

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

AGRICULTURE BILL

Fourteenth Sitting

Tuesday 20 November 2018

(Afternoon)

CONTENTS

New clauses considered.
Title amended.
Bill, as amended, to be reported.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 24 November 2018

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The Committee consisted of the following Members:

Chairs: † SIR ROGER GALE, PHIL WILSON

- | | |
|---|---|
| † Antoniazzi, Tonia (<i>Gower</i>) (Lab) | † Harrison, Trudy (<i>Copeland</i>) (Con) |
| † Brock, Deidre (<i>Edinburgh North and Leith</i>) (SNP) | † Hoare, Simon (<i>North Dorset</i>) (Con) |
| † Chapman, Jenny (<i>Darlington</i>) (Lab) | † Huddleston, Nigel (<i>Mid Worcestershire</i>) (Con) |
| † Clark, Colin (<i>Gordon</i>) (Con) | † Lake, Ben (<i>Ceredigion</i>) (PC) |
| † Davies, Chris (<i>Brecon and Radnorshire</i>) (Con) | † McCarthy, Kerry (<i>Bristol East</i>) (Lab) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Martin, Sandy (<i>Ipswich</i>) (Lab) |
| † Drew, Dr David (<i>Stroud</i>) (Lab/Co-op) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Dunne, Mr Philip (<i>Ludlow</i>) (Con) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| † Eustice, George (<i>Minister for Agriculture, Fisheries and Food</i>) | † Whitfield, Martin (<i>East Lothian</i>) (Lab) |
| † Goodwill, Mr Robert (<i>Scarborough and Whitby</i>) (Con) | Kenneth Fox, Anwen Rees, <i>Committee Clerks</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 20 November 2018

(Afternoon)

[SIR ROGER GALE *in the Chair*]

Agriculture Bill

New Clause 16

ENVIRONMENTAL TARGETS AND OBJECTIVES

“(1) The Secretary of State must, in exercising functions under this Act, take all reasonable steps to—

- (a) further the purposes within section 1(1)(a) to (g), and
- (b) following a public consultation, bring forward proposals for environmental targets and objectives for the achievement of the purposes in section 1(1)(a) to (g) to secure the maintenance, recovery and restoration of the environment, so that the environment is healthy, resilient and sustainable for the benefit of people and wildlife.”—(*Kerry McCarthy.*)

This new clause includes a requirement on ministers to introduce specific targets to ensure the bill meets its objectives.

Brought up, read the First time, and Question proposed this day, That the clause be read a Second time.

2 pm

Question again proposed.

The Chair: I remind the Committee that with this we are considering the following:

New clause 17—*Primacy of public purposes*—

“The Secretary of State must ensure the payment of public money delivers primarily the purposes in section 1(1) so that the natural environment is conserved, enhanced and managed for the benefit of present and future generations.”

This new clause is intended to ensure that the list of public purposes set out in Clause 1 are the primary objective for payments under the Bill.

New clause 19—*Financial assistance: duty to provide advice*—

“(1) The Secretary of State must make regulations to secure the provision of training, guidance and advice to persons receiving financial assistance under this Act, for the purpose of enabling those persons to deliver the purpose or purposes for which the financial assistance is given.

(2) Regulations under subsection (1) may include provision for advice on matters which include but are not limited to—

- (a) the impact of any practice upon the environment,
- (b) business management, including the development of business plans,
- (c) the health and welfare of livestock,
- (d) the safety and health of workers in any agricultural sector,
- (e) innovation, including alternative methods of pest, disease and weed control,
- (f) food safety, insofar as it relates to the production of food or any activity in, or in close connection with, an agri-food supply chain,
- (g) the operation of any mechanism for applying for, or receiving, financial assistance under this Act,
- (h) marketing of any product falling within an agricultural sector under Part 2 of Schedule 1.

(3) Regulations under this section are subject to affirmative resolution procedure.”

This new clause would require the Secretary of State to make provision for training, guidance and advice to be made available to persons receiving financial assistance.

New clause 27—*Smallholdings estates: land management*—

“(1) A smallholdings authority which immediately before the commencement of Part 1 of this Act holds any land for the purposes of smallholdings shall review the authority’s smallholdings estate and shall, before the end of the period of eighteen months beginning with the commencement of Part 1 of this Act, submit to the Secretary of State 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 Part 1 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.”

This new clause would limit the disposal of smallholdings (‘county farms’) by local authorities and would require local authorities to review their holding and submit proposals for future management to provide opportunities to extend access to farming, education, and innovation.

Dr David Drew (Stroud) (Lab/Co-op): Welcome back to the Chair, Sir Roger. I hope that this will be the final session of our deliberations, but anything is possible with this Government. We have already lost one Committee sitting, so let me plough on with new clauses 19 and 27.

The whole point of new clause 19 is that farmers and landowners are being asked to make a dramatic shift in how they perform their duties. I hope that all farmers are to some extent environmentalists—that is why they are on the land and why they care for it—but unless they are among the small minority in stewardship, they have principally been paid for being what they are: farmers or landowners. We are now going to pay them to do environmental things.

Mr Robert Goodwill (Scarborough and Whitby) (Con): Does the hon. Gentleman recognise the many environmental schemes that are in place? Farmers are already doing quite a lot of this stuff.

Dr Drew: I agree that there have been schemes such as Blue Flag, but the point is that that was not what farmers were principally paid for. Under the Bill, they will principally be paid to look after the environment in whatever way is deemed fit, and they will need an enormous amount of advice. New clause 19 would implement a mechanism for that.

The Committee has already discussed the areas in which farmers might need support. We have certainly discussed the idea of people advising on land management contracts, whether they come in from local government or whether farmers and landowners bring them in and pay for their advice. The difficulty is that this is all rather fluid and open-ended, so the new clause would give it some substance.

As the Minister says, the advice will be given on a one-to-one basis, but who is going to give it? At the moment there are not many people who can give such advice, and they are very expensive. One might have thought that land agents would be interested, but at a recent event I spoke to land agents who made it very clear that rural is not really where the money or—dare I say it?—the interest is, because they have moved much more into the urban sphere. That will no doubt cause some difficulties.

The new clause covers a range of areas in which there is a need for advice. We do not want to talk in an alarmist way, but this is really important. We are asking people to completely change their business organisation over a very short period. How they operate and, in a sense, their whole reason for being on the land will have to change. I am not implying that it will change completely for everyone, but for some people the change will be dramatic.

Sandy Martin (Ipswich) (Lab): Does my hon. Friend agree that if there is no duty to provide advice, there is a danger that smaller farms will be least likely to get the advice they need, since they cannot afford to pay for it? The ones that most need support are the most likely to lose out.

Dr Drew: Exactly. There may be less form filling than under the current arrangement, but it will involve some. It will also certainly involve inspection; otherwise, how can we guarantee that the public moneys are being used appropriately for those public goods?

That is the backcloth. As I say, I do not want to be alarmist but, sadly, as all those who have been involved with the land will know, the suicide rate among farmers and farm workers is very high. The rate is high because it is a very lonely occupation. It is also a very stressful occupation when people are losing money, which they often are. The arrangement will not necessarily solve that, because although it is transitional they will lose money that in the past they have banked, guaranteeing that they can go forward.

On the suicide rate, we have all lost friends. I have particular regard for Gloucestershire Farming Friends, which my old friend Malcolm Whittaker set up many years ago. There are times when the organisation is inundated with phone calls, particularly when forms have to be filled in and people feel under incredible stress. We must be aware of that. I hope that the Minister will at least say something about what will be put in place, in a much more finite way than perhaps he has been able to so far. What people really want to know is, if they are going to make the changes, how they will be helped to do so.

On new clause 27, the Minister will not be surprised that I am going to say a little about smallholdings. He, like me, thinks that they are a wonderful part of British agriculture. The “Land for Heroes” scheme was put in place after the first world war, and people who had no other occupation were encouraged to take up smallholdings, organised largely, but not entirely, through county councils. Certainly over the past 20 years, we have sadly seen a decline in the smallholdings. They have been sold off, not necessarily in their entirety but in ever greater amounts of land. That matters because it is one of the few ways that younger people—certainly those without the means to buy land, or to rent it at the astronomical rents they are sometimes asked to pay—can get in.

Chris Davies (Brecon and Radnorshire) (Con): I fully agree with the hon. Gentleman on many of those points. In fact, my local authority, Powys County Council, is investing in the county farm structure, which is really positive. Is the hon. Gentleman proposing that county councils—national Government, in fact—invest in smallholdings? Does he agree with the shadow Chancellor that we should do away with all private farms and have community farms?

Dr Drew: That would be a very good thing in the sense that we would have much more access to the land. I do talk to the shadow Chancellor from time to time, and he is very keen on the idea that land is available, not by sequestration, but by taking it into public ownership to give people the chance to farm. That is what we are about here. This is very important.

Chris Davies: Following on from the shadow Chancellor’s background, the hon. Gentleman says, “taking farms into public ownership”. I am very interested in that definition.

Dr Drew: I will be very careful. I will reword what I said. The hon. Gentleman will no doubt read what I said when the *Official Report* is published. I am very clear that there has always been a role for some public ownership of land through local authorities, because that is an avenue by which people can come into farming. It is simply much more difficult—I talk from some experience here. A long time ago, I chaired the county farms estate in Gloucestershire when I was a county councillor. I saw people coming through, desperate to get on the land, and it was always really sad that we had to turn down very good people because never enough holdings became available for the numbers chasing them. Too often, it was not necessarily the farmers themselves but who their partners were that was a vital factor in who got the holdings, which I always thought was grossly unfair. That was the reality of trying to make good what is a difficult operation.

I am merely making the point that we ought to do more to protect county farms and smallholdings. I want to grow them but, at the moment, there should be an embargo on the future sale. The old acre for acre policy was always sensible; somebody sold a bit of land and invested in a new bit of land. The problem is a wholesale reduction of the county farms estate, which precludes many people from coming into farming.

Colin Clark (Gordon) (Con): Does the hon. Gentleman agree that Government legislation must be clear about land ownership? The tenancy market is important; many young farmers get in through a tenancy. The experience in Scotland is that, if there is any doubt cast upon the ownership of land or the right to buy, the tenancy market dries up. Would he agree that the best entry is through tenancies?

Dr Drew: I do not know enough about Scotland, so I will take the hon. Gentleman’s judgment on that. One of the arguments about the Bill and the changes it implies, is that rents will possibly fall. I do not necessarily agree with that, but it has been put to me by more than one person. That is due to the removal of the area payment, which has pushed up rents because people have more value in the land that they possess. We will have to see; it might become apparent only some years down the line.

[Dr Drew]

At the moment, I am clear that we should go back to the Agriculture Act 1970, which put an obligation on local authorities that had land to protect that land and make it available for those who wished to farm or do other things appropriate to the land that would be within the environmental catch-all we are pushing for in the Bill.

Mr Goodwill: Will the hon. Gentleman give an indication of the size of unit he believes would be viable? Currently, some of the very small smallholdings are not viable businesses.

Dr Drew: That is a problem. Traditionally, the Gloucestershire smallholdings were about 100 acres. I accept that would be very difficult because a great many of them were dairy farms, although we also had some horticulture. That is probably too small. To counterweight that, the Landworkers Alliance argue that they can make a living out of much smaller pieces of land, farmed in a slightly different way, through agroecology and so on, and maybe they would not do that full time. No one is implying that being a farmer has to be a full-time occupation. It is something that people want to do as part of their portfolio of operating.

We need to protect these bits of land initially. I would love to grow them and see local authorities encourage them. That is important, not just for opportunities for people on the land. It is about strategic ownership and the fact that we should always think ahead. If the state is not prepared to put in some effort, where is the direction coming from?

The good thing about county farms estates, as most of them are known, is that they provided education and opportunities for people to look at the front end of farming and see ways in which to do things differently, by collaboration among the tenants and so on. We will come later to tenancy reform but this is all bound up in it. A third of our farmers are tenant farmers and many of them are on land not just owned by local authorities but by charities. In my area there is the Henry Smith charity, which owns considerable areas of land and has been very good. The Church is an important landowner in the way it encourages agriculture.

2.15 pm

I am talking here about the county farms estates and I know that the Minister shares my interest. If we do not get the chance to include the measure in the Bill, with local authorities as cash-strapped as they are, there is only one direction they are going. That is, sadly, to sell these holdings, which would mean that is it. Once it has gone, it has gone forever. It cannot be bought back under the current arrangements.

I hope that we can change that, but at least let us look at how to put an embargo on the wholesale sale of these holdings, because we want younger people and new people coming on to the land. Let us give this legislation something it will be remembered for. At the moment we are looking at things that cannot be done, but this is something that we can do in this legislation. I hope that the Minister will say that he is with us, and that he wants these county farm estates to be protected.

The Minister for Agriculture, Fisheries and Food (George Eustice): I will start with new clause 16, tabled by the hon. Member for Bristol East, which seeks to add some environmental targets to the Bill. We discussed this topic earlier in the Committee's deliberations. As I said earlier, the Government have clearly demonstrated our commitment to the environment through the 25-year environment plan. We are currently in the process of developing a detailed indicator framework so that we can accurately measure progress on those important environmental trends. Obviously, we have already consulted on the key element of our agriculture policy, which is to deliver payment for the delivery of public goods, but fundamentally I see this as an issue for the forthcoming environment Bill. We will be publishing a draft of that Bill later this year, which will deal with environmental governance and environmental principles. In the second Session of this Parliament there will be an environment Bill that will include some of these things.

I will address the point that the hon. Member for Bristol East made about whether there is some division between DEFRA and the Treasury.

Kerry McCarthy (Bristol East) (Lab): Before the Minister gets on to that, nearly a year ago—I think it was December last year—we were dealing with amendments to the European Union (Withdrawal) Bill, and there was quite a controversial amendment about animal sentience. We were told then that the amendment did not need to go in the Bill because the Government were bringing forward an animal sentience Bill. We do not have an animal sentience Bill; we had a draft one, but that all went haywire. I know that there will definitely be an environment Bill, but how can the Minister reassure us that it will deal with the issue of targets?

George Eustice: There will definitely be a Bill dealing with animal sentience and sentencing. As I speak, we are considering where we might be able to fit those particular provisions into future legislation.

The hon. Lady asked whether there is a division between DEFRA and the Treasury. There is not. Within Government there are discussions, obviously, and then there is a consensus and an agreement. She kindly offered to protect the Secretary of State through the proposed new clause, but I can assure her that the Secretary of State needs no protecting; he is very good at making his case within Government. We already have some statutory targets through international agreements in areas such as climate change, but we believe that environmental targets and objectives should be picked up through the 25-year environment plan—there were some objectives in that plan—and are fundamentally a matter for the environment Bill. I am sure that she will be very engaged in discussions about that Bill when it comes forward.

I turn to new clause 19, tabled by the shadow Minister, the hon. Member for Stroud, which concerns the importance of advice and guidance. The Government agree with him about the importance of advice and guidance, particularly as we roll out a new scheme, but clause 1 is absolutely clear that we can already pay for advice and guidance. Subsection (1) of that clause states:

“The Secretary of State may give financial assistance for or in connection with any of the following”.

The term “in connection with” enables us to make financial assistance available to support advice, and I

want to spend a little bit of time explaining what the Government intend to do in this area.

As I touched on during an earlier debate on other clauses, we envision the new environmental land management scheme as effectively a covenant or contract between individual farmers and the Government. We intend to support a system in which farmers would be able to receive advice on the design of an environmental land management contract. That advice might come from an agronomist accredited by a UCAS Government scheme or from one of our employees from Natural England, or a third-party organisation like the Wildlife Trust might develop a cohort of people who could provide that advice. Having worked with the farmer, visited the farm, walked to the farm and not got too obsessed by maps, form-filling and all the rest of it, they can sit around the table with the farmer, help them put together the agreement, and then sign it off with the presumption that it will be supported and paid for.

We want to get back to a system in which there is much more human interaction, and in which trusted agronomists, trusted advisers who are accredited by the Government, and Government officers from agencies such as Natural England work directly with farmers. We do not want everyone to get bogged down in paperwork, form-filling, mapping and having to spend hours on a helpline, only to find that nobody can help them with their query. We have got a great opportunity to redesign the system.

The hon. Member for Stroud said that, as this is a new scheme, there will potentially be challenges in getting farmers used to it. I understand his point, but until a couple of years ago about 70% of farmers were in either an entry-level stewardship or a higher-level stewardship scheme, so by and large they are very familiar with these types of agri-environment schemes. They have run similar schemes previously, so I think they will be able to pick up these schemes and adapt to them.

The other thing we are doing is having a seven-year transition in which we gradually wind down the single farm payment. During that time we will be piloting the new system. That gives us plenty of time to familiarise farmers with the new system, and to perfect the system, so that when we roll it out fully we do not have problems along the way, and to ensure that we have the capacity to give advice in the area to which the hon. Gentleman alludes.

The other point I want to address is about the holistic advice to farmers. We have been looking at projects run by a number of organisations, including the Agriculture and Horticulture Development Board, which gives a lot of technical advice and has a network of what it calls monitor farms so that it can share good practice and knowledge transfer, and the Prince's Countryside Fund, which runs very good peer-to-peer support groups to help farmers with their business management and help them address change. It has had some success with that. We are keen to learn from that as we roll out support for farmers. As the hon. Gentleman pointed out, farming can be a very lonely business. I grew up in a farming community, so I am familiar with the issues. There has always been the great tragedy of high levels of suicide in agriculture—usually about 50 a year. That figure has been fairly constant for a number of decades. We want to ensure that, as we go

through this period of change, we give farmers all the support we can to help them adjust and move to a new system.

New clause 27 is all about county farms, about which the hon. Member for Stroud and I share a passion. This is the first time today I have been able to mention the 1947 Act. As he is aware, sections 47 onwards and part 4 of the Act established county farms and the right of local authorities to buy them. The new clause looks familiar because, although we often say that this is the first Agriculture Bill since 1947, that is not quite true. It is the first major Agriculture Bill since 1947, but of course there was the Agriculture Act 1970, which rolled forward some of the provisions from the 1947 Act and changed others. It created the requirement for local authorities to submit a plan to the Department and seek our agreement for any consolidation and reorganisation. That was a time-limited power, and I understand that new clause 27 is effectively attempting to replicate it. Earlier this year we laid before Parliament—I have to sign these off every year—the 67th annual smallholdings report, under section 5 of the 1970 Act, so there are still some requirements under that Act.

I want to explain what we intend to do about county farms. My view is that we should create a financial incentive for local authorities to invest in and commit to their county farms in the long term. The idea that I have in mind is to create, under clause 1(2), a fund for investment in county farms that is open to local authorities, subject to their submitting to us a clear plan demonstrating their long-term commitment to their county farm estate. I would like to see more emphasis placed on turning county farms into what might be called incubator holdings, to genuinely support new entrants. At the moment the problem is that once people get on to a county farm, they often get stuck there for 20 or 30 years and do not have the ability to progress.

Our idea is to look at what we can learn from other parts of the economy where there are, for instance, innovation centres offering mentoring for setting up new businesses; where the local enterprise partnership might be involved, working with the local authority to draw down additional funding; where it might be made a requirement for local authorities to have partnership agreements with private estates, so that they have farms to move farmers on to after five years; and where we might also support the development of peri-urban farms on other parts of local authority land.

Chris Davies: I am pleased to hear the Minister's proposals. Can he confirm that they will apply UK-wide and not just to England?

George Eustice: The scheme would be for England only, for the reasons I have outlined.

I hope that the hon. Member for Stroud understands that, rather than drafting a clause that requires that to be done, I believe that we can deliver the outcome we seek simply by establishing a fund to help local authorities invest in a county farm estate, subject to meeting conditions that demonstrate their long-term commitment to the scheme.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 25]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debonnaire, Thangam	Whitfield, Martin
Drew, Dr David	

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Stewart, Iain
Eustice, George	Tracey, Craig
Goodwill, Mr Robert	

Question accordingly negatived.

The Chair: I have had no indication that any of the other new clauses in this group are being pressed to a Division, so I will move on.

Before we come to new clause 18, I will clarify the procedure so that everyone understands. The Clerk left me a note saying that the lights go out at 5 o'clock, which is a polite way of saying that the knife comes down. At that point I have to put whatever is being debated to the vote—there is no choice and it cannot be withdrawn. After that, I will put the Question on any amendments that have already been discussed, of which there is one—it must be moved formally. Any other business then falls.

Let us do the maths: there are eight new clauses, with two and a half hours to go. Seven of the eight new clauses are in the name of the official Opposition, and one is in the name of the hon. Member for Edinburgh North and Leith. It is up to you to prioritise, but bear in mind that any new clauses that we do not reach can be re-tabled on Report.

2.30 pm

New Clause 18

CONSULTATION ON ADMINISTRATION

(1) The Secretary of State must, within one calendar month of this Act being given Royal Assent, open a consultation on what body should administer—

- any payment of financial assistance under section 1,
- any payment under the basic payment scheme, within the meaning of section 4,
- any delinked payment within the meaning of section 7,
- any other form of financial assistance which may be given under this Act, and
- any environmental land management scheme established in connection with the provisions of this Act.

(2) The consultation shall seek views on whether an existing body should administer the functions under subsection (1) or whether a new body should be created for that purpose.

(3) The Secretary of State must, in any consultation under subsection (1), consult with persons or bodies representing persons who he or she considers are affected by the functions of the proposed administrative body, or who—

- are engaged in production of any product falling within an agricultural sector under Part 2 of Schedule 1, or
- manage land for a purpose other than production of any product falling within an agricultural sector under Part 2 of Schedule 1.

(4) The Secretary of State must lay before both Houses of Parliament—

- in summary form, the views expressed in the consultation held under subsection (1), and
- a statement of how the Secretary of State intends to proceed, with his or her reasons for doing so.—
(*Dr Drew.*)

This new clause would require the Secretary of State to hold a consultation on whether an existing agency (such as the Rural Payments Agency) or a new body should administer payments and other functions delivered under the Bill's provisions

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

This is an important juncture in our consideration of the Bill, and it is probably going to be the most popular part, as we are giving the opportunity to those who wish to be consulted to get rid of the Rural Payments Agency.

It does not have to be that way. We could have a revitalised and reinvigorated payments agency, but a new agency this will have to be, because it will be doing fundamentally different things, and sadly the legacy that the RPA leaves is not necessarily a satisfactory one. That is nothing to do with this Government; previous Governments are responsible too. In my previous incarnation, we spent a lot of time on the Environment, Food and Rural Affairs Committee trying to sort out how the hell we got into such a mess over the area payments scheme involving Accenture and the computer system that was brought in. It was an unmitigated disaster, because it cost millions more and never did what it was supposed to do. We had to drag the chief executive, Johnston McNeill, back from Belfast, where he had managed to hide for a period of time, to get some clarity on why the agency got itself into such a mess. That is history. My dear late lamented friend David Taylor did an enormous amount of work on the computer system, and we were indebted to him for that work on the Select Committee. I just make the point that we are asking the new agency to do fundamentally different work.

Mr Goodwill: When it comes to who was to blame, the right hon. Member for Derby South (Margaret Beckett) might have had something to do with it, given that she chose such a complex way of enacting it under the previous Labour Government.

Dr Drew: I do not disagree that we were foolhardy. There should always be a *de minimis* and a *de maximis* in terms of how the payment system operated. As always, when the delightful EU Ministers came together they looked around the room for who was going to pilot this scheme, and somebody maybe put their hand up at the wrong time and said, "We'll have a go at it." It was not even a UK-driven scheme; it was England-driven. The other territorial Administrations went at their own pace, adding to the complexity and confusion.

I am merely making the point that we are asking for a consultation on the most appropriate agency to take forward this brand new scheme. It does not have to be rushed; it could be done over a period of time. It does not have to be just with farmers; it can be with the green groups, obviously, but also landowners, to get some clarity on what all those different parties expect from a payments agency. The Minister says that the way public moneys will be paid out will be more straightforward. We will only be able to tell that in due course.

Chris Davies: I have had concerns about the Rural Payments Agency. Does the hon. Gentleman not agree that opening up a consultation is just going to confuse and delay matters? Surely the Minister should just decide which organisation is going to administer it and then get on with it.

Dr Drew: If the Minister wants to say today that he has some brand spanking new agency in his back pocket that is going to take over and run this, we are more than happy to listen and give our support. I am merely the messenger saying that I still receive countless complaints about late payments, wrong payments and reasons unknown for people not receiving the moneys they thought they should have received. The field margins and the way in which the scheme was set up was unduly complicated, but this will potentially be as complicated, and some would say more complicated.

Why can we not just listen and learn from past mistakes and at least give people an opportunity to help frame what could replace the Rural Payments Agency? It has already taken on many Natural England employees, so it is ready for its new incarnation, but I am worried about skill levels, about the computer system and about how this will be perceived if we start on the back foot with an agency that has not been fit for purpose.

I will not cast aspersions on the people who work for the RPA—no doubt they work long hours to try to get things right—but there has been something integrally wrong with the way it has operated for a long time. I am giving the Minister an open goal to shoot at—a way for us to move forward across the party divide to try to get an agency that is fit for purpose for a very different type of agricultural scheme.

George Eustice: I will describe in a moment what we are doing on future regulation, including the enforcement of this scheme. However, the hon. Gentleman gave me an opportunity—an “open goal”, as he said—to, for want of a better term, shoot at the RPA. I am not going to do that. As I have said many times, the RPA and agencies such as Natural England are currently grappling with a truly hideous body of European regulations and an unbearable administration process. That causes huge problems for farmers, who are required to fill out and submit endless forms and do lots of mapping, and for our administrators, including the RPA.

The problems we had last year, for instance, were caused because EU law required us to re-map 2 million fields in one go. We would not have chosen to do that—there was not really a need to re-map the fields—but we were forced to, just to ensure that there were no ineligible trees littered around the landscape. The sheer scale of that task caused administrative problems. The problems we have had with our countryside stewardship schemes were caused primarily because the European Union passed a rule that said every scheme must start on the same day of the year, which caused a massive spike in workload, required us to employ 500 temps and created all the contingent problems that come with that. In the design of the new scheme, we can learn lessons from the past and jettison some of the muddled thinking that is imposed on us by the European Union and EU auditors.

I should also point out that the RPA has taken on some of the payment functions related to the pillar two countryside stewardship schemes, precisely because not

only the RPA has had challenges. Natural England has had horrendous problems trying to implement the countryside stewardship scheme. Indeed, one of the reasons we moved the RPA in to take over that space was that it has a stronger track record of managing complex EU processes.

Let me turn to what we intend to do in the future. The substance of new clause 18 is very much being addressed by the work currently being undertaken by Dame Glenys Stacey, who has given early indications of her direction of travel. She argues that we should move away from the clunky clipboard-and-rulebook approach inherent in the EU system and towards a much more modern way of regulating farms so there is more of what she calls social regulation, more incentives, fewer arbitrary rules and more whole-farm assessment. The work she has started is very interesting. She is also looking at the issue of our having multiple agencies and whether there could be consolidation, and at the establishment of a new type of body to perform some of these functions.

I do not believe there is a need to consult now, as the new clause would require us to. The first step is for us to see the final report from Dame Glenys Stacey. If the Government decided at a future date to implement some of the recommendations in that report, perhaps including the consideration of a new body, that would be the time to consult.

Dr Drew: I hear what the Minister says. Again, I make the point that that is why we would have liked to hear from Dame Glenys about the direction of travel in the evidence sessions. Perhaps we can pick that up subsequently. I am not aware whether she has yet given evidence to the Select Committee on Environment, Food and Rural Affairs. I hope members of that Committee who are present heard that point, because it is important that we get an early idea of what the Government's approach is likely to be.

I will not labour the point, because there are other new clauses that we want to get to before the bewitching hour, which you reminded us of, Sir Roger. However, it is crucial that whatever agency takes it on needs to be capable—I will not say “of starting with a blank sheet of paper”, because the past cannot be washed away—of recognising the problems that there have been and still are with the way the current payment systems operate.

As much as new systems come with a certain élan and opportunity, the same people will operate the new system, so we have to ensure that training, empowerment and particularly a decent IT system that does what we want it to do are in place right at the start. That was what really damned the RPA when it took over the area payment scheme. It was trying to negotiate the system as it went along, and as we know that that was sadly an unmitigated failure. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 21

AGRICULTURAL CO-OPERATIVES

“(1) The Secretary of State must promote agricultural co-operatives by—

- (a) offering financial assistance for the creation or development of agricultural co-operatives, and
- (b) establishing bodies to provide practical support and guidance for the development of new co-operatives.

(2) The Secretary of State shall examine any proposal for primary or secondary legislation to assess—

- (a) its impact upon agricultural co-operatives, and
- (b) whether that impact is disproportionate in relation to its impact upon other producer organisations or interbranch organisations.

(3) Financial assistance under subsection (1) may be given by way of grant, loan or guarantee, or in any other form.

(4) An organisation shall be recognised as an agricultural co-operative if it meets the conditions in subsections (5) and (6).

(5) Condition 1 is that the organisation—

- (a) is registered with the Financial Conduct Authority as a co-operative, or
- (b) is constituted under the Co-operatives and Community Benefit Societies Act 2014.

(6) Condition 2 is that the organisation—

- (a) operates in a sector which is listed in Part 2 of Schedule 1 to this Act, and
- (b) includes at least one member which is an agricultural or horticultural producer.

(7) The Secretary of State may by regulations make provision specifying the criteria under which financial assistance under subsection (1)(a) may be offered.

(8) Regulations under subsection (7) are subject to the negative resolution procedure.”—(*Dr Drew.*)

This new clause would require the Secretary of State to promote agricultural co-operatives.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

I am speeding up—but might slow down again. We have already mentioned agricultural co-operatives. Again, this is more of a probing amendment—I will say that from the outset—so I will not press it to a vote. However, we would like to insert in the Bill something that runs alongside the competition that is clearly central to aspects of how the new legislation will operate.

Why agricultural co-operatives? First, so many parties within the farming and landowning industry already belong to co-operatives. They may not necessarily always see it that way, but NFU Mutual is, of course, a form of co-operative. Many of the buy-in rings for equipment, and much of the sharing of pesticides and other inputs in to how agriculture operates, are done by a form of co-operative, formal or otherwise. The difficulty with the Bill is that it does not explicitly mention co-operatives. We have had some interchange, and I welcome what the Minister did in relation to Co-operatives UK, because its members were much happier once he gave them some assurances.

New clause 21 gives the Secretary of State a new duty to promote agriculture co-operatives and the ability to provide grant and loan funding to new and existing co-operatives. It also requires all future legislation and regulations to be checked to ensure no disproportionate negative effect on co-operatives. We see co-operatives as a way in which the new environmental world can operate. Many environmental organisations are, of course, charities or social enterprise bodies, so in a sense they are co-operating if not co-operatives.

The new clause flies in the Bill’s apparent direction of travel. It is about fairness and resilience, and recognising that as new people come into the industry the best way to bind them in is to give them the opportunity to be part of a co-operative so that they do not have the

lonely existence that we mentioned when discussing a previous clause that causes so much heartache and pressure on those individuals.

In many areas of agriculture, the supply chain already operates on a co-operative basis, but it needs to be enshrined within the legislation. Such a provision is sadly not in the Bill, so we want to insert one. The new clause would not mean that the private sector would not be the main operating vehicle for agriculture; the provision would just sit alongside it, and farmers and landowners would have that opportunity. Environmental organisations will certainly want to look at that way of operating. As the Minister rightly said, they could be the advice givers and supporters of the new direction of agriculture, and it is important to have that debate now. Opposition Members are always worried that we will be promised that things will come about through secondary legislation. That may be the case with future Administrations, if not with this one, but that is leaving things to chance.

2.45 pm

We really want to ensure that there is an opportunity for primary legislation to reflect what is already happening in farming, and that this legislation is fit for purpose in the 21st century. The new clause draws on best practice in Scotland, which, dare I say is ahead of England in terms of its co-operative arrangements. We certainly would welcome that degree of cross-country collaboration and learning from each other. I hope that the Minister will make some nice noises about co-operatives, and that he will look at giving greater powers to such business organisation on Report.

George Eustice: I am more than happy to take up the hon. Gentleman’s suggestion to say nice things about co-operatives. As I said in an earlier sitting, I am a supporter of collaborative working, joint working, joint ventures and co-operative approaches to help farmers deal with the fact that often they are fragmented and end up as price takers in the supply chain.

We have done a number of things already. Earlier this year, I announced a £10 million collaboration fund out of the rural development programme to support joint working and to support the formation of co-operatives. The hon. Member for Stroud will also remember from an earlier discussion on clause 22 and the recognition of producer organisations that we had meetings with the co-operatives’ representatives and have taken on board some of the suggestions that they made. We tabled a Government amendment to clause 22 to ensure that models other than that of a limited company, which is the requirement under current EU law, are recognised as producer organisations.

On the substance of new clause 21, which would ensure that there is financial assistance for co-operatives, I am happy to take the opportunity to confirm that, just like the existing rural development programme, clause 1(2)—the subsection on productivity—enables us to make available grant support, Government-backed loans or other guarantees to the co-operatives, should we want to support their endeavours. It is not only clauses 22 and 23, on exemption from competition law, that help certain co-operatives and recognised UK producer organisations; the very first clause of the Bill has provisions for our giving financial assistance to co-operatives. By establishing the £10 million collaboration fund earlier

this year, I hope that I have demonstrated through my deeds rather than my words that I see this as important. Should the hon. Member for Stroud ever be in Government, I hope that he would do the same and continue to support these important organisations.

Dr Drew: Of course—I am a Co-operative MP. We would not see a conflict of interests; we would see a commonality of purpose, which we encourage. I find what the Minister said very encouraging, and I hope that he will continue his discussions with Co-operatives UK and other farming organisations to see how this can be developed. The UK farming and environmental sector will need to co-operate if we face Brexit, because it will be subject to many of the winds of change, some of which could be very turbulent. I hope that co-operation is one good thing that comes out of this. I beg leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 22

Import of foie gras

“(1) Foie gras may not be imported into the UK.

(2) “Foie gras”, for the purposes of this section, shall mean a product derived from the liver of any goose or duck which has been force-fed for the purpose of enlarging its liver.”—*(Dr Drew.)*

This new clause would prevent the import of foie gras into the UK.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

This simple clause is designed to do what various Members have sought: to stop foie gras being sold in this country. I attended the recent debate initiated by, I think, the hon. Member for Crawley (Henry Smith), who referred to foie gras as

“cruel to produce, unhealthy to eat and expensive to purchase”. —[*Official Report*, 13 June 2018; Vol. 642, c. 1050.]

It is about time that we banned this outdated practice. I am not going to go into how it is produced—the innards, and so on, particularly as the hon. Member for North Dorset has probably had a good lunch and I do not want to spoil that in any way—[*Interruption.*] I shouldn't have said that, should I?

Simon Hoare (North Dorset) (Con): It was a small slice of corned beef, some grated carrot and an apple today, if the hon. Gentleman is interested.

Dr Drew: It is always a mistake to lead with your chin, as they say. We will pass on from that very quickly.

The new clause covers something that, as far as I know, most MPs want to do. Hon. Members may say that it is somewhat incongruous to bring this forward with this Bill, but given that Agriculture Bills come round about every 50 years, we will not necessarily be around to see this carried through.

Iain Stewart (Milton Keynes South) (Con): Speak for yourself!

Dr Drew: Some of us might be very old if we were around in 50 years. I hope this is treated seriously.

Mr Goodwill: Does the hon. Gentleman intend it to be an offence for individuals to purchase the product while on holiday or does he merely mean the commercial importation of this product?

Dr Drew: Again, there are going to be commercial obligations, because the fact is that we are looking for a ban. As far as I know, both parties have talked about this quite openly. Certainly representatives of the parties have talked about it. We looked at it as regards the withdrawal agreement. From memory, and we will come on to live exports later, it is one of the things that certain people prayed in aid of the advantage of leaving the EU—that is, that we could bring about some of these animal welfare changes. It was a crucial argument. It was not quite as big an argument as the £350 million a week for the NHS, but it was nevertheless an argument.

Chris Davies: The hon. Gentleman mentions animal welfare. Is this an opportunity for Members on his side of the House to put animal rights views forward? Is this the place to be bringing this up?

Dr Drew: Again, I make the point that we have limited opportunity to consider legislative change. As far as I know, the hon. Member for Crawley is hardly some animal rights activist who has been out on demonstrations to demand that this practice ends. He is a Conservative MP whose constituents have no doubt written to him saying that it is not something that they wish to condone.

Kerry McCarthy: I know where the hon. Member for Brecon and Radnorshire is trying to come from. The fact is that we have already banned production in this country. All we are talking about is banning imports. We are not moving on to new radical territory. We are just trying to achieve a degree of consistency.

Dr Drew: That is the summation of the case. It is not something that we would say was anything other than a level playing field. Yes, we are stopping certain well-known establishments from selling foie gras.

Sandy Martin: If any one of the amendments proposed earlier today that were so fulsomely supported by the hon. Member for North Dorset had been carried, we would not have needed this amendment.

Dr Drew: Of course, and that is something that we will no doubt have to revisit on Report. We are not doing anything other than what we have done in this place. We banned foie gras in the Houses of Parliament. That is a decision, and one might say that it is freedom of choice, but we banned the production of foie gras in this country, as my hon. Friend the Member for Bristol East said, because we see it as inherently cruel.

All we are saying is: “Let's have a level playing field”. If we ban production here, why are we still allowing imports to a very small number of establishments that still condone something that we would put at the extremes of animal cruelty? It is not about animal rights; it is purely about animal cruelty. It is a terrible process and I am not going to upset the hon. Member for North Dorset by going through what is involved. I do not think anybody would say that is an acceptable way to treat livestock. If it is, why is it banned in this country?

[Dr Drew]

I hope we will get support from the Government. This is one thing they could do, through legislation on animal sentencing or even animal sentience, whichever comes first. We do not have many opportunities to pass this type of legislation. It could be done by a private Member's Bill but we know how uncertain that can be. That is why the proposal has been brought forward at this stage, and why we hope there is support. If not, the Government could at least say what their intentions are. This will not affect farmers in this country, because we have banned this practice. We just want a level playing field and we can now ensure that because we will not necessarily be part of the EEA.

George Eustice: This again highlights an important ethical issue, about which people in this country have strong views. However, in common with others, I do not think it fits in the Bill. This is not a trade Bill; it is an agriculture Bill about how we support agriculture and replace the common agricultural policy.

I do not think we have ever produced foie gras in this country. It has been illegal at least since the Protection of Animals Act 1911, and the Animal Welfare Act 2006 put it beyond doubt. There is no explicit ban on foie gras, in the way that there is on fur farming, which was introduced as a specific ban in Parliament, but it has always been understood that the production process involved in it, requiring as it does the force-feeding of ducks and geese, creates serious animal welfare concerns. If ever practised here, that would be in breach of our long-standing animal welfare legislation.

There is a small amount of production in some parts of the world, including France, of what is called "ethical foie gras", where they use a particular breed of goose and do not force-feed them. They manage to get a product that is very similar to foie gras in a way that causes far less concern for the welfare of the animal.

Turning to the proposed new clause, the issue is important. If we leave the EU, depending on the nature of any agreement we have with the EU, a future Government would certainly be able to ban the import of foie gras. Some countries, notably India, do have ethical bans of this sort. India has one on fur and might already have one on foie gras.

We know that WTO case law means it is entirely in order to have bans on certain products of this sort, where there are ethical reasons to do so. There has been case law in the past regarding seal furs that has upheld that long-standing principle. It would be an option for a Government, depending on the nature of the agreement we finally have with the EU, to ban the import of foie gras, in much the same way as India does, but I do not believe the Bill is the right place for it.

It is the kind of thing that we would consider once we are clear about the type of trading relationship we will have with the EU and what concessions we might have to make as part of that settlement—until then we are not in a position to advance any policies of this sort.

Dr Drew: I hear what the Minister says but, given that the Bill looks to the future, it is entirely appropriate that we decide which animal welfare standards we believe should be in place to accommodate the type of agriculture and food chain we want. Although subject to whatever

happens to our relationship with the EU, this is the sort of legislation, along with live exports, where we should draw a line in the sand. We do not accept this practice; we have banned it. It is inappropriate for agencies, shops and other retail establishments to be able to sell that product here. It is an entirely inappropriate method of force-feeding geese and ducks. This is a key animal welfare issue. It needs to be outlawed.

3 pm

It is not just about what we do, but what we should expect our retail establishments to do as well. Dare I say that consumers have to recognise that if they buy this product they are investing in cruelty? It is the same with fur—sadly, we still have a problem with the importing of fur—but I will not go into that now; it is contingent on this issue, but is obviously not the same one.

If we really want good animal welfare standards, it is right and proper that we recognise that it is not just about what we do in terms of production, but what we expect consumers to do. The best way to do that, as we have done in a number of areas, is just to impose a ban.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 9.

Division No. 26]

AYES

Antoniazzi, Tonia	Drew, Dr David
Brock, Deidre	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debbonaire, Thangam	Whitfield, Martin

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Stewart, Iain
Eustice, George	Tracey, Craig
Goodwill, Mr Robert	

Question accordingly negatived.

New Clause 25

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'—

- living standards,
- pay,
- conditions of employment, and
- accommodation.

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

- in each region of England, and
- 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.—(*Dr Drew.*)

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.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

We come now to the work clause. We make no apology for saying that this is our opportunity to pray in aid one of the things that the Government got completely wrong—the abolition of the Agricultural Wages Board. That happened under the coalition Government, and we hold the Liberal Democrats especially guilty.

I will not go into great detail. We know the issues, we know why we have tabled the new clause and I know why the Government are likely to oppose it, but we hope that they will at least think on this: there is a serious problem with the lack of labour in the agricultural sector.

A lot of agricultural labour is termed seasonal, although some aspects of what was the seasonal agricultural workers scheme was never seasonal—those who work in dairying or in aspects of the packing trade are not seasonal workers—and the reason why we rely so much on foreign migrant labour is because terms and conditions are not good. That is one of the reasons why we had the Agricultural Wages Board—to introduce a standard of terms and conditions that would encourage people to take that work—but it was not just about terms and conditions. The board also looked at future provision and training and investment in younger people to encourage them to come into the industry. Until one day when we are in power, we will carry on arguing that this is an important part of the way in which the agricultural sector could and should operate.

Martin Whitfield (East Lothian) (Lab): As this Bill is looking holistically at the countryside, across the environment and workers, is it not exactly the right place for agricultural workers’ rights to be included?

Dr Drew: I agree entirely. In this brave new world, we are talking about supporting not just farmers and landowners, but the environmentalists who are going to come in and do some of the work. Again, this area is rife with exploitation. It is right that lots of people work as volunteers or are seconded from their companies, but there is the danger that that will become the norm. Unless we are careful, we have no regularity of employment structure.

The Government’s argument has always been, “Why is agriculture different? It is the same as any other sector.” Well, it is different. The nature of the work is different: it is hard and the hours are long. There is also the issue of loneliness, because most workers are by themselves. There will perhaps be only one or two of them if they work for a small holding. Larger holdings have more, of course, and are able to get protection through their numbers.

I understand the NFU’s position, but farmers tell me that one of the things they most regret is the loss of the negotiating apparatus. They say that quietly; they will not say it to a wider audience. There are those who believe strongly that losing the negotiating apparatus has taken agriculture backwards. When we lost it, we saw that agriculture was not valued enough for such a structure to be in place. If the Minister does not agree with this new clause, I hope he at least recognises that there is merit in putting in place a structure and systems to ensure stability in farm workers’ terms and conditions. Too often, they are not paid the going rate, which means that people are not attracted to the countryside, which we all accept is a tragedy.

George Eustice: We had a similar discussion about an amendment earlier. I do not intend to speak for too long, but the hon. Gentleman will be aware that I disagree with him for reasons that I have set out. As he knows, the Agricultural Wages Board was established way back in 1948. There were lots of other boards around at that time, covering different sectors. Most of them were phased out during the ’60s, ’70s and ’80s; the Agricultural Wages Board was the last one standing.

Things changed fundamentally. There was a review of the Agricultural Wages Board in the mid-1990s, and in the end a decision was made not to take action. After the national minimum wage was introduced by the previous Labour Government and adopted by the Conservative Government, and, more importantly, after this Conservative Government introduced the new national living wage, the Agricultural Wages Board’s *raison d’être* was no longer there. It has been superseded by other pieces of legislation and minimum wage requirements. We currently have a national minimum wage of £7.83, and the national living wage is soon to go to £8.75. We therefore already have protections through the National Minimum Wage Act 1998, the Employment Rights Act 1996 and the Equality Act 2010. There is lots of legislation to protect agricultural wages.

I do not share the hon. Gentleman’s view that the negotiating apparatus that operated alongside the Agricultural Wages Board is necessary. There were problems with the way that it worked. It did not, for instance, allow the payment of annual salaries to some management staff so hours and payments could be averaged across the year. That would help people get mortgages to buy homes. There were reports that, because people received a weekly wage based only on the hourly rate, it was difficult for them to demonstrate to mortgage lenders that they satisfied their criteria.

More importantly, the very formulaic tiers of wages did not enable people who were doing particularly well and were on their way to progression or to a management role to be rewarded, unless they had the right craftsman qualification. It took away employers’ flexibility to reward their staff, because everything was set in a very

[George Eustice]

formulaic way. I do not share the hon. Gentleman's romantic view of the Agricultural Wages Board; it was restrictive and stopped more progressive approaches to payments, including salary development. Insofar as it gave protection for minimum wages, its role has been superseded.

Dr Drew: My wife would say I was never romantic, although I do not want to disillusion the Minister too much. This is not about going back. There would have to be a new body, but it would perhaps take account of sectoral organisations—that was what was probably wrong with the old Agricultural Wages Board. The NFU always saw it as a one-size-fits-all.

A modern Agricultural Wages Board must take account of the different sectors and regions. Its whole point is that it underpins wages and conditions. We feel very strongly about that. We talked to Unite, the main representative body that came out of the old National Union of Agricultural and Allied Workers. Historically, Unite has always been linked to the Labour party, although it has not always agreed with it. Although we look back in this sense, we also recognise the modern world.

Mr Goodwill: On the more highly paid work in appointment grades one and two, would that not in some way create a cartel for the farmers? They would not be able to outbid each other for the more skilled staff because they would say they were paying the going rate. That would not mean that the more skilled people could do better.

Dr Drew: I hear what the right hon. Gentleman says. There is always a danger with some form of proportionality—how different groups would be paid. Those groups would not necessarily be encompassed by the Agricultural Wages Board anyway, because it is looking at a minimum structure. That is something that a modern, forward-looking wage board will have to take account of.

We have no magic answer: the NFU asks us what form things would take and hopefully we can have sensible and serious discussion with it. We are making the point that the industry is completely short of labour—yet again this year, sadly, the fruit and veg was ploughed back into the ground. There is something wrong when what has been produced cannot be brought to market because there is no one to pick it. From talking to my dairy farmers, I know that there is always a problem in getting milkers. That transcends any dairy-producing region; it is a real issue. All we continue to argue for is one way in which that can be recognised.

I will press this amendment to a vote; we hope the Government will gradually recognise that they must put a structure in place that transcends the normal minimum wage standards or the living wage. This industry is different, and that must be recognised.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 27]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debbonaire, Thangam	
Drew, Dr David	Whitfield, Martin

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Stewart, Iain
Eustice, George	Tracey, Craig
Goodwill, Mr Robert	

Question accordingly negatived.

The Chair: I was asked whether we get injury time if there is a Division on the Floor of the House. I consulted the Clerk to ensure I had the procedure correct, and the answer is no. However, if a Division runs past 5 o'clock, I would ask all hon. Members to return, because I will have formally to go through the procedure of reporting the Bill; otherwise, we will be in the position, which I have been in only once before, of the Bill's having to be deemed to be reported, which is not satisfactory. Let us press on.

3.15 pm

New Clause 26

PROHIBITION OF LIVE EXPORT OF LIVESTOCK

(1) The live export of livestock for slaughter or fattening is prohibited from exit day, subject to subsection (2).

(2) The live export of livestock for slaughter or fattening is permitted after exit day if—

- the livestock is exported from Northern Ireland to the Republic of Ireland, and
- the condition in subsection (3) is satisfied.

(3) The condition is that a person selling livestock exported under subsection (2)(a) makes it a requirement of sale that the livestock shall not be re-exported by the buyer.

(4) In this section—

- "exit day" shall have the meaning given in section 20 of the European Union (Withdrawal) Act 2018, and
- "livestock" shall have the meaning given in section 1(4) of this Act.—(Dr Drew.)

This clause would prohibit the live export of livestock for slaughter or fattening from the date the UK leaves the EU, with certain exceptions for export from Northern Ireland to the Republic.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

Thank you for that advice, Sir Roger. My Whip is busily looking at her information source to see whether anything is coming our way. We will carry on regardless for the time being.

This is the second part of the foie gras debate. Some people fundamentally believed that our leaving the EU would free us to do some of the things that many people across the country believe we should have done a long time ago—in this case, ban live exports. The noble Lord Rooker always used to say we should export on the hook, not on the hoof—I remember him saying that 20-odd years ago—but we have not yet done it. Admittedly, this is a marginal trade that affects certain parts of the country, where there have long been demonstrations because of what is deemed to be cruelty and what is seen to be the British industry losing control of what happens to animals subsequently. I know there are downsides to banning live exports—what do we do with young male calves if we do not have an export market? However, this is where animal welfare comes to the fore.

Colin Clark: As the hon. Gentleman is probably very aware, moving livestock from Orkney, Shetland and the other islands in Scotland involves long journeys of eight to 12 hours. He is not proposing to ban those movements, is he?

Dr Drew: This is where I would always take advice; I know there are views in Scotland that are not necessarily held in England about whether that is good or bad. I sat in on a recent debate where there was a difference of opinion within the political parties, and certainly between them, about whether a ban would ever be achievable, whether it was enforceable and, indeed, whether it was a good thing. We must have that debate, because this is an agriculture Bill. If we did not have it, if nothing else, those who feel strongly about this issue would say, “You had an agriculture Bill but you didn’t discuss live exports, which is one of the dominant arguments that we have.”

I remember talking to a lady on the doorstep—a lifelong Labour supporter. She had voted to leave on the basis that live exports would be banned. When she heard that the Conservative party was very keen on banning live exports, I could not persuade her to vote Labour. She felt that was something a Conservative Government would deliver. Sadly, I can now go back to her and say she was slightly misinformed. I accept that this is a minority issue, but for people who feel strongly about it, it is a very important moral point.

Colin Clark: I am sorry to press the hon. Gentleman. It is important that we understand that cattle moved from Orkney and Shetland are moving from one part of the United Kingdom to another that has the same approach to animal welfare. I invite him to come to the north-east of Scotland any time he likes—we will show him how we do it. What I think the general public are against is the idea that we no longer control animals when we export them outwith this country. Will he clarify that?

Dr Drew: We are still in the United Kingdom. The new clause does not deal with movements within the United Kingdom; it deals with live exports outside the United Kingdom. I took my holiday in Orkney and Shetland this year to add to the Scottish economy, and very enjoyable it was. I did not see many animals being moved about, but no doubt that happens.

Jenny Chapman (Darlington) (Lab): I had concerns about this issue in relation to the Irish border. Just in case colleagues are worried about that, I should say that the new clause would not ban the movement of livestock across the border between Northern Ireland and Ireland, which is vital for agriculture there.

Dr Drew: I thank my hon. Friend for that clarification. It is important because, as I have said, animals move backwards and forwards over that border for fattening purposes or other reasons. We do not intend to ban that.

We are debating this issue here because this is an agriculture Bill. If we do not, whatever one’s opinion on the issues are, people will cast aspersions that we have not done our job as Opposition Members and that the Government have not put on the record their current

thinking. Until recently, the Government were using banning live exports as one argument for leaving the EU. Is that still the Government’s case or not?

Chris Davies *rose*—

Dr Drew: Perhaps the hon. Gentleman can clarify that.

Chris Davies: People voted to leave the EU for many different reasons; I do not think the hon. Gentleman’s putting his hat on that one necessarily makes it the reason for Brexit.

I ask for clarity, because proposed subsection (2)(a) suggests that the Opposition are quite happy for livestock to be exported from Northern Ireland and the Republic of Ireland. From what I remember of geography, it is about 50 miles across the Irish sea, whereas it is about 23 miles across the Bristol channel. It is interesting that the Opposition would allow animals to travel, say, 200 miles within the island of Ireland and to the Irish border, 50 miles across that sea and then to go on perhaps another 200 or 300 miles on the UK mainland, while seeming averse to allowing cattle or sheep from within the UK to go any further. The export of sheep is very important to Welsh farmers.

Dr Drew: I am not sure that I actually said that, but I re-emphasise that we would not stop any live exports within the United Kingdom, for so long as the United Kingdom exists. As my hon. Friend the Member for Darlington says, we would even allow live exports within the island of Ireland.

Jenny Chapman *rose*—

Dr Drew: She will help me out again.

Jenny Chapman: I am going to help the hon. Member for Brecon and Radnorshire by reading proposed subsection (2)(a):

“The live export of livestock for slaughter or fattening is permitted after exit day if—(a) the livestock is exported from Northern Ireland to the Republic of Ireland”.

There are farms that cross that border, so trying to prevent any livestock from crossing it would be pretty difficult to enforce.

Dr Drew: I thank my hon. Friend for clarifying that, so I do not need to—

Chris Davies *rose*—

Dr Drew: If you want to re-clarify that clarification, feel free.

The Chair: Order. I am getting closer to the Front Bench so I can rap you over the knuckles. “You” means me, and I do not have an opinion on this. Allow me to rephrase that: when I am in the Chair, I do not have an opinion—I am strictly impartial.

Chris Davies: Thank you, Sir Roger—and I am thanking “you”.

I just want clarity on the reasons for the ban, that is all. Why do Opposition Members think that it is cruel for animals to travel 23 miles across the Bristol channel but not cruel for them to travel all that distance across the Irish sea?

Dr Drew: I will pass on that, because I have lost the plot at the moment. We can have this argument outside the room. However, the fact is that I am not talking about banning live exports to anywhere within the United Kingdom. We are looking purely at the trade. An argument during the referendum debate was whether live exports would end because we would leave the EU. All I am saying is that this is the opportunity for people to make their minds up on whether they want that put into legislation. It has been the subject of numerous Adjournment debates. As I said, I was quite interested in the degree to which there have been splits within political parties, as well as between political parties.

Mr Philip Dunne (Ludlow) (Con): Will the hon. Gentleman clarify a remark he made before getting into this debate about the Bristol channel? If I heard him correctly, he said, “For as long as the United Kingdom continues to exist”. Is it now official Labour party policy to support the break-up of the United Kingdom?

Dr Drew: We really are getting away from the issue. I am making the point that the United Kingdom has a clear policy on allowing live exports. So long as that stays the case, it has nothing to do with what we are talking about here. We are talking about trade between the United Kingdom and other parts—principally Europe, of course, although livestock could be exported to various different parts of the world. We choose not to, because it would be very cruel and also probably economically illiterate to do so.

We are moving the new clause to allow the debate to take place for those who believe that the ban is going to happen as a matter of course when and if we leave the European Union, when we have the opportunity to do it under WTO rules. There is some debate about whether it is going to be that easy, but we will have to face up to that in due course.

The reality is that unless we have some legislation to enable us to implement the ban, we will never do it anyway. This is our opportunity to have a debate and to see whether this legislation can stand the test of time. Without the new clause or something like it, the ban will never happen. We can have as many Adjournment debates as we could possibly want: it will never take place until and unless we are able to put it into legislation.

Mr Goodwill: The fact is that this will not happen if we do not get the agreement voted through in the meaningful vote in Parliament. Will the hon. Gentleman make it clear that anyone who votes against the agreement is voting against our opportunity to ban live exports—and foie gras, for that matter?

Dr Drew: I thank the right hon. Gentleman for that. We are now back—

Jenny Chapman: When we were discussing foie gras, the Minister said that the ability to ban its import depended on the type of agreement we get with the EU. That is fascinating to me, because the type of agreement that would not allow us to ban foie gras, if my understanding is correct, would be one that kept us in the customs union and probably with a very close relationship to the single market. That sounds familiar.

Dr Drew: I will let the Minister respond to that in due course. We started with a fairly narrow subject and we have probably been round every other subject possible. I am not going to take any more interventions.

We have a policy on this issue. We argued 20 years ago that we wanted to bring it forward. It has not happened because of our relationship with the EU. If that relationship remained or got to the issue of the customs union, it might still be precluded. However, if we were to leave the EU, we would have the opportunity to do this. That is why the Opposition have upheld the policy and will press the matter to a vote: so that there is some clarity, which has not been forthcoming from the Government because Government MPs have been arguing for the ban on live exports for some time. No doubt, we will continue this discourse outside. I make no apology for saying that this is the opportunity for us to do this. We will be taking that opportunity and pressing for a formal vote on live exports.

George Eustice: The Government have a policy on the issue as well. As the hon. Gentleman will be aware, in our manifesto we committed to control the export of live animals for slaughter. I will describe in a moment what we intend to do and what work we have already done.

Kerry McCarthy: I do not understand why there is a difference between banning live exports for slaughter and not for fattening. Surely it is the journey—the live export—that is deemed to be unacceptable. Does it really matter whether the animals are going to be killed at the end of it or given a few more meals before they are slaughtered?

George Eustice: I do not accept that. The hon. Lady has fallen into a counter-argument against the ban on live animals, which is that if you have the transport regulations right, or if you improve them, there is not necessarily a difference between a crossing by sea and a crossing by road. The reason why it particularly matters for slaughter is that we have the very clear principle that when you are moving animals for slaughter you should absolutely minimise the stress on those animals. It can be a stressful environment as it is, and having a long journey before slaughter is fundamentally different to transport for rearing.

Our position is that we want to control export for slaughter. We subsequently issued a call for evidence. We worked with the devolved Administrations on this because it obviously affects Northern Ireland and has implications for Scotland. Scotland exports live calves to Ireland, for instance. As my hon. Friend the Member for Gordon pointed out, there are also issues with some island communities, such as Shetland.

3.30 pm

Addressing this issue is complex but we have had more than 366 responses to the call for evidence. They were overwhelmingly in favour of a ban on export for slaughter. A number of representations from industry groups and animal welfare non-governmental organisations raised some of the dimensions of the issue. We have referred those to the Farm Animal Welfare Committee that gives the Government advice on these matters,

which is currently going through the responses and working up a series of recommendations for Government on how we can take new controls forward.

In addition, the Department for Environment, Food and Rural Affairs has separately commissioned the University of Edinburgh and Scotland's Rural University College to carry out a systemic review on welfare issues during transport. The report from those two academic institutions will feed into the work that FAWC is doing.

There are some technical problems with the wording of the proposed new clause, which I will point out to the hon. Member for Stroud. First, there is no clear definition of fattening. In law, we tend to talk about where animals were born, reared and slaughtered, so the rearing of animals would be the correct term. To have an exemption only for trade to the Republic of Ireland would be a breach of WTO rules and would not stand up to scrutiny in international law. There cannot be a discriminatory provision of that sort in an approach to trade.

The requirement in proposed subsection (3) that livestock sent to the Republic of Ireland by Northern Ireland shall not be re-exported is simply unenforceable. We do not have legislative competence in the Republic of Ireland, nor do we have the ability to enforce that provision. So, there are at least three quite serious technical problems with the drafting of the proposed new clause.

Broadly speaking, we have to be cognisant of some of the complexities. For instance, we export a large number of young chicks to be laying hens in Europe and to be raised as broiler chickens. The standards of hatcheries in this country are far superior to those in Europe. In the case of laying hens, all four of the hatcheries in the UK use anaesthetic gases to deal with unwanted male chicks. In some other European countries, that is not the case. They use old-fashioned techniques such as maceration. If we were to close our ability to export high-welfare chicks to Europe, we would not have done a clever day's work if we are serious about animal welfare outcomes.

We must also bear it in mind that sometimes having an export market for calves, particularly from the dairy industry and for rose veal, where they are raised to be several months old, can be a welcome alternative to the abysmal and depressing practice of shooting calves at birth because there is no market for them. I know that issue is particularly sensitive in Scotland.

It is a complex area and I suspect the answer will lie with a combination of efforts, such as strengthening transport regulations and perhaps a ban on export by sea, whether to France or any other country. That would still enable exports to Northern Ireland. Finally, we could look at journey times as part of transport regulations. Through a combination of measures, we could curtail the type of live animal exports that cause most concern, while having a proportionate approach, ensuring that there are no unintended consequences and having regard for the views of other devolved Administrations as we consider this.

I hope the hon. Member for Stroud will recognise that we are doing a lot of work in this area, not least with that call for evidence, and that the Farm Animal Welfare Committee is looking at the issue right now. I hope, therefore, that he will not press this clause, but will await the outcome and the recommendations of the Farm Animal Welfare Committee, and will perhaps consider this issue again at a later point.

Dr Drew: I hear what the Minister says. The problem with this is the issue of how many bits of legislation will come around that can be includable in terms of this ban, or can be amended to allow this to carry through. I know this is complicated, and it is sad when newborn male calves are shot. Genetic modification might provide ways of dealing with the number of male calves at source. We would want to see improvements in many aspects of the dairy industry. This new clause is not a magical answer but live exports is a very political issue, and the general public felt—rightly or wrongly—that on our exit from the European Union, the UK would have much greater discretion on what it wanted to do with regard to live exports.

Mr Goodwill: I hear exactly what the hon. Gentleman is saying, but what he is saying in the amendment does not stack up with the second of the six Labour tests for the agreement, which asks:

“Does it deliver the ‘exact same benefits’ as we currently have as members of the Single Market and Customs Union?”

The hon. Gentleman is saying one thing here, but unfortunately the policy of the Labour party is to stay in the customs union and the single market, which would mean that we could not ban live exports.

Dr Drew *rose*—

Jenny Chapman: That test is very carefully worded and, as the hon. Gentleman knows, it was based on comments made by David Davis, the then Secretary of State, at the Dispatch Box. In case he thinks it a little bit rash to take the remarks of David Davis—sorry, the hon. Member for Haltemprice and Howden—as the basis of the test, the Prime Minister did go on to say that she was determined to meet that test herself. That test did not just come out of thin air; it came from the mouth of the then Secretary of State and the Prime Minister, and it carefully refers to the “benefits” of, not to being a “member” of.

Dr Drew: I am not going to engage with that argument; I am not sure whether there are any angels dancing on pinheads yet. This is a matter of principle. I am in two minds as to whether to press the new clause. I understand what the Minister says, and this is not straightforward. Having sat through at least a couple of Adjournment debates, I realise that people come at this from different angles. There is not an easy humanitarian moral case for live exports, certainly in a practical way.

I am probably minded not to press the new clause to a vote at this stage, but my worry is: if not now, when? There will be very few opportunities to see such a ban come forward, as I said in my initial remarks. It may be that what we have drafted here is not good or right, and those who have helped us in drafting it have to think a bit more clearly about the different exemptions brought forward. I stress again that this is not about moving for a ban within the United Kingdom, because that would be wrong and lacking in any sense whatsoever. I will not press the clause to a vote at this stage, but I hope that on Report we get some clarity. The issue probably will come back, because somebody somewhere will see that this is an opportunity to move for a ban.

If the clause is wrong, what will the Government be prepared to do? I know they are waiting for the Farm Animal Welfare Council to come back, but that clearly has to be within a timeframe of what is permissible in

[Dr Drew]

terms of future legislative opportunities. The worry is that there will be some ongoing demand to put such a ban in place, in whatever form, and yet there will be no opportunity to do so. On that basis, while I hear what the Minister says now, I hope that on Report the Government will clarify whether such a ban needs to be put to bed completely because it is not enforceable, or whether it can be moved forward and there is an opportunity to move it forward in future legislation. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 28

MONITORING PESTICIDE USE AND ALTERNATIVES

(1) The Secretary of State must, within six months of Royal Assent being given to this Act, publish proposals—

- (a) to monitor the use and effects of pesticides in the management of livestock or land, to conduct research into alternative methods of pest control and to promote their take-up, and
- (b) to conduct research into alternative methods of pest control and to promote their take-up, and
- (c) to consult on a target to reduce the use of pesticides.

(2) The proposals shall include steps to measure—

- (a) the effect of pesticides on environmental health,
- (b) the effect of pesticides on human health,
- (c) the frequency with which individual pesticides are applied,
- (d) the areas to which individual pesticides are applied, and
- (e) the take-up of alternative methods of pest control by land use and sector.

(3) “Environmental health” in subsection (2)(a) includes the health of flora, fauna, land, air or any inland water body.

(4) “Human health” in subsection (2)(b) means the health of farmers, farmworkers and their families, operators, bystanders, rural residents and the general public.—(Dr Drew.)

This new clause would require the Secretary of State to publish proposals to monitor the impact of pesticides, to conduct research into alternative methods of pest control, to promote their take-up, and to consult on proposals to set a target to reduce the use of pesticides.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

Now we are moving on to pesticides. Now that we have dealt with animals, we can go on to crops. Again, in its own way this new clause would not radically change the Bill, but the pesticides argument is important. We are all obliged to move toward higher environmental standards—dare I say it, that is the whole point of the Bill. One way in which we will measure those higher environmental standards is in terms of less pesticide use.

I accept that this is a very divisive issue. On the one hand we have the Pesticide Action Network UK and on the other we have the Crop Protection Association, each with radically different views on whether we are doing the right thing already or we should move in a different direction so that we see much less reliance on pesticides. Certainly, the agro-ecological approach would be to look at how we can substantially reduce, if not remove, the reliance on pesticides.

That matters because the British public seem overwhelmingly to want us to have less reliance on pesticides. We have had the big debate on neonicotinoids; we also have the debate on other pesticides. At the moment, that has been abdicated to Europe, and Members of the European Parliament voted on whether glyphosate should be banned. In the end I think both Conservative and Labour MEPs chose not to ban it, but if we leave the EU the decision will be fairly and squarely back with the United Kingdom Parliament. We cannot pretend that this is not something that we will have to make our opinion known on, and that will be subject to future legislative requirements.

We are not asking for the end of pesticides or necessarily for a dramatic change in policy. We are looking for an indication from the Government that they intend to look, through the environmental payments, at how pesticide use will be measured and monitored with a view to reduced dependence. That is important because the Bill is all about soil quality and water management, and if we do not control pesticides, we might as well give up on both those things, because they will not happen.

Again, it is not just about our environment per se, but about the impact on ourselves—human beings. Those of us who were involved historically with organophosphates know that they are sadly still an issue; I still have people coming to me to say that they feel that was never properly investigated. I know that there are research findings.

Sandy Martin: Is it not part of the point? If we do the research and carry out deep investigations now, it is entirely possible that we will be able to be at the forefront of the new range of pesticides that are more environmentally friendly, rather than being dragged kicking and screaming into the 21st century.

Dr Drew: Exactly. As I have made abundantly clear, we will get one chance to debate this in 50 years, because that is the likely length of time that this piece of legislation will last, if the Agriculture Act 1947 is anything to go by. These pieces of legislation do not come around very often, so we make no apology for bringing forward the debate on pesticides now. We are subject to correspondence on it and people want to know where we stand. I hope the Government are listening.

3.45 pm

Tonia Antoniazzi (Gower) (Lab): This is a very important point and I welcome the new clause. Local testing is going on in Gower and we have shocking levels of weedkiller in local rivers. I hope that my hon. Friend will press the new clause to a vote.

Dr Drew: I think that is a hint. Given we did not divide on live exports, we might divide on pesticides instead. It is important to have this debate and look at this opportunity. The new clause is not doing anything dramatic. It asks us to use this piece of legislation to review current pesticide use, to consult on it, and to monitor it better. It says that that is something that should be in land management contracts. If it is not included, how can we find a way to secure a measurable improvement in our environment? As my hon. Friend the Member for Gower says, we only have to look at our

watercourses to know that pesticides get into them. Most of us see that as unacceptable and we have to do something about it.

George Eustice: I hope I will be able to persuade the shadow Minister that he does not need to press the new clause to a Division. We rehearsed in an earlier discussion on clause 1 the fact that the Government are actively looking at holistic schemes to support and incentivise what could be called integrated pest management. We are considering whether we can reduce our reliance on synthetic chemistry by using more natural predators and different agronomic approaches and being willing for the first time to incentivise farmers financially to do that.

One of the things we are looking at is an incentivised integrated pest management scheme to advance this policy agenda. We also set out in our 25-year environment plan the idea of moving forward and embracing integrated pest management more than we have done previously. The new clause deals with publishing reports and measuring impacts—I have said previously that DEFRA needs no encouragement to produce reports through statutory requirements; we love reports. As I explained, I regularly have to read and sign off reports and I sometimes question whether anyone else is reading them. For some reason, many reports seem to congregate around June, so during that month my box is weighed down with annual reports of one sort or another.

I will share with the hon. Gentleman some of the reports that we have received. I have a lot of reading here that he can take away as a memento of this Committee. The UK Expert Committee on Pesticides—the ECP—which gives us advice on emergency authorisations and on some of the tricky chemical issues. It is a standing advisory committee to the Chemicals Regulation Directorate. I have with me its annual report for 2017, all 22 pages of it. The Expert Committee on Pesticide Residues in Food produces a separate annual report, on top of the one by the Expert Committee on Pesticides, so we have two expert committees in the pesticides space, one on residues and one on broader environmental impacts, both of which produce a report. The report on pesticide residues lists all the findings and surveillance on residues on a wide range of imported products and products produced domestically. It runs to 48 pages and is an annual report.

If that is not enough for the hon. Gentleman, the pesticide usage survey report, is produced by the National Statistics Office and focuses on all sorts of different crops. I have with me the 2016 report for arable crops, all 92 pages of it, with lots of tables demonstrating exactly what is produced. That key survey already monitors the use of pesticide-active substances on each crop.

Mr Goodwill: In addition to that, does my hon. Friend the Minister recognise that farm assurance schemes carry out detailed scrutiny of the records kept by farmers on the pesticides that they use within the rules?

George Eustice: My right hon. Friend is correct: schemes such as the red tractor assurance scheme have additional checks and enforcement to ensure that there is nothing out of order, and on top of that they generally require MOTs, for instance, for sprayer equipment.

The pesticide usage survey covers the frequency of application, which picks up the measures in subsection (1)(c) of the new clause, and the area treated, which covers

subsection (2)(d), as well as the weight of active substance. It also includes figures on some of the alternatives to chemicals, such as the use of viruses that can target insect pests. In addition, the National Poisons Information Service collects and considers reports of possible harm to people, which covers subsection (2)(b). Results are not published, but they are reported to DEFRA and other interested Departments, as well as to the UK Expert Committee on Pesticides.

Finally, the Wildlife Incident Investigation Scheme looks at reported incidents of possible harm to wildlife, which I think is what subsection (2)(a) of the new clause is trying to get at. Results of the Wildlife Incident Investigation Scheme are published on the Health and Safety Executive website, and the Environment Agency also monitors levels of pesticides in water.

I understand that there are very good intentions behind the new clause, but I hope that I can reassure the hon. Member for Stroud that we have a plethora of reports that cover pesticide use and pesticide issues in great detail. I hope he will withdraw his new clause at this stage, take some time to read the reports, which I would be happy to leave with him, and consider whether he still feels the measure is necessary on Report.

Dr Drew: It was always a good teaching ploy, when someone was really stuck, to give the kids lots of reading on the basis that that person could try to escape from the fact that they did not really know what they were talking about, hoping that the kids might be able to tell them in due course. That is just me as an old-fashioned teacher. I look forward to receiving the documents the Minister will give me to read, but I will press this to a vote, because the Government need to understand that the direction of travel is about environmental moneys being paid for environmental goods, whatever an environmental good is—it will be interesting to define that in due course.

Like previous versions of the Department, DEFRA has undertaken huge amounts of consultation, but when it comes down to it, it is about the action on the ground. It is important that we know that pesticide use will be one of the features that will be measured. As my hon. Friend the Member for Gower says, one would assume that over a period of time, when pesticides get into watercourses, that will be picked up and dealt with under land management contracts, so that someone will lose their money if they are seen to be polluting the local brooks. Otherwise, what is the point of this particular bit of legislation? We have both to lay down the law and to see how it will be enforced in practice.

Pesticides are a pretty important aspect of what happens to our landscape. I have always bought the argument that farmers, for all sorts of reasons, would want to spend less money on them, because it is an imputed cost and they feel very strongly that they want to minimise their costs, but sadly we have seen that many aspects of the environmental degradation of our countryside were down to misuse of pesticides, which have been seen as a shortcut to getting more output from farms. That is why we will put this motion to a vote. We let the Government get away on live exports, although that will no doubt come back.

On this motion, what is the point of environmental moneys if they are not properly scrutinised on the ground? Whoever may be advising is one thing, but this

[Dr Drew]

is something that presumably the payments agency will have to measure. Unless we have something that sets that out in the Bill, it will come down to vague promises. That is not acceptable in legislation. We either do it properly or we do not do it at all. Let us do it properly.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 9.

Division No. 28]

AYES

Antoniazzi, Tonia	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debbonaire, Thangam	
Drew, Dr David	Whitfield, Martin

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Stewart, Iain
Eustice, George	Tracey, Craig
Goodwill, Mr Robert	

Question accordingly negatived.

New Clause 29

REPORT ON AGRICULTURAL PAYMENTS TO THE SCOTTISH MINISTERS

“(1) The Secretary of State must, no later than one month before exit day, lay before Parliament a statement of his policy on whether sums will be made available to Scottish Ministers each year after exit day which are at least equivalent to the sums made available to Scottish Ministers in the year prior to exit day for the purpose of expenditure under—

- (a) the European Agricultural Guarantee Fund, and
- (b) the European Agricultural Fund for Rural Development

as established under Article 3 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy.

(2) “Exit day” shall have the meaning given in section 20 of the European Union (Withdrawal) Act 2018.”—(*Deidre Brock.*)

Brought up, and read the First time.

Deidre Brock (Edinburgh North and Leith) (SNP): I beg to move, That the clause be read a Second time.

The new clause will simply allow Ministers to measure their progress in implementing a promise made during the Brexit campaign that moneys available to support Scottish farmers will not decline in real terms as a result of our no longer being in the EU. The leave campaign made some real promises, which should be honoured. There will be plenty of hot air and confusion over the coming days, weeks, months and eternities, but can we at least get some clarity on how progress on this pledge will be measured?

Jenny Chapman: I have a few questions on this. It makes an awful lot of sense to me, and it matches what the First Minister of Wales has said repeatedly, which is that he wants all support to be matched penny for penny in the future, as was committed to by various voices during the referendum campaign. I do not think

that there is anything unreasonable about that. If we agree to the new clause, it would open the door to similar amendments being made for the other devolved Administrations.

All the new clause seeks is transparent reporting that we would all benefit from being able to monitor, including in England. Agricultural payments will be something that we make decisions about, and doing so in the most up-front and clear way possible will help all of us. It is clear that the agriculture sector requires certainty going forward, and this is one way that we can assist in that. One key concern raised by stakeholders, particularly the farmers unions, is the continuation of funding that will be made available, particularly to the devolved Administrations.

Another key concern raised by the farmers unions is the ability of the devolved Administrations to make payments to farmers in 2020, due to the way that the Bill is structured. It would be helpful to hear the Minister's thoughts on what will happen, particularly for Scotland. As Members will know, the Scottish Government's continuity Bill is currently being considered by the Supreme Court. If it is deemed unlawful, what will happen to the payments to Scottish farmers? The Scottish Government intend that Bill to provide the vehicle by which payments could continue. What does the Minister consider the implications will be if that is not the case? It would be helpful to us all if we could use the consideration of this new clause to try to understand that issue.

I would like to ask the hon. Member for Edinburgh North and Leith about the progress the Scottish Government are making with their own agriculture Bill, which the Scottish Government's Cabinet Secretary for the Rural Economy, Fergus Ewing, has said that they will implement. Scottish farmers need to know what the future holds for them.

4 pm

Is there a requirement for clarity from the UK Government as to the level of funding available to Scottish Ministers prior to that legislation being implemented? Obviously, we would like it in any case, but particularly considering that legislation, which we expect to see. In the absence of this clause and the continuity Bill, and not knowing when the Scottish legislation might come forward—or perhaps even a schedule, if it is not too late—Scottish farmers are still in the dark at this stage.

George Eustice: I am grateful for this opportunity to set out our position on the funding of agriculture. As hon. Members will know, we have a manifesto commitment to keep the cash total spent on agriculture for the UK at exactly the same level until 2022—the end of this Parliament. That commitment goes further than the current spending review period. Not every other Department has that, but we made that commitment, because we recognise the importance of giving farmers clarity and certainty that the Government intend to still support them financially during this transition from the old system to the new.

Our manifesto also made a commitment that after 2022 we would roll out a new agri-environment policy, which would be funded. The Bill is explicit that there will be a transition period of seven years until 2028, as we gradually wind down the single farm payment—or basic payment scheme. It is implicit in the Bill and our

manifesto commitment that there will be a funded agriculture policy after 2022. We have not put a precise figure on that, but we have done more than we do for most other Departments, which is to give a guarantee until 2022.

As the hon. Member for Edinburgh North and Leith will be aware, the allocations for Scotland have been a contentious issue as a result of the convergence uplift and debates around that. For that reason, we have asked Lord Bew to lead an independent review of intra-UK allocations. That review is now underway. The outcome of that review will inform allocations for 2020 onwards.

The answer to this particular new clause is that this work is already being done and it is being led by the review that Lord Bew is undertaking, which will inform intra-UK allocations after 2020. That will enable us to take account, for instance, of severely disadvantaged areas and to take account of the emerging policies that we have in different parts of the UK, but also to have regard for the fact that probably every part of the UK will want to have a transition from the old system of the basic payment scheme to the new, so there would need to be some understanding of how much money people will need as they move in transition from the old scheme to the new.

The hon. Member for Darlington made points about the ability of the Scottish Government to make payments. We covered that in an earlier debate, but to clarify, we introduced new clause 3 to the Bill in Committee, as well as subsequent equivalent clauses for the schedule for Wales and the schedule for Northern Ireland. The purpose of new clause 3 and those two connected provisions for Wales and Northern Ireland was to give the Government the power to set financial ceilings, so that the legacy schemes that come across through retained EU law could still be paid. Unless the power exists to set financial ceilings, the existing financial ceilings that underpin the payment legislation in the EU scheme will fall away. Therefore, unless the Scottish Government took action to introduce a clause such as new clause 3, they would not have legal authority to make payments in 2020.

Colin Clark: May I seek clarification? Have the Scottish Government approached the Department to introduce a new clause 3, and is the Minister aware that NFU Scotland is supportive of a new clause 3 for Scotland?

George Eustice: Yes, I am aware that NFU Scotland has now said that it believes that, as a minimum, there should be something like new clause 3. I discussed the issue with Scottish Ministers yesterday at the meeting that we had in Wales, where it came up. We established that it is relatively easy to rectify. This is a single clause. We could put it in a schedule to this Bill if it were the wish of the Scottish Government for us to do so. We could add a schedule to the Bill that replicated new clause 3 for Scotland but did nothing else, and we could do that at later stages of the Bill, or of course it is open to the Scottish Government to add new clause 3 to an alternative piece of primary legislation, going through the Scottish Parliament. The issue is not complicated to fix; it does not necessarily need a fully worked-up, fully detailed Bill, but they do, as a minimum, need something equivalent to new clause 3. I think that they understand

that now, and they are considering whether it is best to do it as a schedule to our Bill or as an addition to one of their own Bills.

I hope that I have been able to explain that we have a review under way that is looking at intra-UK allocations, that is designed to address the needs of every part of our United Kingdom as we consider funding the provisions in this Bill and provisions that other, devolved Administrations might bring forward in the future.

Deidre Brock: In response to questions regarding Scotland not taking powers through this Bill, I will repeat once again that that is because, in short, we do not need to do so. We do not need the Government here to legislate for us on devolved matters. We have been producing our own legislation in those areas since the Scottish Parliament began in 1999. There is no question of our not being able to make payments immediately after Brexit, because the existing common agricultural policy rules will become retained EU law; that has already been provided for.

If there is no deal, then in conjunction with the UK we are preparing the necessary adjustments, through statutory instruments and Scottish statutory instruments, to ensure that we will be able to continue to make payments under the existing CAP rules. If there is a deal, then along with what happens in the rest of the UK, provision will be made to ensure that we can continue to make payments during the agreed transition period. Whatever scenario we face, there will be provision to make payments and administer schemes from next March.

George Eustice: I agree that it is possible for the Scottish Government to include a clause similar to new clause 3 in primary legislation going through the Scottish Parliament, but the hon. Lady needs to understand that it requires the setting of a financial ceiling; that does not come across in retained EU law. That is why we have introduced those new clauses to the Bill for every other part of the UK. The hon. Lady is right: we are not saying that we have to legislate through this Bill. There is an offer if the Scottish Government would like us to include something equivalent to new clause 3, but if they would rather not have that, it is for them to add the provision to one of their pieces of primary legislation.

Deidre Brock: Indeed, and given that the withdrawal agreement, the European Union (Withdrawal) Act 2018 and the Scottish continuity Bill all give Scotland a legal basis on which to continue to make payments and administer schemes, we see no need to rush into the development of new legislation, but we are of course always open to that.

In our consultation document, “Stability and Simplicity: proposals for a rural funding transition period”, we have explained that the point at which we propose to start evolving our farm support arrangements is 2021. At that point, we will need new powers to amend the relevant retained EU law, and we are looking actively at all available options for taking those powers, including the possibility of legislating in the Scottish Parliament.

I hear what the Minister says about the review that is ongoing, but we want some certainty that an ability to check the promises that were made is hardwired into this Bill—as the hon. Member for Darlington said previously, that is in the interests of transparency—so I will press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 8, Noes 9.

Division No. 29]

AYES

Antoniazzi, Tonia	Drew, Dr David
Brock, Deidre	McCarthy, Kerry
Chapman, Jenny	Martin, Sandy
Debbonaire, Thangam	Whitfield, Martin

NOES

Clark, Colin	Harrison, Trudy
Davies, Chris	Hoare, Simon
Dunne, Mr Philip	Stewart, Iain
Eustice, George	Tracey, Craig
Goodwill, Mr Robert	

Question accordingly negatived.

New Clause 31

FINANCIAL ASSISTANCE: AGRICULTURAL TENANCIES

(1) Where in respect of a tenancy of an agricultural holding a tenant is restricted by the terms of the tenancy agreement in respect of any activity for which financial assistance has been granted under or in connection with this Act, or any environmental land management scheme established in connection with the provisions of this Act, the tenant may serve notice on the landlord to request consent for that activity.

(2) A landlord must respond to a notice served under subsection (1) within one month.

(3) If the landlord does not respond to a notice served under subsection (1) within one month, consent for the activity within the notice from the tenant will be deemed to have been given.

(4) Any objection by the landlord to a notice served under subsection (1) may be referred by the tenant to arbitration or expert determination under a mechanism to be established by regulations made by the Secretary of State.

(5) Regulations under subsection (3) shall be subject to the affirmative procedure.

(6) "Financial assistance" under subsection (1) shall be taken to include (amongst other things)—

- any payment of financial assistance under section 1,
- any payment under the basic payment scheme, within the meaning of section 4,
- any delinked payment within the meaning of section 7, and
- any other form of financial assistance which may be given under this Act.—(Dr Drew.)

This new clause would enable a tenant to challenge a restriction in the tenancy agreement regarding the receipt of financial assistance under the terms of the Bill.

Brought up, and read the First time.

Dr Drew: I beg to move, That the clause be read a Second time.

We come to the end—almost. We shall say a few pleasantries in a minute or two, but this is an important new clause. That is because—I make no apology for putting some pressure on the Government here—the Tenancy Reform Industry Group, or TRIG, negotiations that took place almost two years ago now happened against a background of the Government making some rather nice noises about the importance of tenant farming and tenant farmers in particular. The Government have

since gone quiet. There have been some noises off of late, with the Government saying that they intend to revisit the issue, but the Minister could make those noises more overt in his response, so that we know exactly where we are going.

The new clause provides a mechanism to ensure that tenant farmers are not disenfranchised from access to the new financial support mechanisms contained in the Bill. The tenancy sector of agriculture is responsible for farming about a third of agricultural land in England, and is a substantial part of farming business. There are about 13,000 wholly tenanted farm holdings, 41,000 predominantly tenanted farm holdings and 35,000 partly tenanted farm holdings. They are therefore an important part of the agricultural sector.

The tenancy sector has a greater preponderance of livestock—dairy in particular—upland and small-scale farming than in the wider agricultural sector. Furthermore, for those individuals who start in farming, most will start as tenant farmers, unless they are fortunate enough to inherit their father or mother's holding. Often, however, it is not passed on to them so they become tenants of their family's estate. Most farmers, when they start, are tenant farmers.

There are two principal types of tenancy agreement: those under the Agricultural Holdings Act 1986, which confers security of tenure, a regulated rent and in some cases a right of succession; and those known as farm business tenancies under the more recent Agricultural Tenancies Act 1995, which provides for a significant degree of freedom of contract so that there is no fixed term and no significant regulatory provisions on rent. I alert the Committee principally to that second one at this stage.

Although farm business tenancies have largely been welcomed, and overall have worked reasonably well, of late there has been a tendency for shorter FBTs, which are completely outwith the ability of new businesses to cope or to function effectively. Some FBTs have been for as short two years, and anyone who knows anything about farming knows that people cannot do anything in two years.

That is why we make no apology for raising the subject at this late stage. It is important for us to look at agriculture where it is not functioning as well as it could and should be. Those of us who represent rural or semi-rural constituencies know that that has been highlighted by the Tenant Farmers Association and the NFU, which want to make us recognise that basis of the TRIG reforms—which is what some of us thought that the Government would bring forward but have not yet happened. The Minister can do his best to allay our fears that the opportunity to look at that important sector will be dismissed, or at least missed. It is not just what is in the Bill that matters, but what could be in the Bill.

4.15 pm

I hope that the Government will recognise how much of an awakening there is, and that those who operate as tenants want some clarity about how the changes will occur and how the new regime will affect them. If they are not mentioned in the Bill, which they are not in any substantive way, people will start to get worried. A tenant farmer, like any other farmer, will want to take

advantage of the new payment system, because they are losing out on the basic payment. Some of them have been entirely dependent on that for their existence, but they do not know how they will move to a new form of payment.

We had a big debate on de-linking, which was seen as an opportunity to get people off the land who wanted to leave. As I have said on several occasions, I have always been in favour of a formal retirement scheme. We will not have that, but de-linking offers people the opportunity to leave the land. People who then come on to the land have to be treated fairly, however. If they are not, they will not stay and the average age of the farming profession will rise even further from 59 or 60, depending on who we believe.

There is still some concern that the 1986 landlords, in particular, will use their leverage in having to give consent to secure unreasonable demands from tenants, including loss of security, unsustainable levels of rent or other unwarranted commitments. Those of us who know a bit about dilapidations will know that that is usually one of the dividing lines when someone wants to leave their holding, because the landlord can hold them to ransom in a sense. I am principally concentrating on the farm business tenancies, which were the basis of the TRIG discussions.

I hope that the Government are listening and that they recognise that the new clause has not been tabled for anything other than a good purpose. It refers to a single sector of farming, but a very important one. Unless we can use the Bill to reform what is wrong, we will not have the opportunity to do so again, other than on Report, on Third Reading, in the other place and maybe back in this place if there are Lords amendments. It would be nice to think that we were taking note of the important issues here, however, which is why we tabled new clause 31.

By their nature, these people are not always in the best financial straits, so it is important for them to know what they will have to do to get the state's support in the form of the environmental payments. That is why the Tenancy Reform Industry Group was looking for legislative change, and it has to be legislative change, because the two forms of tenancy agreement are based in legislation. As those questioning us will ask, if we do not change it here, where do we change it? It is very important that it happens.

I hope that the Minister will respond and recognise that TRIG should be faced up to in the Bill, and that it is right and proper that a consultative process such as TRIG has an outcome. It should improve the status of tenant farmers to allow them to become more sustainable and resilient, and allow people to come on to the land who otherwise could not, in the knowledge and security that the tenancy arrangements are right and proper.

In passing, Sir Roger, I would like to thank you and Mr Wilson for the way in which you have chaired the Committee. You have got us through it—some of us thought that might not be possible—even though we lost one session through agreement because the Government were doing some rather strange things. They seem to be doing the same today—we thought we would be voting at 4 o'clock. I only wish we had had so much acquiescence in this Committee and things had gone our way a bit more, but hope springs eternal and perhaps those things will come back at later stages.

I thank my hon. Friend the Member for Darlington, who did a sterling job to get me out of the mire on more than one occasion, my Whip, my other hon. Friends and all hon. Members. I always think a Bill Committee is rather like a family—we have our differences of opinion, we were thrust together by no choice of our own, but we managed to make some progress, albeit not as much as we wanted.

Chris Davies: Will the hon. Gentleman give way?

Dr Drew: In a second—just let me finish my peroration.

I thank Rob Wakely, who did a sterling job to keep us on the straight and narrow, and Jessica Cobbett from my office, who helped me on more than one occasion. I thank the civil servants, who have done a really good job, and the Minister. I feel sorry for him, because he will have to start all over again tomorrow with the Second Reading of the Fisheries Bill. As much as we think we have done our bit, he still has to do his.

I give way to the hon. Member for Brecon and Radnorshire.

Chris Davies: I thank the hon. Gentleman for giving way. I have nothing to add—I am just enjoying intervening on him.

Dr Drew: If nothing else, that gave me a chance to rest my voice.

This is an important Bill. We got it through in time—it is a good job we left enough. Although I am using this opportunity to thank everyone from both the Opposition and the Government, I hope that, to finish with, we will hear some good noises about tenancy reform. People will be watching, listening or reading even at this stage because their livelihoods depend on that, so the Minister should listen and, if nothing else, accept this final new clause.

Mr Dunne: On a point of order, Sir Roger. Will you advise me how I can add my thanks from the Government Back Benches to Opposition Members for the good natured way in which the Committee has functioned? On virtually every clause and amendment thus far, there has been a sense of consensus across the Committee that this is an important Bill and we need to get it right. I would also like to add my thanks to the 27 individuals who came to give evidence in our opening sessions last month and the countless more organisations outside this place with a committed interest, whatever their standpoint, to ensuring that the Bill sets out a new agricultural support framework that lasts for generations to come. I look forward to the Minister's echoing those remarks.

The Chair: That is not strictly a point of order for the Chair, but the hon. Gentleman has already made it. There are a few formalities to complete. We had better get through those or we might be congratulating ourselves a little too early. Let us put new clause 31 and the Government amendment to the long title to bed and see where we go from there.

Jenny Chapman: Inspired by my hon. Friend the Member for Stroud, I want to put on the record my thanks to you, Sir Roger. We would very much appreciate it if you passed on our thanks to Mr Wilson, too.

[*Jenny Chapman*]

I thank my hon. Friends, who all made substantial contributions to our proceedings. I have led on Bill Committees in the lead-up to Christmas where there has been lots of online shopping going on around the room, but that was not the case this time. Of the Government Members, I particularly thank the hon. Member for North Dorset for his good natured and at times very amusing contributions, and the right hon. Member for Scarborough and Whitby for his repeated challenge on the withdrawal agreement. All I say to him is that if he and his colleagues are banking on Labour Members coming to the rescue in the first week of December, they should not count their chickens.

I thank the Minister, who has conducted himself impeccably throughout all this. It cannot be an easy task. All the pressure has been on him, and he has dealt with everything with good grace. I do not think that he has declined a single intervention the whole time. He has our respect for that. I must also put on the record my thanks, respect and admiration for my hon. Friend the Member for Stroud. His knowledge of the sector is far greater than mine. As a townie who does not represent a rural or semi-rural constituency but who likes her food, I have learned an awful lot. I also need to thank James Metcalfe, from my office.

We do not like the Bill at all. We think it is far too vague and does not provide the clarity that we want. Having said all that, this has been a hopeful process, and I think we have left the Minister with a better knowledge of our position than when we started. We look forward to some changes at future stages, as has been hinted at a couple of times throughout our proceedings. Overall, I thank colleagues for the way that we have conducted the Committee. I obviously say that I support new clause 31, otherwise I suspect that my speech would be completely out of order.

The Chair: I think it probably was anyway.

George Eustice: New clause 31 is an important clause and an important point to end on. As the hon. Member for Stroud knows, our view is that changes to tenancy law go beyond the scope of the Bill, which concerns future agriculture schemes. However, he also knows that I take the issue very seriously.

While we do not want to throw the baby out with the bathwater when it comes to tenancy law, because the introduction of farm business tenancies was an important innovation and has brought more land to market, there are undoubtedly some problems with the way that both Agricultural Holdings Act tenancies and the farm businesses tenancies under the 1995 Act operate. That is why, around 18 months ago, I commissioned the Tenancy Reform Industry Group to do a detailed piece of work on what changes to tenancy law we ought to consider, in particular to address productivity and support structural change in the industry. It came back with a package of proposals, as the hon. Gentleman said.

Probably chief among the proposals was the idea that an Agricultural Holdings Act tenancy could be assignable, so that an older farmer who wanted to retire but did not have children to inherit the tenancy would have some kind of right to assign the tenancy at open market values to a third party or, indeed, to enter into surrender negotiations on the tenancy with their landlord

on that basis. The Law Commission recommended reform of the rules of forfeiture for farm business tenancies many years ago, and tidying that up remains unfinished business.

Also included in those proposals was a recommendation for a provision to vary restrictive covenants within Agricultural Holdings Act tenancies. Farming practices have moved on, and having certain covenants that prevent modern investment on farms, or that might stand in the way of the type of environmental schemes envisaged in the Bill, are problematic. There should be a process for looking at that.

To end the Committee on a positive note, I can reassure the hon. Gentleman that we have by no means forgotten that package of measures. My officials are currently working on a draft consultation on tenancy law and some of those changes, which we intend to publish in the new year. The outcome of that consultation will inform a future piece of legislation on tenancy reform.

The consultation will probably look at one or two other areas where we believe changes are required. For instance, article 31 of the Agricultural Tenancies Act 1995 restricts the ability of landowners to issue tenancies on their land unless they have permission from a lender, who might have a charge over that land. That overturned decades of practice, where there was a presumption in favour of a landlord being able to grant a tenancy because the land needed to be farmed. We believe that that particular provision, article 31, needs to be looked at again.

We are also considering a call for evidence on the repossession of agricultural land. At the moment there is a gap in the law. Farm businesses tend to have their assets owned by individuals. Currently, if a bank wished to repossess a residential property, it would have to go to a court to get a possession order. There is no such requirement with agricultural land. A bank can simply seize land and auction it without any recourse to the courts. It is an outdated approach, and we are therefore considering amendments that would require a possession order from a lender before they could seize the land.

4.30 pm

Martin Whitfield: Would that include the valuation of land by banks when they repossess, and the other professionals that are involved in taking over the land—it is not repossession at the moment—in that sequence of events?

George Eustice: A possession order would require a bank to justify its action to a court before being able to take anyone's land. There have been a number of issues with secondary lenders, and mainstream banks, moving aggressively to seize and auction land, and selling it in a reckless way that is against the interests of the landowner and their creditors because they have that charge over the land. That area needs to be looked at.

With the confirmation that we have not forgotten those areas, and that we are looking at a consultation, I hope that the hon. Member for Stroud will not feel the need to press the new clause to a vote.

It has been a pleasure to serve under your chairmanship, Sir Roger, and that of Mr Wilson. We have had a good-natured debate on new clause 31 and all the other amendments and clauses in the Bill. We have done a thorough job of examining every clause and amendment

in great detail. I thank every member of the Committee for giving up their time and diligently intervening and contributing to the discussion.

I also thank my officials in DEFRA, who have worked incredibly hard. The Bill is the first substantive piece of legislation on agriculture that we have had since 1947. It has been a huge piece of work. Finally, and by no means least, I thank the Clerks. We particularly tested their patience when changing the plan for evidence sessions at the beginning, but I hope that we have been less difficult since then. We are grateful for the time and effort that they have put in.

Dr Drew: On that note, I particularly thank Mr Fox, who has been so helpful to Rob, who has done the Opposition work in detail. It is important that we put that on the record. Without the Clerks, Bill proceedings would not go very far, or if they did, they would go in completely the wrong direction. I also pay due regard to the many contributors to the evidence sessions, which were illuminating, and those who have given us ideas and interesting amendments. Some of them caused us a few sleepless nights in deciding whether to table them. They were all suggested in the right spirit, to try to improve the legislation.

Clearly the Government have a different view to the Opposition about how the legislation will progress, but we will see whether we can further improve it on Report, on Third Reading and in the House of Lords. It is good that the arguments have been had. Others will read them and see whether the proposals can be introduced in a different way, if not necessarily one with which the Government will wholeheartedly agree. However, given what happened today with the Finance Bill, we live in hope, and in the expectation that a degree of consensus is breaking out across the House. That is the way that good Government can operate.

On tenancy reform, I was pleased by what the Minister said. New clause 31 was a probing amendment, and the Minister knows where it was coming from. Changes are needed in this area. I hear what he said about repossession, which has always been a bone of contention in wider agricultural areas, because people do not necessarily just think in terms of those directly affected. It can

unhinge a wider part of the countryside when people think that what has happened has not been done in the right way. It is important that we heard what the Minister said, and that we see some progress on that.

Without more ado, we have managed to complete consideration within the timeframe thanks to the good chairmanship of our two Chairs. I will not press the new clause to a vote, but I hope that, now it is on the record, we will hear early in the new year what form the necessary legal changes, which will presumably be made through secondary legislation, can take. We will of course scrutinise them in the right way and hope that they improve what is happening out there. We need good tenants with good tenancy legislation. British farming will be stronger because of that. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Amendment made: 43, in title, line 14, after “Agriculture;” insert

“to make provision about red meat levy in Great Britain;”.—(*George Eustice.*)

An amendment to the long title is required to cover the content of NC4 which is not covered by any of the other specific limbs of the current text.

The Chair: As everybody else has been mostly out of order for the last half an hour, I too will say a few words. Mr Wilson and I would like to express our thanks to the Clerks, the *Hansard* writers, who work extremely hard, and of course to the Officers of the House who look after us. Without all those people, our work would be much harder, if not impossible.

Finally, I thank the Committee for the courtesy and good humour with which proceedings have been conducted. At a time when courtesy and good humour are at something of a premium in other parts of the House, it has been a pleasure to come into an oasis of tranquillity in Committee Room 12 and see people behaving properly, as colleagues ought to behave.

Bill, as amended, to be reported.

4.37 pm

Committee rose.

**Written evidence to be reported to the
House**

AB67 Royal Town Planning Institute

AB68 Rare Breeds Survival Trust (RBST)

AB69 Fresh Produce Consortium

AB70 Academics and farmers from the Institute of Development Studies at the University of Sussex and the Land Workers' Alliance

AB71 British Horse Society

AB72 British Meat Processors Association (BMPA)

AB73 Game & Wildlife Conservation Trust

AB74 Paul Gingell

AB75 Shropshire's Great Outdoors Strategy Board

