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|  | **Part of Sustain’s work on Brexit andthe Campaign for a Better Food Britain:** [**www.sustainweb.org/betterfoodbritain**](http://www.sustainweb.org/betterfoodbritain) |  |

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**Sustain briefing: The UK Agriculture Bill**

Issues and proposed amendments, December 2018

A draft UK Agriculture Bill was introduced to Parliament on 12 September 2018 and had its second reading in Parliament on 10 October. It could achieve Royal Assent by March/April 2019. This is the first major UK legislation on agriculture in 50 years, and the Sustain alliance wants to make the best of this opportunity to influence UK farm policy and practice. This is made especially urgent due to the need for the UK to take decisive action on farm livelihoods, working conditions, public health, animal welfare, biodiversity, environmental protection and climate change. This briefing has been produced by Sustainable Farming Coordinator for the Sustain alliance, Vicki Hird, in consultation with working party members and others, setting out issues and proposing amendments. This is part of Sustain’s wider work on securing better food, farming and fishing when the UK leaves the EU. Read more about our approach at: [www.sustainweb.org/betterfoodbritain](http://www.sustainweb.org/betterfoodbritain)

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## Overarching issues and amendments

Sustain believes that the purpose of new UK agriculture policy should be a prosperous, resilient and sustainable farming system that provides healthy food grown to high standards of animal welfare, environment and nature protection. Farming must be able to provide healthy food, as well as good livelihoods, supported by fair prices and trading practices. Farming must also play its part in significantly reducing antibiotic use, as well as the greenhouse gas emissions that cause harmful climate change.

Achieving this vision requires an integrated policy, a sufficient budget and a strong regulatory baseline. There must be incentives for farmers and land managers to make the transition to better practices where the market will not pay and new strategies for training, advice and research. It also requires government to identify and support better food and farming as a core priority and to [redefine productivity](https://www.sustainweb.org/blogs/jan18_redefining_productivity_gove/) to deliver on wider objectives. The Sustain alliance has previously circulated our agreed paper ‘[Beyond 2020 New Farm Policy’](https://www.sustainweb.org/publications/beyond_2020_new_farm_policy/), endorsed by food, farming, environmental and animal welfare groups. This outlined a new set of principles and a policy framework to deliver a sustainable and viable future for UK food and farming.

The draft UK Agriculture Bill, introduced to the UK parliament in September 2018, has several purposes. The UK’s departure from the EU necessitates repatriation to the UK of some existing frameworks, funds and responsibilities, including replacing some of the functions previously undertaken as part of the EU Common Agricultural Policy (CAP).[[1]](#footnote-1) Also included in the draft Bill are more future-thinking objectives, set out as enabling powers for the Secretary of State, but with no duty for these powers to be used, nor a timeframe within which this should happen.

We think this is major a missed opportunity to set out, in legislation, a new vision for farming policy in the UK, and how this relates to national strategies and the UK’s international commitments. We therefore strongly recommend that the Purpose of the draft Bill should be amended to include explicit reference to environment, animal welfare and public health goals.

Our amendments (see below) cover these and additional issues including workers and new-entrant farmers, conditions for delinked payments, training and advice provisions, trade policy, repatriation of funds, and measurement of household food insecurity. We have the following comments and proposed amendments and would welcome discussion with MPs, farmers, civil society organisations, stakeholders and others, with the common purpose of improving the Bill.

## Purpose of the Agriculture Bill

The draft UK Agriculture Bill[[2]](#footnote-2) needs to present a new vision for farm policy in the UK. As such, the Bill’s ‘Purpose’ needs to reflect new objects. We would want to see explicit reference to: *environment, animal welfare and public health goals.*

## Principles of the Agriculture Bill

At present, the draft UK Agriculture Bill contains no requirement for the Secretary of State to consider or demonstrate explicitly how new regulation or policy helps the UK to meet **national or international agreements** and other specific domestic policy goals and legislation, on issues such as environment, antimicrobial resistance, animal welfare, conservation of biodiversity, dietary health, modern slavery, and climate change. The draft Bill currently has no specific reference or link to Defra’s proposed **Food Strategy** objectives, nor likely outcomes such as improving the nutritional security of the nation, or ensuring that food bought by publicly funded institutions (such as schools, hospitals and the armed forces) supports local producers and is of highest environment, labour and animal welfare standards, as well as enhances availability of nutritious local and regional food. This needs to be added and may require a specific clause. We also recommend a new requirement for measurement of household security, a necessary starting point for ensuring that everyone has access to adequate food.

## Duties of the Agriculture Bill

At present, the draft UK Agriculture Bill contains no requirement, nor any timeline, for the Secretary of State to act on many of the issues such as enforcing supply chain fairness. It provides powers to act, but not the duties. This leaves much of it vulnerable to political priorities. In the suggested clauses below we have replaced the word ‘may’ to ‘shall’ or ‘must’ as relevant. An overarching general duties clause may be needed to ensure the outcomes are delivered.

## The need for Multi-annual Financial Framework and targets

We support amendments (by [Greener UK](https://greeneruk.org/sites/default/files/download/2018-11/Greener_UK_Commons_Committee_stage_day_3-4_brieifing.PDF) for instance) which will provide a process to secure multi-annual long-term support to farmers and land managers. The support needs to be secure and long term to deliver the public goods for taxpayers and ensure farmers can plan for a resilient and viable future. Alongside this the Bill needs to include reference to obligations to draw up targets for delivery of purposes in line with evidence base and existing commitments, and to set an adequate budget for the aim of delivering on purposes both during the transitional period and beyond the period. Sustain is concerned at the lack of reference to legally binding targets to deliver on objectives including environmental, health, social and economic outcomes, nor to signal any meaningful mechanism to ensure the progress towards a healthy farming future can be measured and government held accountable.

## Specific amendments

### New Financial Assistance Powers on health and agro-ecology [Part 1. 1. (1)]

The financial assistance powers focused on purposes in 1 (1) (a) to (g) are welcome. All the elements of financial assistance in Clause 1 must support the delivery of public goods, not undermine them, and must deliver on high welfare and environmental and social targets. We support amendments to ensure this. We also see a gap in terms of targeted support for farm and food based rural development.

We are asking for additional clauses on improving ‘[public health’](https://www.sustainweb.org/news/oct18_agriculturebill_publichealthclause/) and [for agro-ecological systems](https://www.sustainweb.org/news/nov18_agroecology_future_ukfarming/). We want to see these as duties (i.e. not optional), so offer the following amendments (additions in bold, underlined):

*Clause 1 (1) The Secretary of State* ***must***[not ‘may’] *give financial assistance for or in connection with any of the following purposes:*

Addition in bold: *h)* ***supporting the delivery of improved public health outcomes.”***

***Clause 1, page 2, line 3, at end insert—***

***(1A) Support under subsection (1)(h) may include, but is not limited to, measures to:***

***(a) Increase the availability, affordability, diversity, quality and marketing of fruit and vegetables***

***(b) reduce farm antibiotic and related veterinary product use, and antibiotic resistance in micro-organisms, through improved animal health and improved animal welfare,***

***(b) provide support for farmers to diversify out of domestic production of foods where there may be reduced demand due to health concerns***

***(d) reduce harm from use of chemicals on farms, and***

***(e) reduce pesticide residues in food.***

Explanation - In the same way that farming fundamentally affects our environment, food consumption is one of the key determinants of human health and costs associated with poor diets are escalating. Action is clearly needed beyond the farm gate to curb the processing and marketing of unhealthy or unsafe foods. But it is also vital to ensure farm policy promotes healthy food production and does not support continued production of foods or systems that contribute to unhealthy or unsafe diets which have a huge societal and economic cost. This amendment would make that a Bill purpose and suggests some of the possible measures.

**Add new clause: 1*(3)* or add additional subclause to 1 (1)**

***The Secretary of State shall also give financial assistance for or in connection with the purpose of establishing or maintaining agro-ecological farming systems including organic farming****.[[3]](#footnote-3)*

Explanation - Agroecology covers a range of land management practices, including organic farming, which integrate ecological principles into food production, and are practiced across the whole farm or whole land area, delivering multiple integrated environmental and social benefits. This amendment enhances the Agriculture Bill because:

1) Farmers will be rewarded not only for “managing land or water in a way that protects or improves the environment”, as in point (a) of clause 1, but for doing so across the whole farm in an integrated manner.

2) Agroecological whole farm systems can deliver a higher level of benefits such as, in the case of organic farming: 50% more wildlife than conventional farms; healthier soils with, on average, 44% higher levels of humic acid – the component of soil that stores carbon over the long term; and 35-65% less nitrogen and no persistent pesticides leached from organic arable fields. These benefits are delivered in an integrated manner as a part of the whole farm system, rather than only on the margins.

3) Agroecological systems can also deliver social benefits as a part of the farm system. Farms might be supported to provide public access to nature and wildlife, public access to fresh nutritious food, and public access to learning about where their food comes from, including how to cook it, which could support improved public health.

In addition Clause 1(2) should be enhanced so that payments only support wider public goals including purposes in section 1(1) above. Government should develop a new definition of ‘productivity’ that includes natural capital inputs.

### **Clause 9 Delinked Payments**

The delinked payments could help farmers invest, diversify, retire. But with no safeguards, the land could be bought up to create vast, American style ‘titan farms’ or allow farmland to be abandoned in an unsustainable or damaging way. The payments should have specific conditions attached.

Additional text to attachand cover both annual and lump sum payments

***The Secretary of State shall develop specific rules by which delinked payments can be used such as for investment in sustainability, rural cohesion, reducing antibiotic use, animal welfare measures, sustainable diversification, or to exit the industry and ensure new entrants can access the land.***

### Fair Dealing Obligations

Sustain has played a leading role in achieving the inclusion of the fair dealing obligations in the draft UK Agriculture Bill, having financially and vocally supported the Grocery Code Action Network over the past two years. This network has very considerable technical expertise on the issue of regulating for fair dealing in the supply chain, which we believe benefits everyone, including primary producers. So we are pleased with the Bill content on Fair Dealing and explanatory text, which has the potential to address, if given statutory duties and adequately resourced, many of the problems inherent in the UK’s food supply chain.

We are requesting this to be a **duty** not a power and for the Secretary of State to not confine the obligations to first purchasers. This reflects our long-held position that supporting vibrant, efficient and fair agricultural supply chains requires a regulation that is able to look at the whole of a supply chain rather than restricted to one link in the chain. The scope of the legislation as it is currently drafted is limited to the relationship between the producer and the first purchaser – which will mean that large sections of the food supply chain (including many processors, brands and aggregators) will remain outside of the remit of both the GCA and any new regulator established by this Bill.

Following publication we would want to see in the statutory instruments that ***all*** sectors will be covered by codes to ensure they are not confined to certain sectors as suggested in the explanatory note (which currently says “*which will initially be introduced in the sectors where voluntary codes have been unable to significantly improve contractual relationships (for example dairy)*”. The fact that the Bill includes producers outside of the United Kingdom is welcome. We will also need to ensure the body undertaking enforcement has adequate powers and resources to undertake the role including recognition of the requirements for absolute confidentiality, own-initiative investigations, and liaison with the existing Groceries Code Adjudicator.

Following Committee stage we propose the following amendments:

**Clause 27 Fair dealing obligations of first purchasers of agricultural products**

*Clause 27,* Page 30 line 31 , leave out *“may”* and insert *“must”*

**Explanatory statement** - This amendment would require the Secretary of State to make regulations for fair dealing obligations in Clause 27.

*Page 30, line 30 leave out the words ‘first’*

*Page 30 Line 32 (1) leave out the word ‘~~the first’~~*

*Page 30 Line 34 (2) leave out the word ‘the first’*

**Explanatory statement** – to reflect the need for the Clause title to remove the restriction that the obligations are for first purchasers only and allow the Secretary of State to deal with the contractural problems where they arise.

Finally, to ensure that primary producers on land and at sea all benefit from supply chains regulated for fair dealing, we propose that this approach should be amended to “**purchases of agricultural, fishery and aquaculture products**”, with all instances of this wording amended, including Schedule 1. If this is not possible within the terms of the UK Agriculture Bill, then the Secretary of State must, without delay, make clear by means of a policy statement that marine fishers and aquaculture (fish) farmers – in the UK and overseas, should also expect to enjoy the same protection from unfair trading practices that is being enabled for agricultural producers.

## Additional clauses

### International trade deals

The UK Agriculture Bill should contain provisions to require all food imported into the UK be produced to standards that are at least equivalent to the standards required of UK producers, and certainly no lower, as they relate to animal welfare, environmental protection, worker health, safety and condition, veterinary antibiotic use, chemical use and new technologies and any other legitimate public policy concerns associated with food production, as those required of producers in the UK. The amendment could read:

**Import of agri-food products**

***(1) The import of agri-food products into England is prohibited unless it can be demonstrated by the importer to Her Majesty’s Revenue and Customs that the relevant products have been produced to standards that are equivalent to the relevant requirements under UK legislation in relation to –***

***(a) animal welfare;***

***(b) environmental protection;***

***(c) food safety and standards; and***

***(d) employment***

***(2) The Secretary of State must make regulations specifying the “relevant requirements under UK legislation” referred to in subsection (1).”***

***Explanatory statement:* *To ensure that agri-food products produced to lower standards are not imported into the UK, undermining the efficiency, productivity and profitability of the agricultural sector.***

**Trade negotiations**

***(1) Prior to the start of any negotiations relating to a new trade agreement between the UK and another country, the Secretary of State shall publish a mandate to be followed by those involved in the negotiations which states that agri-food products imported into the UK must be produced to standards that are equivalent to the relevant requirements under UK legislation in relation to –***

***(a) animal welfare;***

***(b) environmental protection;***

***(c) food standards and safety; and***

***(d) employment***

***(2) The Secretary of State must make regulations specifying the “relevant requirements under UK legislation” referred to in subsection (1).”***

***Explanatory statement:*** *To ensure that agri-food imports are specifically included in any future trade deal negotiations.*

### Workers – powers to report on agriculture workers and farm or land-based employers

Sustain was disappointed to see no mention of agricultural worker pay, conditions, rights (or availability). This leaves 140,000 farm workers in England out in the cold, with some subject to on-going unfair wages and treatment, whilst never enjoying the employment benefits that many of us take for granted such as wage progression, decent housing, sick pay or parental leave. Having a standard mechanism also helps farmers or land managers avoid the expense and difficulties of negotiating with agricultural workers individually or benchmarking wages and conditions across the sector. The UK Agriculture Bill is an opportunity to frame new mechanisms to ensure [better wages and conditions for agriculture workers](https://www.sustainweb.org/news/jul18_workers_briefing_launch/). Agriculture could and should be a great career choice, otherwise [why would anyone want to pick our crops?](https://www.sustainweb.org/publications/why_pick_crops_newreport/?section=) On boosting agricultural labour availability, the recently announced scheme to allow 2,500 seasonal workers is wholly inadequate.

Agriculture workers and on-farm or near-farm packing and processing workers within the farm business need to be protected via a new body and the powers should allow for providing a pay structure for farmers to pay and protect existing workers in England, as well as enhancing the status of farm work to attract recruits into the industry. In parallel with other sectors this would provide a sector bargaining body and not an advisory or consultative body. In addition and to uphold statutory rights, we would also like to see some reference to ensuring enforcement agencies that protect all workers from abuse will be adequately resourced, with sufficient capacity to enforce employment laws, including the Modern Slavery Act.

We understand it is not possible to create a new body through this bill so we propose an the following amendment:

***Report on impact of Act upon agricultural workers***

***(1) The Secretary of State shall, within 18 months of Royal Assent being given to this Act, lay before Parliament a report containing an assessment of the impact of the provisions of this Act on agricultural workers in England.***

***(2) The report under subsection (1) shall include assessments of the impact of the Act upon each of the factors listed in subsection (3).***

***(3) The factors are agricultural workers’—***

***(a) living standards,***

 ***(b) pay,***

***(c) conditions of employment, and***

 ***(d) accommodation.***

***(4) The report under subsection (1) shall include an analysis of the impact on each factor under subsection (3)—***

***(a) in each region of England, and***

***(b) in each agricultural sector, within the meaning given in Part 2 of Schedule 1.***

***(5) The Secretary of State shall, no later than three months after the report under subsection (1) has been laid, open a public consultation on—***

***(a) the report laid under subsection (1) and any conclusions which it might draw or proposals which it might contain, and***

***(b) the merits of establishing a sector negotiating body to be responsible for setting on an annual basis minimum—***

 ***(i) living standards,***

***(ii) pay,***

***(iii) conditions of employment, and***

***(iv) standards and terms of accommodation for agricultural workers.***

***(6) “Agricultural worker” shall, for the purposes of this section, be taken to mean any person engaged in—***

***(a) agriculture, as defined in section 109 of the Agriculture Act 1947, or***

***(b) forestry.”***

***Member’s explanatory statement This new clause would require the Secretary of State to report on the impact of the Act on agricultural workers in England, and to consult on the findings of that report and the merits of establishing a sector negotiating body.***

### New entrants and county farms

Sustain is also concerned to ensure the UK Agriculture Bill enables new entrants to farming to be encouraged through new initiatives, and that when they come in they can survive and thrive. The Defra Bill policy statement (but not the Bill) suggests a role for ‘Council Farms’. These are farms owned by councils and could offer real opportunities of land available for new farmers to start a foundation business, based on good standards, and gain the experience they need to progress onto a larger unit. There should be new provision in the UK Agriculture Bill to stop these farms being sold off and we can provide more detail on this. A suggested amendment is below.

This and other measures, such as capital grants, training and planning rules, and measures to ensure available and affordable land will be crucial to encouraging new entrants and enterprise.

***(1) Every smallholdings authority who immediately before the commencement of this Part of this Act hold any land for the purposes of smallholdings shall review the authority’s smallholdings estate shall, before the end of the period of eighteen months beginning with the commencement of this Part of this Act submit to the Minister proposals with respect to the future management of that estate for the purposes of providing —***

***(a) opportunities for persons to be farmers on their own account;***

***(b) education or experience in environmental land management practices;***

***(c) opportunities for increasing public access to the natural environment and understanding of sustainable farming; and***

***(d) opportunities for innovation in sustainable land management practices.***

***(2) No land held by a smallholdings authority as a smallholding immediately before commencement of this Part of this Act is to be conveyed, transferred, leased or otherwise disposed of otherwise than—***

***(a) in connection with the purposes listed in subsection (1); and***

***(b) in accordance with proposals submitted under subsection (1).***

 ***(3) For the purposes of this section, “smallholdings authority” has the same meaning as in Section 38 of the Agriculture Act 1970.***

### Training and advice

The draft UK Agriculture Bill contains no specific duty to provide the additional and independent advice, training and guidance needed for farmers to deliver a new era of resilient farming which delivers public goods and plays a significant role in reducing the greenhouse gas emissions that cause dangerous climate change, in pursuance of obligations set out in the Climate Change Act.

A new clause needs to be inserted that confers duties on the Secretary of State to provide such support in a manner which is affordable, universally available, independent from industry influence on setting principles and outcomes and which helps deliver on the purposes in Part 1.

### Purpose of repatriated EU funds

We understand that the current plan is for most EU funding streams (such as the European Regional Development Fund, European Social Fund and European Maritime and Fisheries Fund) to be repatriated and pooled into a UK Shared Prosperity Fund, possibly managed by the Ministry for Communities and Local Government. So far, we have seen no indication of the purpose, remit and governance of this fund, it having been earmarked for ‘productivity’ according to some reports. The Agriculture Bill mentions several such funds. Hence, we propose an amendment:

***To include a requirement for funds previously derived from the UK’s membership of the EU (such as ERDF, ESF, EMFF, etc.) to be governed and disbursed according to principles of sustainable development, and to support diverse communities, farm business types and the transition to a low-carbon and circular economy that reduces inequalities.***

### Contact details

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1. The UK is also set to adopt a new Environment Act and establish a new environmental watchdog, which will also be relevant to farm policy, although few details are yet available. Find out more from the Greener UK Alliance: http://greeneruk.org/ [↑](#footnote-ref-1)
2. https://www.gov.uk/government/publications/the-future-for-food-farming-and-the-environment-policy-statement-2018 [↑](#footnote-ref-2)
3. Explanatory text: This amendment would ensure that future schemes include support for agroecological farming systems as a way of delivering the purposes listed in clause (1) (1) and, as one part of that, that the UK retains a farm payment scheme specifically for organic farming, as it has had for many years. The UN FAO provides the following definition of agroecology: “Agroecology is based on applying ecological concepts and principles to optimise interactions between plants, animals, humans and the environment while taking into consideration the social aspects that need to be addressed for a sustainable and fair food system. By building synergies, agroecology can support food production and food security and nutrition while restoring the ecosystem services and biodiversity that are essential for sustainable agriculture. Agroecology can play an important role in building resilience and adapting to climate change.” [↑](#footnote-ref-3)