

Paul Davies, MS
Chair of the Economy, Trade and Rural Affairs Committee
Senedd Cymru

13 June 2023

Dear Paul

Agriculture (Wales) Bill – Report Stage Explanatory Memorandum update

Ahead of the Report Stage debate on the Agriculture (Wales) Bill on 20 June. I wish to inform you I have today tabled an updated version of the Explanatory Memorandum (EM) for the Bill. Revisions have been made throughout the EM reflecting the Bill as amended at Stage 3 and the commitment I made during the debate.

I thought it would be helpful to provide detail in relation to the following Committee recommendations, so you are assured these have been appropriately dealt with:

Stage 3 Amendments

Revisions have been made to the EM and Annexes including the Explanatory Notes (EN) to include all amendments made to the Bill following conclusion of Stage 3 Plenary debate held on 16 May.

Sustainable Land Management - The Objectives: The EM has been updated to reflect amendment 39 to section 1(6) to highlight, for the purposes of the first sustainable land management (“SLM”) objective, the contribution to the local economy made by agricultural businesses within the communities in which they operate (see Part 1, Chapter 3, paragraph 3.44 and Explanatory Notes).

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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.

Sustainable Land Management - The Duty: The EM has been updated to reflect amendment 4, the new section 2(3), clarifying the extent to which the SLM duty (section 2(1)) applies to functions referred to in section 2(2)(b) and (c) (see Part 1, Chapter 3, paragraph 3.66-3.68 and Explanatory Notes).

Sustainable Land Management - Monitoring and Reporting: The EM has been updated for amendments 40 and 41, to highlight certain examples of matters the Welsh Ministers must have regard to, should the Welsh Ministers consider it appropriate to do so, when preparing or revising a statement of SLM indicators and targets (section 5), and when preparing SLM reports (section 7), (see Part 1, Chapter 3, paragraph 3.86-3.89 and 3.96-3.98 and Explanatory Notes).

Power to Provide support – encourage effective energy management of an agricultural business: The EM and RIA have been updated to reflect the amendment 38 made to the list under Section 8, adding in a new purpose for which support may be provided (see Part 1, Chapter 3, paragraph 3.111, RIA and Explanatory Notes).

Stage 3 Amendment 55: The EM has been updated to reflect Stage 3 amendment 55 (section 9(3)) which specifies a set of conditions which must be met by potential recipients before they can receive financial support under the power to provide support. (see Part 1, Chapter 3, paragraph 3.128)

I would also like to highlight due to time constraints and the impact on the Bill as a whole, the RIA and IIA have not been updated for Amendment 55. The Government has committed to complete these aspects once the final form of the Bill is known.

Multi Annual Support Plan: The EM has been updated to reflect the amendment 42 which inserted a new Section to require Welsh Ministers to prepare a 'Multi-Annual Support Plan' (MASP) in respect of agricultural support under the Bill. (see Part 1, Chapter 3, paragraph 3.133 and Explanatory Notes).

Matters relating to agriculture and agricultural products - Collection and Sharing of Data: The EM has been updated to reflect amendment 6, Welsh Ministers are required to produce a report on the operation of the data collection regime within sections 24 to 31 of the Bill every five years. (see Part 1, Chapter 3, paragraph 3.211 and Explanatory Notes).

Chapter 4 - Agricultural Tenancies: The EM and RIA have been updated to reflect amendment 5. The Bill now makes provision which will enable farm business tenants under the Agricultural Tenancies Act 1995 to access arbitration procedures, where a landlord has refused a request for the variation of a tenancy, or a request for consent, which was made for the purposes of the tenant accessing certain forms of support (including support provided under section 8). The dispute may also relate to requests made for the purpose of complying with a statutory duty (see Part 1, Chapter 3, 3.192 and Explanatory Notes).

Part 4 – Forestry: The EM has been updated throughout to reflect extensive amendments 7-34 to the Forestry provisions (see Part 1, Chapter 3, RIA, Chapter 9 and Explanatory Notes).

General: Section 53 – Powers to amend Sections 51 and 52: The EM has been updated to reflect the amendments 35 and 36 to change the regulation making power to the "super affirmative" procedure. (see Part 1, Chapter 3, paragraph 3.345, Chapter 5 and Explanatory Notes).

COP 15 Kunming-Montreal Global Biodiversity Framework

As I committed to at Stage 3 I have made updates to the EM (paragraph 3.53) in order to specifically reference the COP15 Kunming-Montreal Global Biodiversity Framework, affirming the Welsh Government's commitment to contributing to its goals through, for example, actions under the Sustainable Farming Scheme.

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 of the name.

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