



All Members of the Senedd  
Senedd Cymru

14<sup>th</sup> March 2023

Dear colleagues,

### **Agriculture (Wales) Bill – Stage 2 Government Amendments**

I am enclosing detail of the Stage 2 Government amendments tabled to the Agriculture (Wales) Bill, together with an explanation of their purpose and effect.

In order to assist Members and Committees, I would like to outline a number of further Stage 3 amendments which are being considered. These are:

#### **Part 3: Matters relating to agriculture and agricultural products - Section 30**

To require by statutory duty the publication of a one-off report by the Welsh Ministers reviewing the operation of the data collection regime contained in sections 24 to 31 of the Bill up to the five-year mark following commencement. This is in line with recommendation 24 from the Economy, Trade and Rural Affairs (ETRA) Committee.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

#### **Part 4 - Forestry provisions:**

I propose to put forward amendments to the provisions in Part 4 of the Bill relating to Forestry. These provisions are a consequence of the impact of the proposed amendments, as introduced, on the interaction with existing provisions of the Forestry Act 1967 (into which the Part 4 provisions will be inserted) and to ensure the desired outcome of the provisions is achieved whilst providing accessibility to the law for the reader.

These amendments will focus on the interaction of felling licences with Tree Preservation Orders, and provisions relating to rights of appeal and compensation.

There may be other consequential amendments to the Forestry Act 1967 arising from these insertions to ensure all provisions, existing and new, operate effectively.

#### **Part 6: General - Section 50 – Powers to amend Sections 48 and 49**

In line with recommendation 44 of the Legislation, Justice and Constitution (LJC) Committee, officials are engaging with legal services to explore the best way to apply a super-affirmative procedure to section 50.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Lesley Griffiths AS/MS**  
**Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd**  
**Minister for Rural Affairs and North Wales, and Trefnydd**

## THE AGRICULTURE (WALES) BILL – GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Lesley Griffiths, Minister for Rural Affairs and North Wales, and Trefnydd MS on 14 March 2023

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
29	<p>Section 1, page 2, after line 2, insert –</p> <p>‘() For the purposes of the first objective, factors relevant to whether food and other goods are produced in a sustainable manner include, among other things, the resilience of agricultural businesses within the communities in which they operate.’.</p>	<p>Adran 1, tudalen 2, ar ôl llinell 2, mewnosoder –</p> <p>‘() At ddibenion yr amcan cyntaf, mae’r ffactorau sy’n berthnasol i ba un a yw bwyd a nwyddau eraill yn cael eu cynhyrchu mewn modd cynaliadwy yn cynnwys gwytnwch busnesau amaethyddol o fewn y cymunedau y maent yn gweithredu ynddynt, ymysg pethau eraill.’.</p>	<p>Purpose: This amendment makes provision about factors relevant to determining whether food and other goods are produced in a sustainable manner for the purposes of the first SLM objective.</p> <p>Effect: The amendment is intended to highlight the link between the production of food and other goods in a sustainable way, and the resilience of agricultural businesses. The effect of the amendment is that relevant factors, for the purposes of the first objective, include the resilience of agricultural businesses within the communities in which they operate. The result is that in considering whether the exercise of a function to which the SLM duty applies (as determined by section 2(2), read with the exceptions in section 3) “best contributes to achieving” the SLM objectives as required by section 2(1). For instance, when exercising the power to provide support, relevant factors will include (for the purposes of the first objective) the resilience of agricultural businesses within the communities in which they operate.</p>

			<p>An agricultural sector without resilient businesses, or with a high degree of change, is unlikely to be able to produce, package, and distribute food and other goods effectively and sustainably. Resilient businesses therefore contribute to the economic sustainability of food production. The environmental and social aspects of sustainable production, and those matters covered by the second, third and fourth objectives, are also supported by agricultural businesses which are resilient and, in and of themselves, sustainable.</p> <p>The amendment does not provide an exhaustive list of relevant factors for the purposes of the first objective. The amendment states relevant factors “include” the resilience of agricultural businesses, “amongst other things”, which makes it clear that other factors will also be relevant.</p> <p>“Agricultural businesses” is defined at section 48 of the Bill and is to be construed in accordance with the definition of “agriculture” at section 48(1) (section 48(1) and (3)).</p>
30	<p>Section 8, page 6, after line 20, insert –</p> <p>‘() helping rural communities to thrive and strengthening links between agricultural businesses and their communities;</p> <p>() improving the resilience of agricultural businesses;</p>	<p>Adran 8, tudalen 6, ar ôl llinell 23, mewnosoder –</p> <p>‘() helpu cymunedau gwledig i ffynnu a chryfhau’r cysylltiadau rhwng busnesau amaethyddol a’u cymunedau;</p>	<p>Purpose: Section 8(2) of the Bill provides a list of purposes for which support may be given. The list of purposes is not exhaustive and is intended to provide an indication of areas in which the Welsh Ministers anticipate providing support.</p> <p>This amendment adds to the list of purposes, on the face of the Bill, for which support may be provided.</p>

	<p>( ) sustaining the Welsh language and promoting and facilitating its use;’.</p>	<p>( ) gwella gwytnwch busnesau amaethyddol;</p> <p>( ) cynnal y Gymraeg a hyrwyddo a hwyluso ei defnydd;’.</p>	<p>Effect: This amendment expressly specifies additional purposes for which support may be provided, on the face of the Bill.</p> <p><b>Purpose (b):</b> <i>helping rural communities to thrive and strengthening links between agricultural businesses and their communities</i></p> <p>This additional purpose is aimed at capturing support which may be provided to enable farmers to diversify outside of their core business (e.g. the production of food and other goods) into areas such as direct to customer sales and the processing of goods.</p> <p>Support provided under this purpose could also seek to diversify farming methods, and increase community engagement, in ways that support and encourage an increase in biodiversity or eco system resilience on farms, for example through collaborative projects such as community orchards, or through engaging with local expertise. This could help to make farm businesses more resilient as well as keeping the economic and employment benefits within the local area. Innovative practices could also be supported such as direct to consumer sales, for example through the use of veg and meat boxes.</p>
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			<p>Support provided under the purpose would encourage innovative practices designed to re-invigorate agricultural businesses, as well as creating opportunities in rural communities. The effect this could have on encouraging new and novel businesses could create more opportunities and employment in rural areas for all, and may also encourage a younger generation of business owners to 'stay local' which in turn supports the local community and helps to retain the Welsh roots and culture of their communities.</p> <p>Farm businesses which have diversified are also likely to be more resilient to future challenges.</p> <p>Minimising the distance goods travel for processing and point of sale would have environmental benefits through the lowering of food miles and the associated reduction in emissions. Food which has travelled less tends to suffer less degradation, e.g. in micro nutrients, which could result in healthier foods for Welsh consumers. This approach could encourage more circular economy thinking in rural economies minimising costs, waste and the need for imported goods.</p> <p>Approaches which encourage produce to be processed and sold more locally also helps reinforce the link between agricultural land and its produce, where the food journey from field to fork becomes more transparent for consumers which</p>
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			<p>could in turn foster increased awareness and interest in agriculture.</p> <p><b>Purpose (c):</b> <i>improving the resilience of agricultural businesses</i></p> <p>This additional purpose is aimed at supporting the future prosperity of agricultural businesses.</p> <p>Resilient agricultural businesses are better placed to act and react to changes in the environment or market within which they operate. They are more likely to thrive and survive shocks to the sector such as those caused by pandemics, conflict, supply chain issues and climate change. Resilient agricultural businesses contribute to thriving rural communities and increase the likelihood that Welsh agricultural land is sustained for future generations.</p> <p>Resilient agricultural businesses will also be able to provide reliable long-term employment and opportunities to provide subsidiary services, where skills and experience are valued. Diversifying farm income with additional enterprises can provide increased stability.</p> <p>Shorter supply chains may provide more added value, increase market intelligence, and contribute more to the local economy.</p>
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			<p>Support in this area could also be designed to assist new entrants into the sector as well as assisting farmers in their succession planning.</p> <p>Actions taken under this purpose would seek to equip farmers with the tools needed to make their businesses more resilient, informed and adaptive.</p> <p><b>Purpose (d):</b> <i>sustaining the Welsh language and promoting and facilitating its use</i></p> <p>This additional purpose seeks to recognise that agricultural businesses in our communities, as well as being key producers and environmental stewards, are important for our Welsh language and culture. It is important these businesses are supported and sustained for present and future generations.</p> <p>Promoting and facilitating the use of the Welsh language is expected to compliment other purposes, including the amendment at section 8(2)(b).</p> <p>This purpose seeks to reinforce and support the use of the Welsh language in agricultural settings, working towards both sustaining and increasing its use in written and digital communications including in conversational settings within the workplace. Actions could also seek to support both new speakers and those wishing to improve their Welsh</p>
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			language skills. These outcomes would not only support the proposed purpose, but they will also complement and impact upon the 4 <sup>th</sup> SLM objective, the Well-being of Future Generations goals and the Cymraeg 2050 targets.
31	Section 11, page 8, after line 25, insert –  ‘() for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;’.	Adran 11, tudalen 8, ar ôl llinell 27, mewnosoder – ‘() ar gyfer adennill symiau sy’n ddyledus mewn cysylltiad â chosbau ariannol, gan gynnwys darpariaeth ar gyfer llog, gosod symiau yn erbyn symiau eraill, a sicrwydd ar gyfer taliad;’.	Purpose: This amendment is twofold. Firstly, as a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill. Secondly, to build upon the existing provision in 11(2)(i) and enable for the provision for the recovery of any amounts due against monetary penalties including, security for payment.  Effect: This amendment provides that the regulation making provision in respect of checking eligibility for support, etc, is broad enough to enable the recovery of any amounts due against monetary penalties.
32	Section 31, page 21, line 6, leave out ‘giving persons functions in connection with enforcement of requirements’ and insert ‘conferring functions (including functions involving the exercise of a discretion) on a person’.	Adran 31, tudalen 21, llinell 7, hepgorer ‘i bersonau mewn cysylltiad â gorfodi gofynion’ a mewnosoder ‘(gan gynnwys swyddogaethau sy’n cynnwys arfer disgresiwn) i berson’.	This amendment is a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill.
33	Section 32, page 22, after line 13, insert –	Adran 32, tudalen 22, ar ôl llinell 14, mewnosoder –	Purpose: This amendment is twofold. Firstly, as a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill. Secondly, to build upon the

	<p>‘() for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;’.</p>	<p>‘() ar gyfer adennill symiau sy’n ddyledus mewn cysylltiad â chosbau ariannol, gan gynnwys darpariaeth ar gyfer llog, gosod symiau yn erbyn symiau eraill, a sicrwydd ar gyfer taliad;’.</p>	<p>existing provision in 32(4)(e) and enable for the provision for the recovery of any amounts due against monetary penalties including, security for payment.</p> <p>Effect: This amendment provides that the regulation making provision for enforcement of marketing standards is broad enough to enable the recovery of any amounts due against monetary penalties including, for example, taking the amount owed in a penalty out of funds being provided by the Welsh Government.</p>
34	<p>Section 33, page 23, after line 1, insert –</p> <p>‘() for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;’.</p>	<p>Adran 33, tudalen 23, ar ôl llinell 1, mewnosoder –</p> <p>‘() ar gyfer adennill symiau sy’n ddyledus mewn cysylltiad â chosbau ariannol, gan gynnwys darpariaeth ar gyfer llog, gosod symiau yn erbyn symiau eraill, a sicrwydd ar gyfer taliad;’.</p>	<p>Purpose: This amendment is twofold. Firstly, as a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill. Secondly, to build upon the existing provision in 33 (2) (e) and enable for the provision for the recovery of any amounts due against monetary penalties including, security for payment.</p> <p>Effect: This amendment provides that the regulation making provision for enforcement of carcass classification, is broad enough to enable the recovery of any amounts due against monetary penalties including, for example, taking the amount owed in a penalty out of funds being provided by the Welsh Government.</p>

35	<p>Section 47, page 34, after line 15, insert –</p> <ul style="list-style-type: none"> <li>( ) section 15(1) (power to modify legislation governing the basic payment scheme);</li> <li>( ) section 16(1) (power to modify legislation relating to the common agricultural policy);</li> <li>( ) section 17(1) (power to modify legislation relating to support for apiculture);</li> <li>( ) section 18(1) (power to modify legislation relating to support for rural development);</li> <li>( ) section 22(1) (Power to modify retained direct EU legislation relating to public market intervention and private storage aid);’.</li> </ul>	<p>Adran 47, tudalen 34, ar ôl llinell 16, mewnosoder –</p> <ul style="list-style-type: none"> <li>( ) adran 15(1) (pŵer i addasu deddfwriaeth sy’n llywodraethu cynllun y taliad sylfaenol);</li> <li>( ) adran 16(1) (pŵer i addasu deddfwriaeth sy’n ymwneud â’r polisi amaethyddol cyffredin);</li> <li>( ) adran 17(1) (pŵer i addasu deddfwriaeth sy’n ymwneud â chymorth ar gyfer gwenynyddiaeth);</li> <li>( ) adran 18(1) (pŵer i addasu deddfwriaeth sy’n ymwneud â chymorth ar gyfer datblygu gwledig);</li> <li>( ) adran 22(1) (pŵer i addasu deddfwriaeth uniongyrchol yr UE a ddargedwir sy’n ymwneud ag ymyrraeth yn y farchnad gyhoeddus neu gymorth ar gyfer storio preifat);’.</li> </ul>	<p>Purpose: To change the regulation-making procedure from the negative to the affirmative procedure.</p> <p>Effect: The affirmative procedure will provide appropriate opportunity for scrutiny and accountability should the Welsh Ministers decide to exercise the power to make regulations in the provisions relating to the basic payment scheme, the common agricultural policy, apiculture, rural development and public market intervention and private storage aid.</p>
36	<p>Section 48, page 35, line 10, after ‘markets’, insert ‘agricultural businesses,’.</p>	<p>Adran 48, tudalen 35, llinell 10, ar ôl ‘amaethyddol,’ mewnosoder ‘busnesau amaethyddol,’.</p>	<p>Purpose: This amendment makes clear, on the face of the Bill, that references in the Bill to ‘agricultural businesses’ are to be construed in accordance with the definition of ‘agriculture’ at section 48(1).</p>

			Effect: The effect of this amendment is to clarify how references to 'agricultural businesses' within the Bill should be interpreted. The scope of agricultural businesses is not limited to farm businesses and extends to include those within an agri-supply chain, such as farm contractors of agricultural machinery leasing companies, through to veterinary services and practices, and abattoirs.
37	Schedule 3, page 42, line 20, leave out 'If paragraphs 22 to 30 of Part 4 of Schedule 7 to the Agriculture Act 2020 are in force before this Part of this Schedule is brought into force,'.	Atodlen 3, tudalen 42, llinell 21, hepgorer 'Os yw paragraffau 22 i 30 o Ran 4 o Atodlen 7 i Ddeddf Amaethyddiaeth 2020 mewn grym cyn y dygir y Rhan hon o'r Atodlen hon i rym,'.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>
38	Schedule 3, page 43, line 13, leave out paragraphs 13 to 22.	Atodlen 3, tudalen 43, llinell 13, hepgorer paragraffau 13 hyd at 22.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p> <p>Therefore, paragraphs 13 to 22 of Schedule 3 to the Agriculture (Wales) Bill are obsolete.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>

39	Schedule 3, page 44, line 25, leave out 'If paragraphs 19 to 21 of Part 4 of Schedule 7 to the Agriculture Act 2020 (c. 21) are in force before this Part of this Schedule is brought into force,'.	Atodlen 3, tudalen 44, llinell 24, hepgorer 'Os yw paragraffau 19 i 21 o Ran 4 o Atodlen 7 i Ddeddf Amaethyddiaeth 2020 (p. 21) mewn grym cyn y dygir y Rhan hon o'r Atodlen hon i rym,'.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>
40	Schedule 3, page 44, line 38, leave out paragraphs 27 to 30.	Atodlen 3, tudalen 44, llinell 37, hepgorer paragraffau 27 hyd at 30.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p> <p>Therefore, paragraphs 27 to 30 of Schedule 3 to the Agriculture (Wales) Bill are obsolete.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>
41	Schedule 3, page 45, line 22, leave out 'or paragraphs 14 to 22 (as the case may be)'.	Atodlen 3, tudalen 45, llinell 22, hepgorer 'neu baragraffau 14 i 22 (yn ôl y digwydd)'.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p> <p>Therefore, paragraphs 14 to 22 of Schedule 3 to the Agriculture (Wales) Bill are obsolete.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>
42	Schedule 3, page 45, line 28, leave out 'or paragraphs 28 to 30 (as the case may be)'.	Atodlen 3, tudalen 45, llinell 29, hepgorer 'neu baragraffau 28 i 30 (yn ôl y digwydd)'.	<p>Purpose: Part 4 of Schedule 7 to the Agriculture Act 2020 was commenced on 13 December 2022.</p>

			<p>Therefore, paragraphs 28 to 30 of Schedule 3 to the Agriculture (Wales) Bill are obsolete.</p> <p>Effect: The amendments will remove these paragraphs and reference to these paragraphs.</p> <p><a href="#">The Agriculture Act 2020 (Commencement No. 2) (Wales) Regulations 2022 (legislation.gov.uk).</a></p>
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