to the functions concerned, and
 - (c) that the delegation of any function under the Public Authorities (Joint Working) Act 2014 is considered to include delegation of the duty in section 10 of this Act to have regard to the plan of the authority from whom the function has been delegated.>

Maurice Golden

- 20 In section 7, page 3, line 29, after <authority> insert <or Scottish Funding Council>

Rachael Hamilton

- 45 In section 7, page 4, line 2, at end insert—
<() The main outcomes under subsection (4)(a) must include all health boards, local authorities, and specified public authorities working with accreditation schemes, such as Food for Life, to improve food and education across all public bodies.>

Beatrice Wishart

- 47 In section 7, page 4, line 2, at end insert—

- <() The main outcomes referred to in subsection 4(a) must include—
- (a) encouraging sustainable food harvesting, production and consumption (including minimising food waste) that contributes to achieving climate and biodiversity targets,
 - (b) improving animal welfare,
 - (c) improving health and wellbeing, including through nutrition and other food related matters,
 - (d) ensuring universal and dignified access to high quality, culturally appropriate, nutritious and sustainable food,
 - (e) building resilient local food economic in rural, island and urban areas,
 - (f) building fair and resilient food supply chains, including fair work standards,
 - (g) reducing Scotland’s international environmental and social footprint including by seeking to ensure that the food and animal feed that is imported meets the same standards as food produced in Scotland.>

Monica Lennon

77 In section 7, page 4, line 2, at end insert—

- <(4A) The outcomes specified under subsection (4)(a) must include ensuring the fulfilment of all children and young people’s right to high-quality, nutritious food, as set out in Article 24 of the United Nations Convention on the Rights of the Child.
- (4B) To secure the achievement of the outcome specified in (4A), the policies specified under subsection (4)(c) must include the provision of universal free school meals for all children and young people attending local authority nurseries or schools which—
- (a) consist of high-quality ingredients,
 - (b) are nutritious,
 - (c) are fully inclusive of all dietary needs arising from health, religious or cultural grounds,
 - (d) are procured sustainably, and
 - (e) meet any minimum standard set out in guidance by the Scottish Ministers.
- (4C) The relevant authority’s good food nation plan must set out how the relevant authority intends to ensure—
- (a) high uptake of universal free school meals, including how they will ensure this is inclusive of all children and young people and is free of stigma,
 - (b) the fulfilment of children and young people’s right to high-quality, nutritious food during periods that their school or nursery is on holiday, and
 - (c) the views of children and young people are taken into account, particularly in relation to—
 - (i) the design of school meal menus,
 - (ii) how a universal system of free school meals should operate, and
 - (iii) how uptake of free school meals can be encouraged. >

Rachael Hamilton

46 In section 7, page 4, line 2, at end insert—

- <() A relevant authority’s good food nation plan must also set out how the relevant authority will ensure that rules regarding the public procurement of food are strengthened to ensure local authority funding is spent on local, healthy and sustainable food, in line with the relevant local authority’s Good Food Nation Plan.>

Beatrice Wishart

48 In section 7, page 4, line 2, at end insert—

- <() A relevant authority’s good food nation plan must also set out how the relevant authority will engage with social care providers to secure the achievement of the outcomes of the plan.>

Beatrice Wishart

49 In section 7, page 4, line 2, at end insert—

- <() A relevant authority’s good food national plan must have regard to the social and nutritional needs of children and young people in full time education at breakfast and lunch times.>

Maurice Golden

21 In section 7, page 4, line 4, at end insert—

- <() Scottish Funding Council’s good food nation plan must also set out how its funding decisions, and associated conditions, will ensure that further and higher education institutions introduce and operate policies to work towards the outcomes set out in its good food nation plan, and those in the national good food nation plan.>

Ariane Burgess

78 In section 7, page 4, line 9, at end insert <including in particular in relation to—

- () climate change, and
- () wildlife and the natural environment,>

Jenni Minto

50 In section 7, page 4, line 10, after <health> insert <and physical and mental wellbeing (including in particular through the provision of health and social care services)>

Jenni Minto

51 In section 7, page 4, line 11, at end insert—

- <() animal welfare.>

Rachael Hamilton

52 In section 7, page 4, line 11, at end insert—

- <() education.>

Monica Lennon

79 In section 7, page 4, line 11, at end insert—

<() child poverty.>

Rachael Hamilton

53 In section 7, page 4, line 11, at end insert—

<() any other matter specified by the Scottish Ministers.>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

22 In section 7, page 4, line 11, at end insert—

<() A relevant authority must, in exercising their duty under this section—

- (a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the right to food requirements of the International Covenant on Economic Social and Cultural Rights and other international instruments, and
- (b) if they consider it appropriate to do so, take any of the steps identified by that consideration.>

Rachael Hamilton

Supported by: Beatrice Wishart

54 In section 7, page 4, line 11, at end insert—

<() The Scottish Ministers must ensure adequate support and resources are available to relevant authorities to prepare, implement and deliver effective good food nation plans.>

Beatrice Wishart

55 In section 7, page 4, line 12, at end insert—

<() In determining the content of its good food nation plan, a relevant authority must ensure the correct balance is struck between ensuring nutritious food is available and the ability to make choices in settings where all meals are provided.>

After section 7

Mairi Gougeon

23 After section 7, insert—

<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.>

Section 8

Monica Lennon

- 80** In section 8, page 4, line 17, at end insert <and must include children and young people, particularly in respect of the provision of free school meals.>

After section 9

Ariane Burgess

- 81** After section 9, insert—

<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 (*Preparation of plans: principles*) and 9.>

Section 10

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

- 24** In section 10, page 4, line 23, leave out <have regard to> and insert <act in accordance with>

Section 12

Mairi Gougeon

- 25** In section 12, page 5, line 9, after <7(4) to (6)> insert <(Preparation of plans: principles)>

Ariane Burgess

- 82** In section 12, page 5, line 10, at end insert—

<() 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 (*Preparation of plans: principles*) and 9.>

After section 12

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

26 After section 12 insert—

<Scottish Food Commission

Scottish Food Commission

- (1) The Scottish Food Commission is established.
- 5 (2) In performing its functions, the Scottish Food Commission is not subject to the direction or control of any member of the Scottish Government.
- (3) The Scottish Food Commission’s functions are—
 - 10 (a) advising the Scottish Ministers and relevant authorities on food-related issues to inform the content of good food nation plans,
 - (b) conducting or commissioning research on food-related issues to inform good food nation plans,
 - (c) highlighting food-related issues to the Scottish Ministers and relevant authorities for consideration in relation to their good food nation plans,
 - (d) making recommendations about the content of good food nation plans,
 - 15 (e) advising the Scottish Ministers and relevant authorities on how to use good food nation plans, and related policies, to realise the right to food, and encouraging them to do so.
- (4) The Scottish Ministers may, by regulations, make further provision about the Scottish Good Food Commission.>

Beatrice Wishart

26A As an amendment to amendment 26, line 17, at end insert—

- <() coordinating with relevant authorities in the development of their good food nation plans,
() promoting good practice in relation to good food nation plans,
() monitoring the implementation of good food nation plans. >

Rachael Hamilton

56 After section 12, insert—

<Good Food Nation Commissioner

Good Food Nation Commissioner

- (1) There is to be an office of Good Food Nation Commissioner.
- (2) The Good Food Nation Commissioner is responsible for ensuring good food nation plans move Scotland towards becoming a good food nation.
- (3) In subsection (2), “good food nation” means a nation which—
 - (a) eats sustainably and healthily,

- (b) sources high-quality food locally,
 - (c) supports local food producers, purveyors and farmers,
 - (d) understands how food is produced, from farm to fork,
 - (e) is resilient to global food supply crises,
 - (f) contributes towards the restoration of our natural environment and towards the Scottish Government’s goal of reaching net zero by 2045,
 - (g) meets public expectation on health, environment, and animal welfare,
 - (h) reduces diet-related inequality,
 - (i) aligns with cross-cutting policy that everyone in Scotland has ready access to healthy and nutritious food.
- (4) The Good Food Nation Commissioner is not subject to the direction or control of any member of the Scottish Government.
- (5) The Good Food Nation Commissioner must consult with stakeholders on how the responsibility in subsection (2) can be met, including—
- (a) the Scottish Food Coalition,
 - (b) Nourish Scotland,
 - (c) National Farmers Union Scotland,
 - (d) Convention of Scottish Local Authorities,
 - (e) local health boards,
 - (f) Public Health Scotland,
 - (g) school boards,
 - (h) prison boards,
 - (i) the Scottish Crofting Federation,
 - (j) Scottish Retail Consortium,
 - (k) Integration Joint Boards.
- (6) The Scottish Ministers may, by regulations, make further provision about the Good Food Nation Commissioner.>

Rachael Hamilton

57 After section 12, insert—

<Communicating in an inclusive way

- (1) In exercising their functions under this Act, Scottish Ministers and relevant authorities must have regard to the importance of communicating in an inclusive way.
- (2) In subsection (1), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual’s needs.>

Colin Smyth

83 After section 12, insert—

<CHAPTER
THE COMMISSION
Establishment

The Scottish Food Commission

- (1) The Scottish Food Commission (in Gaelic, Coimisean Bìdh na h-Alba) is established by this section.
- (2) In this Act, it is referred to as “the Commission”.
- (3) The Commission is a body corporate.
- (4) The Commission is to consist of no less than five and no more than nine Food Commissioners.
- (5) The Scottish Ministers may by regulations amend subsection (4)(a) so as to alter the number of Food Commissioners.
- (6) The Commission has the functions conferred by section (*Functions of the Commission and Commissioners*)(1).
- (7) The Food Commissioners have the functions conferred by section (*Functions of the Commission and Commissioners*)(2).>

Colin Smyth

86* After section 12, insert—

<**Status**

- (1) The Commission is not subject to the direction or control of any member of the Scottish Government.
- (2) The Commission is not a servant or agent of the Crown.
- (3) The Commission does not enjoy any status, immunity or privilege of the Crown.
- (4) The Commission’s property is not property of, or property held on behalf of, the Crown.
- (5) The Commission’s members and staff—
 - (a) are not servants or agents of the Crown,
 - (b) have no status, immunity or privilege of the Crown,
 - (c) are not to be regarded as civil servants.>

Colin Smyth

87* After section 12, insert—

<*Functions of the Commission and Commissioners*

Functions of the Commission and Commissioners

- (1) The functions of the Commission are—
 - (a) to provide the Food Commissioners with the property, resources, staff and services needed to perform their respective functions, and
 - (b) to make such arrangements as are appropriate and practicable for the co-ordination of the performance of those respective functions.

- (2) The functions of the Food Commissioners are, on any food-related issue in Scotland—
 - (a) to review the impact and effectiveness of good food nation plans, and related law or policy, including the degree of policy coherence,
 - (b) to recommend changes to good food nation plans or related law or policy,
 - (c) to review the impact and effectiveness of national good food nation plans, prepared under section 3, or revised under section 6, and the good food nation plans of public bodies prepared under section 7, or revised under section 12, in relation to achieving outcomes and indicators,
 - (d) to gather evidence and conduct research to inform good food nation plans and their implementation,
 - (e) to prepare reports, and provide information and guidance related to any of the above.
- (3) The Food Commissioners must consider and advise on any such matter relating to good food nation plans as the Scottish ministers may refer to them.
- (4) In exercising their functions, the Food Commissioners must have regard to—
 - (a) respecting, protecting and fulfilling the right to food,
 - (b) the national good food nation plans prepared under section 3, or revised under section 6,
 - (c) the good food nation plans of relevant authorities prepared under section 7, or revised under section 12.>

Colin Smyth

88* After section 12, insert—

<Food Commissioners: delegation of functions

Food Commissioners: delegation of functions

- (1) The Food Commissioners may authorise the following to exercise such of their functions, and to such extent, as they may determine—
 - (a) any committee,
 - (b) any employee of the Commission,
 - (c) any other person.
- (2) Nothing in subsection (1) affects the responsibility of the Food Commissioners for the exercise of their functions.>

Colin Smyth

89* After section 12, insert—

<General powers

- (1) The Commission may do anything which it considers—
 - (a) to be necessary or expedient for the purposes of, or in connection with, the exercise of—
 - (i) its functions, and
 - (ii) the functions of the Food Commissioners,

- (b) to be conducive to the exercise of those respective functions.
- (2) In particular, the Commission may—
 - (a) enter into contracts,
 - (b) acquire and dispose of land,
 - (c) co-operate with any person.
 - (d) obtain advice or assistance from any person who is, in the Commission's opinion, qualified to give it,
 - (e) pay any such person such fees, remuneration and allowances as the Commission may determine.>

Colin Smyth

90* After section 12, insert—

<Strategic plan and programme of work

Strategic plan

- (1) The Commission must prepare a strategic plan setting out how the Commission and Food Commissioners propose to exercise their respective functions for the period to which the plan relates.
- (2) A strategic plan must, in particular, set out—
 - (a) the objectives and priorities of—
 - (i) the Commission, and
 - (ii) the Food Commissioners.
 - (b) estimates of the costs of the exercise of the respective functions of—
 - (i) the Commission, and
 - (ii) the Food Commissioners.
 - (c) how it intends to exercise its functions in a way that respects and avoids any overlap with—
 - (i) the exercise of functions by Food Standards Scotland and other public bodies with relevant food-related functions, and
 - (ii) the exercise of functions by any committee of the Scottish Parliament for the time being appointed by virtue of Standing Orders, whose responsibilities include considering food-related matters,
 - (d) how it intends to exercise its functions so as to contribute to reviews of the impact and effectiveness of national good food nation plans, prepared under section 3, or revised under section 6, and the good food nation plans of relevant authorities prepared under section 7, or revised under section 12, in relation to achieving outcomes and indicators.
- (3) The Commission must submit the strategic plan to the Scottish Ministers—
 - (a) in the case of the first plan, before the end of the period of 6 months beginning with the day on which this section comes into force,
 - (b) in the case of each subsequent plan, before the end of the period of 3 years beginning with the day on which the Commission last submitted its strategic plan.

- (4) The Scottish Ministers may—
 - (a) approve the strategic plan,
 - (b) approve the strategic plan with such modifications as they consider appropriate in consultation with the Commission,
 - (c) reject the strategic plan and direct the Commission to submit a revised plan before the end of such period as the Scottish Ministers may determine.
- (5) Where the Scottish Ministers approve the strategic plan under subsection (4)(a) or (4)(b), the Commission must as soon as practicable—
 - (a) publish the plan in such form as it considers appropriate, and
 - (b) lay a copy of the plan before the Scottish Parliament.
- (6) The Commission—
 - (a) must comply with any direction to submit a revised strategic plan under subsection (4)(c),
 - (b) may from time to time submit a revised strategic plan.
- (7) Subsections (4) and (5) apply to a revised strategic plan as they apply to a strategic plan.>

Colin Smyth

91* After section 12, insert—

<Programme of work

- (1) The Food Commissioners must prepare a programme of work setting out—
 - (a) information on any proposed reviews under section (*Functions of the Commission and Commissioners*)(2)(a),
 - (b) information on any other activities,
 - (c) timetables for the programme.
- (2) The Commission must submit the Food Commissioners' programme of work to the Scottish Ministers when it submits the strategic plan under section (*Strategic plan*).
- (3) The Commission must—
 - (a) publish the programme of work in such form as it considers appropriate, and
 - (b) lay a copy of the programme before the Scottish Parliament.
- (4) The Commission may from time to time submit a revised programme of work.
- (5) Subsection (3) applies to a revised programme of work as it applies to a programme of work.>

Colin Smyth

92* After section 12, insert—

<Membership

Membership

- (1) The Scottish Ministers are to appoint the members of the Commission.

- (2) The Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
- (3) Each member is to be appointed for such period, not exceeding 5 years, as the Scottish Ministers may determine.
- (4) Subject to sections (*Eligibility for appointment*), (*Disqualification from membership*) and (*Resignation and removal*), an appointed member holds and vacates office on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.
- (5) The Scottish Ministers may reappoint as a member a person who is or has been a member.
- (6) Subsections (2) and (3) apply to a reappointment under subsection (5) as they apply to an appointment under subsection (1).
- (7) The Scottish Ministers must select one of the Food Commissioners to chair the Commission.>

Colin Smyth

93* After section 12, insert—

<Eligibility for appointment

- (1) In appointing members to the Commission, the Scottish Ministers must—
 - (a) have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in food-related matters and, in particular—
 - (i) economic issues, associated with food harvesting, production, consumption, distribution or retailing, including building resilient local economies and food supply chains, including fair work standards,
 - (ii) sustainable land, marine and aquaculture management for food harvesting or production, including animal welfare science,
 - (iii) community and social issues associated with food, especially universal and dignified access to high quality, culturally-appropriate, nutritious and sustainable food,
 - (iv) health and wellbeing matters, including issues related to healthy and nutritious food,
 - (v) environmental issues associated with food harvesting, production, consumption (including addressing food waste),
 - (vi) human rights, especially issues of participation, accountability and empowerment,
 - (vii) equal opportunities, and the reduction of inequalities of outcome which result from socio-economic disadvantage, and
 - (viii) understanding Scotland’s international footprint including issues related to food and animal feed that is imported.
 - (b) encourage equal opportunities and in particular the observance of the equal opportunity requirements.
- (2) In subsection (1) “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.>

Colin Smyth

94* After section 12, insert—

<Disqualification from membership

- (1) A person may not be appointed as a member of the Commission if that person is or has been at any time during the previous 12 months—
 - (a) a member of the House of Commons,
 - (b) a member of the Scottish Parliament,
 - (c) an office-holder of the Scottish Administration,
 - (d) a councillor of any local authority.
- (2) A person's appointment as a member ceases if, during the person's period of appointment, any of subsection (1)(a) to (d) applies to that person.>

Colin Smyth

95* After section 12, insert—

<Resignation and removal

- (1) A member of the Commission may resign at any time by giving notice in writing to the Scottish Ministers.
- (2) The Scottish Ministers may by giving notice in writing revoke the appointment of a person as a member if satisfied that the person—
 - (a) is insolvent,
 - (b) has been convicted of a criminal offence in relation to which the member has been sentenced to imprisonment for a period of 3 months or more,
 - (c) is incapacitated by physical illness or mental disorder,
 - (d) has been absent from meetings of the Commission for a period exceeding 6 months without the permission of the Commission, or
 - (e) is otherwise unable or unfit to exercise any of the functions of a member or is unsuitable to continue as a member.
- (3) For the purposes of subsection (2)(a) a person becomes insolvent when—
 - (a) the person's estate is sequestrated,
 - (b) the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
 - (c) a voluntary arrangement proposed by the person is approved,
 - (d) the person's application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002, or
 - (e) the person becomes subject to any other kind of order or arrangement analogous to those described in paragraphs (a) to (d) anywhere in the world.>

Colin Smyth

96* After section 12, insert—

<Remuneration and staff

Remuneration, allowances and pensions

- (1) The Commission may pay its members and employees—
 - (a) such remuneration as the Commission may, with the approval of the Scottish Ministers, determine, and
 - (b) such allowances in respect of expenses properly incurred in the exercise of the Commission's functions as may be so determined.
- (2) The Commission may, with the approval of the Scottish Ministers—
 - (a) pay (or make arrangements for the payment of),
 - (b) make payments towards the provision of,
 - (c) provide and maintain schemes (whether contributory or not) for the payment of, such pensions, allowances or gratuities to any member or employee or former member or employee of the Commission as the Commission may determine.
- (3) Those pensions, allowances or gratuities may include pensions, allowances or gratuities by way of compensation for loss of office.>

Colin Smyth

97* After section 12, insert—

<Staff

- (1) The Commission is to employ a person as chief executive.
- (2) The first chief executive is to be appointed by the Scottish Ministers on such terms as they may determine.
- (3) Each subsequent chief executive is to be appointed—
 - (a) by the Commission with the approval of the Scottish Ministers,
 - (b) on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.
- (4) The Commission may employ any other staff necessary for the exercise of its functions.
- (5) The Commission's staff are to be employed on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.>

Colin Smyth

98* After section 12, insert—

<Operational matters

Validity of things done

The validity of anything done by the Commission is not affected by—

- (a) a vacancy in membership,
- (b) a defect in the appointment of a member,
- (c) a person's membership having ended under section (*Resignation and removal*).>

Colin Smyth

99* After section 12, insert—

<Committees

- (1) The Commission may establish committees for any purpose relating to—
 - (a) its functions,
 - (b) the functions of the Food Commissioners.
- (2) The Commission may authorise any committee to exercise such of its functions, and to such extent, as it may determine.
- (3) Nothing in subsection (2) affects the responsibility of the Commission for the exercise of its functions.
- (4) The Commission may appoint a person who is not a member of the Commission to be a member of a committee.
- (5) The Commission may pay to a person who is not a member of the Commission and who is appointed to a committee—
 - (a) such remuneration as the Commission may, with the approval of the Scottish Ministers, determine, and
 - (b) such allowances in respect of expenses properly incurred in the exercise of the functions of the Commission, or of the Food Commissioners as may be so determined.
- (6) A committee must comply with any directions given to it by the Commission.>

Colin Smyth

100* After section 12, insert—

<Regulation of procedure

- (1) The Commission must establish and maintain a register of interests.
- (2) Otherwise, the Commission may regulate its own procedure and those of its committees, including the quorum at any meeting.>

Colin Smyth

101* After section 12, insert—

<Accounts and annual report

Accounts

- (1) The Commission must—
 - (a) keep proper accounts and accounting records,
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The Commission must send the statement of accounts to the Scottish Ministers by such date as the Scottish Ministers may direct.
- (3) The Commission must comply with any other directions which the Scottish Ministers may give them in relation to the matters mentioned in subsection (1).
- (4) The Commission must make its audited statement of accounts and accounting records available so that they may be inspected by any person.>

Colin Smyth

102* After section 12, insert—

<Annual report

- (1) As soon as practicable after the end of each financial year, the Commission must prepare a report setting out—
 - (a) an assessment of its performance in carrying out its functions, including—
 - (i) the functions of the Commission,
 - (ii) the functions of the Food Commissioners,
 - (b) an assessment of the performance by the Commission and its members in achieving the main objectives set out in any strategic plan having effect during that year,
 - (c) an assessment of the performance by the Food Commissioners in relation to any programme of work having effect during that year,
 - (d) such other information as the Commission considers appropriate.
- (2) The Commission must—
 - (a) publish each annual report in such form as the Commission considers appropriate,
 - (b) provide a copy of each annual report to the Scottish Ministers, and
 - (c) lay a copy of each annual report before the Scottish Parliament.
- (3) The Commission—
 - (a) may publish such other reports and information on matters relevant to its functions as it considers appropriate,
 - (b) where it does so, must lay a copy of each report before the Scottish Parliament.>

Colin Smyth

103* After section 12, insert—

<Application of public bodies legislation

Application of legislation relating to public bodies

- (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), at the appropriate place in alphabetical order insert—

“The Scottish Food Commission”
- (2) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (Scottish public authorities: others), after paragraph 85ZA insert—

“85ZAA The Scottish Food Commission.”
- (3) In the Public Services Reform (Scotland) Act 2010—
 - (a) in schedule 5 (improvement of public functions: listed public bodies), at the appropriate place in alphabetical order insert—

“Scottish Food Commission”
 - (b) in schedule 8 (information on exercise of public functions: listed public bodies), at the appropriate place in alphabetical order insert—

“Scottish Food Commission”>

Section 14

Mairi Gougeon

- 27 In section 14, page 5, line 28, at end insert—
- <“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,>

Rachael Hamilton

- 58 In section 14, page 5, line 30, at end insert—
- <“integration joint board” means a board established under section 9 of the Public Authorities (Joint Working) (Scotland) Act 2014,>

Section 16

Karen Adam

- 59 In section 16, page 6, line 30, at end insert—
- <() 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.>

Alasdair Allan

- 60 In section 16, page 6, line 31, leave out subsection (2)

Beatrice Wishart

- 61 In section 16, page 6, leave out line 32

Beatrice Wishart

- 62 In section 16, page 6, leave out line 33

Beatrice Wishart

- 63 In section 16, page 6, leave out line 34

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

- 28 In section 16, page 6, line 35, after <section> insert <1(1) and>

Rachael Hamilton

- 84 In section 16, page 6, line 35, after <section> insert <1(5) and section>

Beatrice Wishart

65 In section 16, page 6, line 35, after <3(3)> insert <and section 4>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba

29 In section 16, page 6, line 35, after <3(3)> insert <and 6(2)>

Beatrice Wishart

66 In section 16, page 6, line 35, after <3(3)> insert <and section 7(2)(c) and (3)(b)>

Rachael Hamilton

85 In section 16, page 6, line 35, after <3(3)> insert <and section 7(6)>

Beatrice Wishart

67 In section 16, page 6, line 35, after <3(3)> insert <and section 10>

Rhoda Grant

Supported by: Colin Smyth, Mercedes Villalba, Beatrice Wishart

30 In section 16, page 6, line 35, after <3(3)> insert <and section (*Scottish Food Commission*)>

Rachael Hamilton

64 In section 16, page 6, line 35, after <3(3)> insert <and section (*Good Food Nation Commissioner*)>

Alasdair Allan

68 In section 16, page 6, line 35, at end insert—

- <() The first regulations under section 4 are subject to the affirmative procedure.
- () Subsequent regulations under section 4 are subject to the negative procedure.
- () Regulations under section 7(2)(c) are subject to the affirmative procedure.
- () Regulations under section 7(3)(b) or 10 are subject to the negative procedure.>

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