

Good Food Nation (Scotland) Bill

Groupings of Amendments for Stage 3

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

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

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

Groupings of amendments

Group 1: Purpose

15, 16

Group 2: Scrutiny of proposed plan

47, 49, 50, 52

Group 3: Content of plans

17, 1, 2, 18, 19, 48, 20, 63, 3, 29, 64, 65, 66

Debate to end no later than 1 hour after proceedings begin

Group 4: Matters to be taken into account in preparing plans

4, 5, 8, 9, 10, 14

Group 5: Principles

21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 67

Group 6: Specifying new bodies

51, 58, 62

Group 7: Healthy basket guarantee

53

Debate to end no later than 1 hour and 45 minutes after proceedings begin

Group 8: Consultation

54, 55, 55A, 59, 60, 61

Group 9: Importance of communicating in particular ways

6, 56, 7, 11, 68, 12, 40, 13, 43

Group 10: Review and report

57, 69, 70, 71

Debate to end no later than 2 hours and 20 minutes after proceedings begin

Group 11: Scottish Food Commission

28, 35, 36, 37, 37A, 38, 39, 41, 42, 44, 45, 46

Debate to end no later than 3 hours after proceedings begin

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Amendments in debating order

Group 1: Purpose

Rhoda Grant

15 Before section 1, insert—

<Purpose of this Act

Purpose of this Act

- (1) The purpose of this Act is to give effect to the human right to food through good food nation plans.
- (2) Regard should be had to this purpose in preparing and implementing good food nation plans.>

Rachael Hamilton

16 Before section 1, insert—

<Purpose of good food nation plans

Purpose of good food nation plans

The purpose of good food nation plans under this Act is to support the delivery of a resilient food system which prioritises the health of people and the environment, and provides easy access to healthy, nutritious and sustainable food for all.>

Group 2: Scrutiny of proposed plan

Colin Smyth

47 In section 1, page 1, line 11, leave out <consideration period mentioned in section 1B> and insert <period mentioned in section 1B(1)(a)>

Colin Smyth

49 In section 1B, page 2, line 26, after <Parliament> insert <for a period of 60 days, of which no fewer than 30 days must be days on which the Parliament is neither dissolved nor in recess>

Colin Smyth

50 In section 1B, page 2, line 32, leave out <before the expiry of the consideration> and insert <during that>

Colin Smyth

52 In section 1B, page 3, line 3, leave out subsections (4) and (5)

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Group 3: Content of plans

Rachael Hamilton

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

<() the policies which Scottish Ministers intend to pursue in order to reduce child poverty, including the delivery of free school breakfasts in all Scottish schools.>

Brian Whittle

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

<() The national good food nation plan outcomes must include—

- (a) improving fresh food standards for school and hospital meals,
- (b) improving food literacy and understanding of where food comes from and how it is processed,
- (c) reducing food waste in schools and hospitals to below 20% by 2025,
- (d) supporting the increase in food processing capacity by 50% by 2030.>

Brian Whittle

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

<() The national good food nation plan must also set out how the Scottish Ministers will ensure that the Scottish Government Central Excel Contract will procure at least 60% of food from within the United Kingdom by 2025 (except in exceptional circumstances).>

Mairi Gougeon

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

<() The national good food nation plan must also set out the Scottish Ministers' plans for ensuring that the implementation of the policies mentioned in subsection (3)(c) is informed by the views of the food business sector.>

Rachael Hamilton

19 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 milk to children in pre-school, nurseries and primary schools.>

Rachael Hamilton

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

<() The indicators and other measures specified under subsection (3)(b) must include Food for Life accreditation.>

Mairi Gougeon

20 In section 1, page 1, line 21, after <plan> insert <so far as required by subsection (3)>

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Rachael Hamilton

63 In section 7, page 5, line 12, at end insert—

- <() how the relevant authority intends to work with other relevant authorities in its area to share good practice and to secure the achievement of the outcomes for individuals in receipt of social care.>

Brian Whittle

3 In section 7, page 5, line 12, at end insert—

- <() A relevant authority's good food nation plan must also set out how the relevant authority will ensure that—
- (a) at least 60% of the food it procures is sourced from within the United Kingdom (except in exceptional circumstances), and
 - (b) free school meals provided by the relevant authority are locally sourced.>

Beatrice Wishart

29 In section 7, page 5, line 12, at end insert—

- <() A good food nation plan prepared by a local authority under this section must ensure that the plan allows for flexibility in meal provision and, in particular, does not restrict the ability of residents of any school hostels operated by the local authority to make choices in relation to their meals.>

Monica Lennon

64 In section 7, page 5, line 12, at end insert—

- <() A relevant authority's good food nation plan must set out how the relevant authority intends to ensure—
- (a) the provision of universal free school meals for all children and young people,
 - (b) high uptake of universal free school meals, including how it will ensure this is inclusive of all children and young people and free of stigma, and
 - (c) the fulfilment of children and young people's right to high-quality, nutritious food during periods that their school or nursery is on holiday.>

Rachael Hamilton

65 In section 7, page 5, line 12, at end insert—

- <() The indicators and other measures specified under subsection (3)(b) must include Food for Life accreditation.>

Rachael Hamilton

66 In section 7, page 5, line 12, at end insert—

- <() A good food nation plan prepared by a local authority under this section must set out the local authority's plans for achieving Food for Life accreditation.>

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Group 4: Matters to be taken into account in preparing plans

Rachael Hamilton

- 4 In section 1, page 1, line 22, leave out <, among other things,>

Rachael Hamilton

- 5 In section 1, page 1, line 23, after <to> insert <, among other things>

Rachael Hamilton

- 8 In section 7, page 5, line 16, leave out <, among other things,>

Rachael Hamilton

- 9 In section 7, page 5, line 17, after <to> insert <, among other things>

Rachael Hamilton

- 10 In section 7, page 5, line 27, at end insert—
<() any other matter specified by the Scottish Ministers.>

Rachael Hamilton

- 14 In section 16, page 9, line 1, at end insert—
<() Regulations under section 7(6) are subject to the affirmative procedure.>

Group 5: Principles

Rhoda Grant

- 21 In section 1A, page 2, line 6, after <preparing> insert <and implementing>

Rhoda Grant

- 22 In section 1A, page 2, line 6, after <have> insert <due>

Ariane Burgess

- 23 In section 1A, page 2, line 10, leave out <sustainable food production> and insert <a sustainable food system and supply chain>

Rachael Hamilton

- 24 In section 1A, page 2, line 13, after <nutritious> insert <, natural or minimally processed>

Rachael Hamilton

- 25 In section 1A, page 2, line 14, at end insert—
<() the harms resulting from the consumption of ultra-processed foods,>

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Rachael Hamilton

- 26 In section 1A, page 2, line 14, at end insert—
<() the importance of limiting the consumption of ultra-processed foods,>

Rhoda Grant

- 27 In section 1A, page 2, line 17, after <rights,> insert <and how the plan can be used to ensure this right is implemented,>

Rhoda Grant

- 30 In section 7A, page 5, line 29, after <preparing> insert <and implementing>

Rhoda Grant

- 31 In section 7A, page 5, line 29, after <have> insert <due>

Rachael Hamilton

- 32 In section 7A, page 5, line 32, at end insert—
<() the importance of supply chain transparency, sustainability and traceability.>

Ariane Burgess

- 33 In section 7A, page 5, line 33, leave out <sustainable food production> and insert <a sustainable food system and supply chain>

Rhoda Grant

- 34 In section 7A, page 5, line 40, after <rights,> insert <and how the plans can be used to ensure this right is implemented,>

Monica Lennon

- 67 In section 7A, page 5, line 40, at end insert—
<() the fact that all children and young people have the right to high-quality, nutritious food (as set out in Article 24 of the United Nations Convention on the Rights of the Child),>

Group 6: Specifying new bodies

Rachael Hamilton

- 51 In section 1B, page 3, line 2, at end insert—
<() information about any public authority the Scottish Ministers intend to specify in regulations under section 7(2)(c) and the timescale for making the regulations.>

Rachael Hamilton

- 58 In section 5, page 4, line 8, at end insert—

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<() The report must set out—

- (a) information about any public authority the Scottish Ministers intend to specify in regulations under section 7(2)(c), and
- (b) the timescale for making the regulations.>

Rachael Hamilton

62 In section 7, page 4, line 36, at end insert—

<() an integration joint board, >

Group 7: Healthy basket guarantee

Rachael Hamilton

53 After section 1B, insert—

<Healthy basket guarantee

The Scottish Ministers must consult on the concept of a “healthy basket guarantee” and how this could be implemented through good food nation plans.>

Group 8: Consultation

Colin Smyth

54 In section 2, page 3, line 13, after <appropriate> insert <, but must include such persons as appear to the Scottish Ministers to be representative of the interests of, including organisations working for and on behalf of—

- (a) those concerned with, and with lived experience of, individual and public health issues, including diet-related poor health outcomes;
- (b) those concerned with, and with lived experience of, social care and health inequalities, including communities whose right to food and health outcomes are most likely to be at risk, including people with no recourse to public funds;
- (c) those concerned with environmental protection and enhancement, and with animal welfare;
- (d) those concerned with local economies and food supply chains, including fair work standards.>

Colin Smyth

55 In section 2, page 3, line 13, at end insert—

<(4) The Scottish Ministers must, when laying the proposed national good food plan before the Scottish Parliament under section 1B(1)(a), publish a statement—

(a) summarising—

- 5 (i) the consultation process undertaken in order to comply with subsection (1)(a), and

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- (ii) any responses to the consultation, and
- (b) setting out how in preparing the plan they complied with subsection (1)(b) and (3).>

Colin Smyth

- 55A** As an amendment to amendment 55, line 5, after <(1)(a),> insert <including outlining the efforts made to ensure the consultation was accessible and inclusive,>

Colin Smyth

- 59** In section 6, page 4, line 23, after <2> insert <(1) to (3)>

Colin Smyth

- 60** In section 6, page 4, line 29, leave out <to (5)>

Colin Smyth

- 61** In section 6, page 4, line 29, after <(5)> insert <and 2(4)>

Group 9: Importance of communicating in particular ways

Rachael Hamilton

- 6** In section 2, page 3, line 13, at end insert—
- <(3) In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.>

Monica Lennon

- 56** In section 2, page 3, line 13, at end insert—
- <() In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in a way that is effective in engaging children and young people.>

Rachael Hamilton

- 7** After section 6, insert—
- <Publication of documents: inclusive communications>**
- In publishing a document under any of sections 1 to 6, the Scottish Ministers must have regard to the importance of communicating in an inclusive way.>

Rachael Hamilton

- 11** In section 8, page 6, line 11, at end insert—
- <() In consulting under subsection (1)(a), a relevant authority must have regard to the importance of communicating in an inclusive way.>

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Monica Lennon

68 In section 8, page 6, line 11, at end insert—

<() In consulting under subsection (1)(a), a relevant authority must have regard to the importance of communicating in a way that is effective in engaging children and young people.>

Rachael Hamilton

12 After section 12, insert—

<Publication of documents: inclusive communications

In publishing a document under any of sections 7 to 12, a relevant authority must have regard to the importance of communicating in an inclusive way.>

Ariane Burgess

40 After section 12, insert—

<Publication of documents by the Commission: inclusive communication

In publishing a document under section (*Functions of the Commission*)(4) or the schedule, the Commission must have regard to the importance of communicating in an inclusive way.>

Rachael Hamilton

13 In section 14, page 7, line 22, at end insert—

<“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 their needs,>

Rachael Hamilton

43 In section 16, page 8, line 35, at end insert—

<() In consulting under subsection (1A), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.>

Group 10: Review and report

Colin Smyth

57 In section 5, page 4, line 8, at end insert—

<() In relation to any outcome that the report states is not being achieved at the end of the reporting period, the report must set out—

(a) the view of the Scottish Ministers as to whether the policies in the plan which are directed at the achievement of the outcome remain sufficient, and

(b) if—

(i) the view is that the policies are sufficient, the reasons for the view,

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- (ii) the view is that the policies are insufficient, what action the Scottish Ministers intend to take.>

Rachael Hamilton

69 In section 11, page 6, line 26, at end insert—

- <() The report must also set out—
 - (a) the steps the relevant authority has taken to procure food locally and sustainably,
 - (b) what proportion of its food is procured from—
 - (i) within the local authority,
 - (ii) within Scotland,
 - (iii) within the rest of the United Kingdom,
 - (c) the postcode of provenance of any food procured,
 - (d) the number of procurement contracts under the value of £1000,
 - (e) the spend by the relevant authority on food procurement.>

Rachael Hamilton

70 In section 11, page 6, line 26, at end insert—

- <() The report must also include information on how the relevant authority has ensured that food it procures has been procured locally and sustainably.>

Rachael Hamilton

71 In section 11, page 6, line 26, at end insert—

- <() The report must set out how the relevant authority has worked with other relevant authorities in its area to share good practice and to secure the achievement of the outcomes under section 7(3)(a) for individuals in receipt of social care.>

Group 11: Scottish Food Commission

Ariane Burgess

28 In section 6, page 4, line 20, at end insert—

- <() In reviewing the plan, the Scottish Ministers must have regard to any recommendation made by virtue of section (*Functions of the Commission*)(3)(a) which was published—
 - (a) if this is the first review, since the plan was published,
 - (b) if this is a subsequent review, since the last review.>

Ariane Burgess

35 In section 12, page 7, line 2, at end insert—

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- <() In reviewing its plan, a relevant authority must have regard to any recommendation made by virtue of section (*Functions of the Commission*)(3)(b) which was published—
- (a) if this is the first review, since the plan was published,
 - (b) if this is a subsequent review, since the last review.>

Ariane Burgess

36 After section 12, insert—

<Oversight by food commission

Establishment of Scottish Food Commission

- (1) The Scottish Food Commission (in Gaelic, Coimisean Bidh na h-Alba) is established.
- (2) In this Act, the Scottish Food Commission is referred to as “the Commission”.
- (3) Further provision about the constitution and operation of the Commission is made by the schedule.>

Ariane Burgess

37 After section 12, insert—

<Functions of the Commission

- (1) The functions of the Commission are—
 - (a) to keep under review—
 - 5 (i) progress in achieving the outcomes in the national good food plan and the good food nation plans of relevant authorities, and
 - (ii) the effectiveness of those plans in addressing food-related issues, and
 - (b) to advise, inform and assist the Scottish Ministers and relevant authorities with a view to—
 - 10 (i) promoting and supporting progress in achieving the outcomes in the national good food nation plan and the good food nation plans of relevant authorities, and
 - (ii) improving the effectiveness of those plans in addressing food-related issues.
- 15 (2) The Commission must have regard to any request by the Scottish Ministers to assist them under subsection (1)(b) in a particular way (for example, by considering and then advising them on a particular matter).
- (3) In pursuance of subsection (1)(b), the Commission may make formal recommendations—
 - 20 (a) to the Scottish Ministers as to action which it considers should be taken in relation to the national good food nation plan,
 - (b) to a relevant authority as to action which it considers should be taken in relation to the authority’s good food nation plan.
- (4) The Commission must publish any formal recommendation it makes.
- (5) Without prejudice to Part 2 of the schedule, the Commission may, in particular, for the purpose of its functions—
 - 25 (a) carry out, commission or support any research it considers appropriate,

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- (b) seek any independent and expert advice it considers appropriate,
 - (c) acquire, compile and keep under review information about food-related issues,
 - (d) keep under review implementation of any international obligation of the United Kingdom relating to a food-related issue,
 - 30 (e) have regard to developments in, and information on the effectiveness of, legislation on food-related issues elsewhere in the world.
- (6) The Scottish Ministers may by regulations modify this section so as to—
- (a) confer functions on the Commission,
 - (b) modify the functions of the Commission,
 - 35 (c) remove functions from the Commission.
- (7) But the power conferred by subsection (6) may not be exercised in a way that would result in the Commission having a function which relates (wholly or partly) to something other than the national good food nation plan or the good food national plans of relevant authorities. >

Colin Smyth

37A As an amendment to amendment 37, line 16, at end insert—

- <() In exercising its functions, the Commission must have regard to the principles set out in section 1A.>

Ariane Burgess

38 After section 12, insert—

<Independence of the Commission

- (1) In exercising its functions, the Commission is not subject to the direction or control of any member of the Scottish Government.
- (2) This section is subject to any contrary provision in this or any other enactment.>

Ariane Burgess

39 After section 12, insert—

<Funding and financial assistance

- (1) The Scottish Ministers may provide financial assistance (including grants, loans, guarantees and indemnities) to the Commission.
- (2) The Scottish Ministers may attach conditions (including conditions as to repayment or the repayment of interest) in respect of any financial assistance provided.
- (3) The Scottish Ministers may, from time to time after financial assistance is provided, vary any conditions attached to it.>

Rachael Hamilton

41 After section 12 insert—

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<*Scottish Food Commission*

Scottish Food Commission

- (1) The Scottish Ministers must, by regulations, make provision for the establishment of a Scottish Food Commission.
- (2) Regulations under subsection (1) must be laid before the Scottish Parliament within one year of Royal Assent.
- (3) The Commission—
 - (a) is not a servant or agent of the Crown,
 - (b) does not enjoy any status, immunity of privilege.
- (4) The property of the Commission is not property of, or property held on behalf of, the Crown.
- (5) The Commissions members and staff—
 - (a) are not servants or agents of the Crown,
 - (b) have no status, immunity of privilege of the Crown,
 - (c) are not to be regarded as civil servants.
- (6) The functions of the Scottish Food Commission must include, on any food-related issue in Scotland—
 - (a) to review the impact and effectiveness of any law or policy related to the good food nation plans, including the degree of policy coherence,
 - (b) to recommend changes to any law or policy that are necessary to achieving the outcomes in the good food nation plans,
 - (c) to review the impact and effectiveness of good food nation plans in relation to achieving outcomes and indicators,
 - (d) to gather evidence, carry out research and prepare reports to inform good food nation plans,
 - (e) to provide information and guidance relating to the development of good food nation plans or their implementation,
 - (f) to report on progress towards achieving the purpose of good food nation plans, as set out in section (*Purpose of good food nation plans*).
- (7) The Scottish Food Commission must, in addition, consider and advise on any such matter as the Scottish Ministers may refer to them.
- (8) In exercising its functions, the Food Commission 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.

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- (9) 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.
- (10) In subsection (9) “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.
- (11) Regulations under subsection (1) may include whatever provisions, in addition to those required by this section, that Scottish Ministers consider necessary for the effective operation of the Scottish Food Commission.>

Rachael Hamilton

42 After section 12, insert—

<Scottish Food Commission

Scottish Food Commission

- (1) The Scottish Ministers must, by regulations, make provision for the establishment of a Scottish Food Commission.
- (2) Regulations under subsection (1) must be laid before the Scottish Parliament within one year of Royal Assent.
- (3) The Commission—
 - (a) is not a servant or agent of the Crown,
 - (b) does not enjoy any status, immunity of privilege.
- (4) The property of the Commission is not property of, or property held on behalf of, the Crown.

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- (5) The Commissions members and staff—
 - (a) are not servants or agents of the Crown,
 - (b) have no status, immunity of privilege of the Crown,
 - (c) are not to be regarded as civil servants.
- (6) The functions of the Scottish Food Commission must include, on any food-related issue in Scotland—
 - (a) to review the impact and effectiveness of any law or policy related to the good food nation plans, including the degree of policy coherence,
 - (b) to recommend changes to any law or policy that are necessary to achieving the outcomes in the good food nation plans,
 - (c) to review the impact and effectiveness of good food nation plans in relation to achieving outcomes and indicators,
 - (d) to gather evidence, carry out research and prepare reports to inform good food nation plans,
 - (e) to provide information and guidance relating to the development of good food nation plans or their implementation,
- (7) The Scottish Food Commission must, in addition, consider and advise on any such matter as the Scottish Ministers may refer to them.
- (8) In exercising its functions, the Food Commission 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.
- (9) 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,

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- (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.
- (10) In subsection (9) "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.
- (11) Regulations under subsection (1) may include whatever provisions, in addition to those required by this section, that Scottish Ministers consider necessary for the effective operation of the Scottish Food Commission.>

Ariane Burgess

44 In section 16, page 9, line 1, at end insert—

<() Regulations under section (*Functions of the Commission*)(6) are subject to the affirmative procedure.>

Ariane Burgess

45 In section 16, page 9, line 5, at end insert—

<(6) Regulations under Part 5 of the schedule are subject to the affirmative procedure.>

Ariane Burgess

46 After section 18, insert—

<SCHEDULE
(introduced by section (*Establishment of Scottish Food Commission*))

SCOTTISH FOOD COMMISSION: CONSTITUTION AND OPERATION

PART 1

STATUS

Incorporation

1 The Commission is a body corporate.

Exclusion of Crown status

2 The Commission is not to be regarded as a servant or agent of the Crown, or having any status, immunity or privilege of the Crown, nor are its members or its staff to be regarded as civil servants.

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PART 2

POWERS

General powers

- 3 The Commission may do anything which appears to it to be—
- (a) necessary or expedient for the purposes of, or in connection with, the exercise of its functions, or
 - (b) otherwise conducive to the exercise of its functions.

PART 3

PROCEDURE

Committees and sub-committees

- 4 The Commission may establish committees and sub-committees.

Regulation of procedure

- 5 The Commission may regulate its own procedure (including quorum) and that of its committees and sub-committees.

Authority to perform functions

- 6 The Commission may authorise any of its—
- (a) members,
 - (b) committees,
 - (c) sub-committees, or
 - (d) staff,
- to exercise such of its functions (and to such extent) as it may determine.
- 7 The giving of authority under paragraph 6 by the Commission does not—
- (a) affect the Commission's responsibility for the exercise of its functions, or
 - (b) prevent the Commission from exercising the function itself.

Validity of things done

- 8 The validity of anything done by the Commission, its committees or sub-committees is not affected by—
- (a) a vacancy in its membership,
 - (b) a defect in the appointment of a member,
 - (c) the disqualification of a member after appointment.

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PART 4

ACCOUNTABILITY

Corporate plan

- 9 (1) The Commission must submit a corporate plan to the Scottish Ministers.
- (2) Sub-paragraph (1) must be complied with as soon as reasonably practicable after the day this paragraph comes into force.
- (3) The corporate plan must set out how the Commission intends to exercise its functions.
- (4) The corporate plan may include such other material as the Commission considers appropriate.
- (5) The Scottish Ministers must—
 - (a) approve the corporate plan,
 - (b) approve the corporate plan with any modifications they consider appropriate, or
 - (c) decline to approve the corporate plan.
- (6) Where the Scottish Ministers intend to approve the corporate plan with modifications, they must consult the Commission before doing so.
- (7) If sub-paragraph (5)(b) or (c) applies, the Commission must, as soon as reasonably practicable, modify the corporate plan and submit the modified plan to the Scottish Ministers.
- (8) Sub-paragraphs (5) to (7) apply to the corporate plan as modified.
- (9) As soon as reasonably practicable after it is approved by the Scottish Ministers—
 - (a) the Commission must publish the corporate plan, and
 - (b) the Scottish Ministers must lay a copy of the corporate plan before the Scottish Parliament.
- (10) The Commission—
 - (a) may revise the corporate plan at any time, and
 - (b) must revise the corporate plan when required to do so by the Scottish Ministers.
- (11) Sub-paragraphs (1) and (3) to (10) apply to a revised corporate plan as they apply to the first corporate plan.

Accounts and audit

- 10 (1) The Commission must—
 - (a) keep proper accounts and accounting records,
 - (b) prepare in respect of each financial year a statement of accounts, and
 - (c) send a copy of the statement to the Auditor General for Scotland for auditing.
- (2) The Commission must comply with any directions which the Scottish Ministers give it in relation to the matters mentioned in sub-paragraphs (1)(a) and (b).

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Annual report

- 11 The Commission must, as soon as reasonably practicable after each financial year—
- (a) prepare and make publicly available a report of its activities during the year,
 - (b) send a copy of the report to the Scottish Ministers, and
 - (c) lay a copy of the report before the Scottish Parliament.

PART 5

MEMBERS

Commission composition

- 12 (1) The Commission is to consist of—
- (a) a member to chair it, and
 - (b) at least 2 but no more than 4 other members.
- (2) The Scottish Ministers may by regulations amend sub-paragraph (1)(b) so as to alter the maximum number of members.

Appointment of members

- 13 (1) The Scottish Ministers are to appoint—
- (a) the chairing member, and
 - (b) the ordinary members.
- (2) Appointments are to be made in accordance with regulations made by the Scottish Ministers.
- (3) A person may be appointed more than once.
- (4) A person who is disqualified from being a member may not be appointed (see paragraph 17).
- (5) Regulations under sub-paragraph (2) may in particular—
- (a) specify qualifications and experience that a person must have in order to be appointed,
 - (b) require appointments to be made so that a board includes a member who fulfils criteria specified in the regulations,
 - (c) require that regard is had when making appointments to the desirability of a board including a member who fulfils criteria specified in the regulations.
- (6) Criteria, for the purpose of sub-paragraph (5)(b) and (c), may include criteria about a person's—
- (a) having certain qualifications or experiences,
 - (b) holding a certain office,
 - (c) being representative of certain interests.

Members' tenure and other terms and conditions

- 14 (1) A person's membership of the Commission continues until the end of the period of appointment (subject to paragraph 16).

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- (2) In sub-paragraph (1), “the period of appointment” means the period specified by the Scottish Ministers on appointing the person as a member.
- (3) The Scottish Ministers may determine other terms and conditions of membership, in relation to matters not covered by this schedule.

Members’ remuneration, allowances and pensions

- 15 (1) The Scottish Ministers may—
 - (a) pay members of the Commission remuneration and allowances (including expenses),
 - (b) pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of the Commission.
- (2) The arrangements referred to in sub-paragraph (1)(b) may include—
 - (a) making payments towards the provision of those pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
- (3) The reference in sub-paragraph (1)(b) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

Early termination of membership

- 16 (1) A person’s membership of the Commission ends if—
 - (a) the person resigns by written notice given to the Scottish Ministers,
 - (b) the person becomes disqualified from being a member (see paragraph 17), or
 - (c) the Scottish Ministers give the person written notice that the person is removed from the Commission.
- (2) The Scottish Ministers may remove a member of the Commission by virtue of sub-paragraph (1)(c) only if they consider that the member is—
 - (a) unfit to continue to be a member, or
 - (b) unable to exercise the member’s functions.

Disqualification from membership

- 17 (1) A person is disqualified from being a member of the Commission if the person is—
 - (a) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000,
 - (b) disqualified from being the director of a company registered under the Companies Act 2006 in Great Britain.
- (2) The Scottish Ministers may by regulations modify this paragraph to add or remove descriptions of persons disqualified from being a member of the Commission.
- (3) Regulations under sub-paragraph (2) may not repeal sub-paragraph (1)(a).

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PART 6

STAFF

Appointment of staff

- 18 The Commission may appoint staff.

Staff terms and conditions

- 19 Staff appointed by the Commission are appointed on such terms and conditions as the Scottish Ministers approve.

Staff pensions, allowances and gratuities

- 20 (1) The Commission may pay, or make arrangements for the payment of, pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of its staff.
- (2) But the Commission may not make those payments or arrangements without the Scottish Ministers' approval.
- (3) The arrangements referred to in sub-paragraph (1) may include—
- (a) making payments toward the provision of pensions, allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of pensions, allowances and gratuities.
- (4) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

PART 7

APPLICATION OF LEGISLATION RELATING TO PUBLIC BODIES

Amendment of public bodies' legislation

- 21 (1) In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (2) In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (non-ministerial office holders in the Scottish Administration), after paragraph 85ZA insert—
“85ZAA The Scottish Food Commission”.
- (3) In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (the specified authorities), under the heading “Executive bodies”, after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (4) In the Public Services Reform (Scotland) Act 2010, in schedule 8 (listed public bodies), after the entry relating to the Scottish Fiscal Commission insert— “The Scottish Food Commission”.
- (5) In the Public Records (Scotland) Act 2011, in the schedule, under the heading “Others” after the entry relating to the Scottish Fire and Rescue Service insert— “The Scottish Food Commission”.
- (6) In the Procurement Reform (Scotland) Act 2014, in Part 3 of the schedule (contracting authorities: others), after paragraph 50 insert—

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“50A The Scottish Food Commission”.>

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