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Baroness Pitkeathley (Lab) [V]: My Lords, are the Government concerned that, in a recent survey by the Royal College of Nurses, 74% of nurses said that they felt valued by the general public but only 18% felt valued by the Government? Surely paying them better, in training and afterwards, is the obvious way to value nurses if the Government are serious in their intention. Will the Minister guarantee to include in any review of pay and conditions those nurses who work in care homes and in the community, as they are so important in ensuring better integration of health and social care, which the pandemic has shown to be vital, though lacking in many places?

Lord Parkinson of Whitley Bay: My Lords, we certainly value those who work in the nursing profession, which is why, as I say, the starting salary has increased by over 12% since 2017. The money with which those working in nursing are rewarded is just one way in which the appreciation of the country is expressed, particularly at this time.

Baroness Garden of Frognal (LD): My Lords, the removal of the nursing bursary had a devastating impact on student nurse numbers, with a 31% reduction in university applications for nursing courses since 2016. Student nurses have become an invaluable part of the workforce at a time when the country needs them most. These brave young students have lost tuition and university life, as have other students, but they responded to the country’s need. Surely the Minister can see how inappropriate it is to charge them tuition fees.

Lord Parkinson of Whitley Bay: My Lords, the hours of those who have joined the workforce early to help with the crisis count towards the 4,600 hours that they have to complete as part of their training. While they have been working, they have remained under the care of their higher education provider. This is still part of their training, as well as being a valuable contribution to the NHS at this time. From September this year, the new maintenance grant of £5,000, which is not repayable, comes in for all nursing students, to make it easier for people to study and then join the profession.

Lord Bourne of Aberystwyth (Con) [V]: My Lords, given the immense and appropriate praise that the Prime Minister and the Government have given our nurses during the Covid crisis, why are nurses not receiving a pay increase along with doctors and dentists, as has just been announced? I know that there is a current pay agreement, but I am sure that, as my noble friend will know, the British public would be overwhelmingly in favour of an increase and would back it totally.

Lord Parkinson of Whitley Bay: My Lords, like many, many others, I joined in the applause for nurses and all those working in the NHS, particularly at this difficult time, not least my aunt, who is a nurse and midwife of 25 years’ standing. As I say, we are extremely grateful to all those who have chosen to opt in. They are paid and are entitled to an NHS pension contribution during this period. On nurses’ pay generally, I simply make the point that the starting salary for nurses has increased by over 12% since 2017, so we certainly value those who are working in this rewarding career.
Lord Parkinson of Whitley Bay: My Lords, while nurses were not included in the announcement made this week, I can only repeat that the starting salary for nurses has gone up by 12% since 2017.

Baroness Watkins of Tavistock (CB) [V]: My Lords, given the National Audit Office report into the NHS nursing workforce of March this year and this week’s Public Accounts Committee session concerning the report, can the Minister confirm that the question asked by the noble Lord, Lord Forsyth of Drumlean, in this House on 30 January regarding the potential cost-effectiveness to the taxpayer of writing off educational loans for nurses after five or 10 years’ service has been discussed with the Treasury and the Department of Health and Social Care? If so, can further urgent consideration be given to this matter before the expected Autumn Budget?

Lord Parkinson of Whitley Bay: My Lords, I do not know whether the specific question raised by the noble Baroness has been discussed, but I will find out and certainly write to let her know.

Lord Bassam of Brighton (Lab) [V]: My Lords, applauding healthcare staff is one thing, but the Minister should take note of the Royal College of Nursing’s report this week, which stated, as others have said, that for the nursing profession to feel valued and to address the current workforce shortage, the Government must provide better financial support for nursing students, including the reimbursement of tuition fees, and forgo all current debts for nursing, midwifery and allied healthcare students impacted by the removal of the bursary. Can the Minister please confirm when this will happen?

Lord Parkinson of Whitley Bay: My Lords, I have answered the question about reimbursement, which was the one that began this session. On nursing numbers, I would make the point that the number of nurses in our National Health Service is now at a record high and has gone up by 12,000 in the last year alone.

Baroness Jolly (LD) [V]: My Lords, many student nurses have to travel considerable distances from where they train to complete different aspects of their course, such as on mental health or learning disability. What support is given to students with their travel and accommodation expenses in these circumstances?

Lord Parkinson of Whitley Bay: The noble Baroness makes an important point. Part of the new maintenance grant, which comes in in September this year, is in addition to a further £3,000 that is available to help with childcare, other dependant costs and living costs of that sort.

Lord Mann (Non-Afl) [V]: How responsive will the Government be to specific proposals to localise the future training of nurses, so that nurses are more able to live at home when they go through training, rather than having to rent accommodation?

Lord Parkinson of Whitley Bay: My Lords, that is a good and important point, which I will of course discuss with the department. Some people need to study near to home for childcare and family reasons; others like having the opportunity to travel to another part of the UK and study there, for the benefits that that brings them.

Baroness Warsi (Con) [V]: My Lords, I am grateful for the question from the noble Baroness, Lady Jolly, which was the one that I was due to ask. I also welcome the announcement from the Government of an additional £5,000 for student nurses from September of this year. However, can my noble friend confirm that the Government will consider whether student loans might not have to be paid back by those nurses who spend more than five years in the NHS? That could assist with the retention of nurses.

Lord Parkinson of Whitley Bay: My noble friend’s back-up question is just as good. The repayment of tuition fees begins only once people exceed a repayment threshold, which is currently £26,575, but I will certainly discuss the point that she makes more broadly with the department.

Lord Singh of Wimbledon (CB) [V]: My Lords, the dedication of nurses and allied healthcare staff has shone like a bright light in the gloom of the Covid pandemic. Does the Minister agree that the least we can do to encourage those entering the profession is to reimburse tuition fees and write off any student-related debt? The Government should seriously reconsider their position.

Lord Parkinson of Whitley Bay: The noble Lord is absolutely right: nurses have brought a great deal of comfort not just to those who have received their support directly but to their families and the general public, who have been watching on. However, as I said, those who have chosen to join the NHS early during their studies have been paid for their service and are receiving pension contributions. We are extremely grateful to them for doing so.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed. We now come to the second Oral Question.

**Stonehenge**

**Question**

12.17 pm

*Asker by Lord Dobbs*

To ask Her Majesty’s Government what plans they have for the proposed tunnel by-passing Stonehenge.

Lord Dobbs (Con) [V]: My Lords, I am very fortunate to be a local resident. We have had more than 20 years of dispute between stakeholders——

Lord Ashton of Hyde (Con): The noble Lord should put the Question standing on the Order Paper.

Lord Dobbs [V]: I beg your pardon. I beg to put the Question standing in my name.
The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con) [V]: My Lords, the development consent order, or DCO, application for a new two-lane dual carriageway for the A303 between Amesbury and Berwick Down is currently with the Secretary of State for determination. Last week, the Government announced a further extension of the decision deadline until 13 November 2020. This is to enable further consultation following a recent archaeological find.

Lord Dobbs [V]: My Lords, as I said, I am very fortunate to be a local resident. We have had more than 20 years of dispute between stakeholders over this project. The costs are rising above £2 billion and they carry on rising. Now there is further delay. Does my noble friend agree that it seems unlikely that any tunnel could be finished much before 2030, by which time semiautonomous electric vehicles will be commonplace—perhaps even compulsory—making the traffic past Stonehenge less intrusive, less polluting and easier to manage? Because of these advances in vehicle technology, is it just possible that by the time any tunnel might be completed it could already be on the verge of becoming a hugely expensive white elephant?

Baroness Vere of Norbiton [V]: The Government share my noble friend’s ambition for automation with vehicles and we are working at pace to look at how we can bring that in. However, automated vehicles still need road space and further road enhancements will therefore be necessary. I cannot at this stage comment on how long it would take for a tunnel to be built.

Baroness Browning (Con) [V]: Will my noble friend also give us information today about the A303 west of Stonehenge, up to where it joins the A30? I have travelled that road for over 40 years and am aware, as I know my noble friend will be, that there are many single-carriageway pinch-points west of Stonehenge. If it is going to take this long to build the tunnel and to sort out Stonehenge, is that also going to delay the dualling on the A303 to the west?

Baroness Vere of Norbiton [V]: The Government have ambitious plans for the whole of the link road, the A358-A303, which links the M3 and the M5. My noble friend is right that there are various projects that have to be done not altogether, otherwise the disruption would be enormous. If my noble friend is referring to the Sparkford to Ilchester section, that DCO has also been extended recently and will be decided by 20 November.

Baroness Boycott (CB) [V]: My Lords, I agree with the noble Lord, Lord Dobbs, that this has been an extremely frustrating 20 years. I, too, drive past Stonehenge a lot. I find it shameful that one of our greatest archaeological finds on the line of route or close to it, could not have the go-ahead from the Secretary of State, what would happen to the project and the construction of the tunnel and its cost if there was a further significant archaeological find on the line of route or close to it, once construction has started?

Baroness Vere of Norbiton [V]: I am sure that the noble Baroness, Lady Boycott, that this is a complicated and difficult situation. Certainly, when Stonehenge became a world heritage site, one of the commitments was that we would do something about the road. However, Highways England has done an enormous amount of work around the archaeological elements of the area and continues to employ archaeologists to make sure that we could not only build the tunnel, if it is appropriate, but also preserve the site.

Baroness Andrews (Lab) [V]: My Lords, Stonehenge is our global heritage flagship. In recent years, it has been brilliantly transformed by English Heritage, which has integrated the wider archaeological landscape with the stones and their significance. English Heritage is supportive of a tunnel, but is the Minister aware that all our 32 world heritage sites need urgent help to recover from the impact of Covid-19? If our heritage assets are to help in the rebuilding of Britain, their custodians need sustainable funding to do so. When will they know what share of the DCMS cultural package they will get?

Baroness Vere of Norbiton [V]: That question is slightly beyond my remit today, I think, but I will encourage DCMS to be in touch with the noble Baroness with further details.

Baroness Randerson (LD) [V]: My Lords, there is a clear environmental aspect to this proposal, but in March the Government announced a £28.8 billion national roads fund to be spent over five years. How does the Minister square this with the claim by the COP 26 president, Alok Sharma, that the Government are investing in zero-emission transport in a co-ordinated way? Do the Government not realise that road building on this scale will inevitably lead to more traffic and more emissions?

Baroness Vere of Norbiton [V]: I am sure that the noble Baroness is aware that zero-emission transport also needs roads, whether zero-emission cars, buses or HGVs. Investing in our road infrastructure is therefore important. The £27.4 billion—the RIS2 funding envelope—goes on enhancements but, as importantly, a significant amount of it goes on maintaining our existing roads.

Lord Rosser (Lab) [V]: There is a delay in the Secretary of State making his decision in the light of a recent archaeological find. If the tunnel project does receive the go-ahead from the Secretary of State, what would happen to the project and the construction of the tunnel and its cost if there was a further significant archaeological find on the line of route or close to it, once construction had started?

Baroness Vere of Norbiton [V]: Highways England uses ground-penetrating radar as part of its geophysical survey strategy and therefore it is confident that the route does not have any further elements in it. As I said, it employs archaeologists and, were anything to come to light, obviously appropriate arrangements could be made.
Baroness Neville-Rolfe (Con) [V]: My Lords, as a Wiltshire native who loves Stonehenge, I have waited 35 years for this new road. Assuming a November decision, when will work start properly and when will the new road open? What are the plans for the existing road, which is very popular with local people such as myself and has several good walks leading off it?

Baroness Vere of Norbiton [V]: I hope that the noble Baroness will appreciate more good walks if and when this tunnel is actually built. As she will know, the project is currently at the outline business case. When we get to the final business case, if the DCO is approved, further information will be available at that stage about start-of-works and open-for-traffic dates.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, as an ex-archaeologist, I am absolutely horrified by this whole project. There is absolutely no way of knowing whether there are more potential finds on the current route. It is not a good idea to say that there is nothing more to find. However, as a climate campaigner, I am much more horrified by the fact that the Government are still subsidising road building. We are now in a climate crisis and the Government should be living up to some of their magnificent green claims and trying to cut road traffic. Does the Minister agree?

Baroness Vere of Norbiton [V]: The noble Baroness has asked me similar questions in the past. Of course, the Government have a huge commitment to electric vehicles. We want to see fewer petrol and diesel cars and other vehicles on our roads and we have a huge commitment to electric buses, but I say again that these vehicles need a road to travel on—they do not fly.

Lord Desai (Lab) [V]: My Lords, now that we have experienced Covid and traffic and travel patterns are going to change dramatically, should not the Government take the opportunity to totally rethink the idea of the tunnel and take the entire space and divert the traffic away from where it is now? That would be a great contribution to the environment and to the beauty of Stonehenge and the newly discovered archaeological spaces.

Baroness Vere of Norbiton [V]: Traffic on the strategic road network is almost back to pre-Covid levels now. Much of that is important freight and people now going out to visit friends and family and to work. While there is an opportunity, as work practices change, to consider how we look at roads in the future, much of that will be focused on encouraging cycling and walking and more changes to road space allocation, rather than trying to clamp down on traffic per se on other roads.

Covid-19: Debt Collection

Question

12.28 pm

Asked by Lord Best

To ask Her Majesty's Government what action they are taking to reform debt collection processes (1) during, and (2) after, the COVID-19 pandemic in response to (a) the report by the Centre for Social Justice Collecting Dust: A path forward for government debt collection, published on 26 April, and (b) representations from Citizens Advice, the StepChange Debt Charity and the Money Advice Trust.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, we welcome the Centre for Social Justice report and look forward to advice sector representations. We responded to Covid-19 by freezing outbound debt collection and on 29 June published a call for evidence to inform post-Covid policy in this important area. Central Government have for some time had a debt strategy that advocates the use of the widely welcomed fairness principles. Each local authority, however, is responsible for its own autonomous interpretation of the relevant debt management legislation on, for example, council tax enforcement.

Lord Best (CB) [V]: I thank the noble Lord for his positive response. A debt management Bill would establish clear protocols and an independent regulator for bailiffs as proposed by the Centre for Social Justice and others. Does the Minister agree that heavy-handed debt collection processes, principally by some local authorities owed council tax, are costly, ineffective and often ruinous for those concerned? Will the problem not get much worse post Covid, if we do not act now?

Lord True: My Lords, as the noble Lord will know, action was taken in 2014 in relation to enforcement agents. This is an area under examination. We have recently launched the call for evidence to inform policy, as I mentioned. That will obviously influence the consideration of whether a debt management Bill is a proportionate and reasonable response.

Lord Wood of Anfield (Lab) [V]: My Lords, over 1.3 million households are estimated to have built up council tax debts because of coronavirus. They will be counting down the days to 23 August, the day that the bailiffs can arrive—or debt D-day, as the coalition Government called it—with complete dread. The Government can help to avert this disaster by ensuring that local authorities put in place these charities’ proposals to have sensible schedules for repayment of council tax debts in ways that do not resort to sending in bailiffs. Will the Minister commit today to doing so?

Lord True: My Lords, noting the noble Lord’s title, I congratulate him on last night’s events at Anfield—all we need now is for Notts County to get back into the league, where they belong. He asked an important question. Local authorities should be sensitive. Obviously, with Covid, the ban on enforcement visits was imposed. As the noble Lord says, that is currently due to come to an end in August, but I follow him in urging restraint on all in the current situation.

Lord Holmes of Richmond (Non-Afl) [V]: With his vast experience in local government, does the Minister agree that we need urgently to review the council tax administration and enforcement regulations in the light of the current difficulties? Does he further agree that, post Covid, there is a key role for financial
technology—fintech—to help with debt management and enable everyone to have a much greater sense of their finances and how best to manage them.

**Lord True:** Yes, a consistent understanding of the problems of debt using such techniques is extremely important. The regulations on council tax were promulgated, I believe, back in 1992—now a sort of Neanderthal age, when I was in No. 10. The Local Government Minister has announced that MHCLG will update its guidance to councils on collection and enforcement of council tax.

**Baroness Morgan of Cotes (Con) [V]:** I am sure that my noble friend is hearing the strength of view on this issue. I hope that he has seen the letter that 55 cross-party Peers and Members of Parliament wrote to the Government at the end of May to support the CSJ report. Is there more that the Government could do, not just to encourage local authorities to show appropriate sensitivity in relation to these bills, but to require them to do so, given that local authorities themselves are asking the Government for restraint in chasing money that they owe the Government?

**Lord True:** My Lords, I am of course hearing what noble Lords are saying and I endorse the principles of the Centre for Social Justice report. I am very proud of having done public service in local government. Local councils are custodians of their whole community and community interests. They should be sympathetic and act proportionately towards anyone in genuine hardship. I will reflect on the points that my noble friend has made and pass them on to colleagues in the department.

**Baroness Burt of Solihull (LD) [V]:** Does the Minister agree that government, especially local government, needs to take a leaf out of the commercial sector’s book and adopt more humane and effective methods of collecting debt? Will the Government postpone the reintroduction of bailiff visits until a new government debt management Bill can be introduced?

**Lord True:** My Lords, those are two important questions and I have touched on each. The call for evidence that we issued last month will inform policy in these areas. I hear what the noble Baroness and others say in relation to enforcement agents. I can only repeat that my colleagues in MHCLG have said that they will update their guidance to councils on collection and enforcement.

**Baroness Altmann (CB) [V]:** My Lords, returning to the noble Lord’s Question, is the Minister aware that, last year, councils used court action 2.3 million times and bailiffs 1.4 million times to collect council tax debt? The bailiff fees added £200 million to people’s debts. Given the expiry date of 23 August, to which the noble Lord, Lord Wood, referred, will the Minister bring forward, in advance of the review, a specific examination of pre-action protocols?

**Lord True:** My Lords, again, I hear what the noble Lord says. I find myself in the position of answering on behalf of a department that manages the group in relation to government debt. Obviously I will pass on to my colleagues in MHCLG the points that he and noble Lords are making. I repeat that they had announced last year that they would update guidance to councils on collection and enforcement.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, I declare an interest as a former chair of StepChange, the debt charity. I thank the Minister for his very full replies to these questions today. To follow up my noble friend Lord Wood’s question, recommendation 3 of this excellent report states:

“Council tax debt is the only form of civil debt for which people can be sent to prison in England.”

Will the Government consider repealing Regulation 47 of what he called the “Neanderthal” 1992 council tax regulations, as recommended?

**Lord True:** I fear that I referred to “Neanderthal” to mean the age-old days when I was young but, certainly, part of the call for evidence and part of the appropriate and proper management of debt would be reflection on experience since that time. I can only repeat that my colleagues in MHCLG have said that they will update their guidance to councils on collection and enforcement.

**Lord Purvis of Tweed (LD):** What lessons have the Government learned from the progressive reforms that have been made in Scotland on the use of sheriff officers, the equivalent of bailiffs in England, by local authorities for debt collection and, more recently, the Bankruptcy and Debt Advice (Scotland) Act 2014, which have made major strides in restoring dignity and support for people in repaying debt and have proved to be more effective for the public purse? Will the Government make sure that it is not just a call for evidence but a proper review of those other examples from across the United Kingdom?

**Lord True:** My Lords, I am sure that all those experiences will inform things going forward. I am a strong proponent of local authorities working together and pooling experience. I would say that this Government have acted consistently over a period in seeking to improve management of debt centrally with a code of practice, government debt standards and fairness principles. It is a constant learning curve from which we can all learn—we all have a duty to govern and manage sensitively and I take the noble Lord’s point on that.

**The Senior Deputy Speaker (Lord McFall of Alcluith):** My Lords, the time allowed for this Question has elapsed.
Student Loans

Question

12.39 pm

Asked by Lord Bassam of Brighton

To ask Her Majesty’s Government what assessment they have made of the presentation of debt by the Student Loans Company on its online student loan repayment system.

Lord Parkinson of Whitley Bay (Con): My Lords, the student finance system removes barriers to access to a university for all those with the ability to benefit from higher education, irrespective of their background. The Student Loan Company’s new online repayment service is a welcome improvement to the operation of that system. It will help student loan borrowers to keep track of their balance and manage their loan, and includes clear guidance on how the loan system and repayments work.

Lord Bassam of Brighton (Lab) [V]: My Lords, that is all well and good, but the money saving expert, Martin Lewis, has called the changes made by the Student Loans Company to its website “irresponsible and dangerous”, as it still includes the ability to make “quick payments” without logging in and has the large overall debt figure front and centre. Can the Minister explain why recommendations from MSE, the Russell Group and the Augar review have clearly all been ignored, and what steps the Government intend to take to protect students from what is, frankly, rubbish and second-rate advice?

Lord Parkinson of Whitley Bay: My Lords, the advice was not ignored. The Department for Education worked with Martin Lewis, the Russell Group and others in advance of the preparation of this website, and there are warnings and caution messages throughout explaining to people the point about making early repayments. Due to an oversight, people could, on one section of the website, click through without seeing these messages but, thanks to Mr Lewis bringing it up, they have now been put there and the problem has been rectified.

The Lord Bishop of Chichester: My Lords, the noble Lord, Lord Bassam, has made a trenchant point about the presentation of these financial statements. The University of Chichester plans to reopen its school of nursing and to recruit locally—to pick up a point made by the noble Lord, Lord Clark, on an earlier Question. For mature and part-time students whom the university seeks to attract, the level of loan debt is also qualify for partially means-tested loans for living costs, and those with adult or child dependants can apply for additional means-tested grants on top of that.

Lord McColl of Dulwich (Con) [V]: My Lords, as this new system is not compulsory, and as students prefer computers to pieces of paper, does the Minister agree that the criticisms from Mr Lewis, who alleges that the system is dangerous, irresponsible, damaging and demoralising, are, to say the least, rather over the top? The next thing will be that, when members of the public ask their bank manager how much is in their account, he will be obliged to say, “Before I tell you, I must first ask you if you are feeling well and sitting comfortably. If you are, I shall gently begin.”

Lord Parkinson of Whitley Bay: Mr Lewis certainly has expressed his point colourfully and forcefully, but the department was glad to engage with him before the website launched. He also made his points known to the Augar review, which the Government are considering and to which we will respond alongside the next spending review.

Lord Loomba (CB) [V]: My Lords, can the Minister say how the Government will be more transparent with student loans, so that students are better equipped to make informed decisions on their finances and better understand how the system of repayments works?

Lord Parkinson of Whitley Bay: My Lords, this website is certainly an improvement on the situation when I was paying back my student loan, when it was very difficult to find out the balance and how much still needed to be paid. That led to many people making excessive repayments, which then had to be paid back. It might be helpful to your Lordships if I cite briefly from the message on the new website, which makes it very clear that “there is no obligation” to make a voluntary repayment and that students should “carefully consider whether it’s appropriate to make voluntary repayments because any outstanding balance is written off at the end of the loan”.

That makes the situation quite clear.

Baroness Massey of Darwen (Lab) [V]: My Lords, the Student Loans Company states that the online repayments service was “extensively researched and tested prior to launch”, and says: “We constantly listen to our customers to improve our service”.

Are the Government satisfied that this service is being adequately monitored? How will they ensure that comments are taken on board and changes made where necessary?

Lord Parkinson of Whitley Bay: My Lords, that is a key example of our taking on board comments and making changes. That is exactly what we have done in
response to the representation from Martin Lewis pointing out that, on one section of the website, the message that he was keen to see was not present. It has now been put there.

Baroness Bowles of Berkhamsted (LD) [V]: On the Student Loans Company website, David Wallace, the CEO, has written in his blog: “It’s vitally important that graduates understand that a student loan works very differently to other types of borrowing”. That statement is not on the part of the site on extra payments, which I think would be helpful. I do not believe that just mentioning the written-off condition helps, so surely that warning, a statement that extra payments will not reduce monthly or annual payments, and, perhaps, a minimum income threshold before extra payments are permitted without additional checks should all be applied.

Lord Parkinson of Whitley Bay: My Lords, that message, which was present on other parts of the site, has been present since 17 July on the section for making voluntary repayments as well, but student finance is, in law, a loan, so the Student Loans Company of course has to follow the legislation as it stands.

Lord Sheikh (Con) [V]: My Lords, at the outset, I declare that I co-chair the APPG on Islamic Finance. In 2013, David Cameron spoke at the World Islamic Economic Forum and made a promise to introduce a sharia-compliant student loan scheme. In March 2017 and in July 2019, I and other noble Lords spoke on the subject in your Lordships’ House. We were told that the Government were committed to introducing a suitable arrangement; I understand that a comprehensive submission has been made by the advisers to the DfE on the arrangements. There is no mention of sharia-compliant student loans on the SLC website. Can my noble friend say what progress has been made regarding the scheme and what is the timetable for its introduction?

Lord Parkinson of Whitley Bay: My Lords, my noble friend raises a very important point, particularly for the many Muslim students who study or wish to study in our universities. I do not have that information to hand, but I will find out and write to him with the answer.

Baroness Crawley (Lab) [V]: My Lords, it must be reassuring to students that the website that is the subject of this Question has now been amended, but does the Minister accept that, in the wake of the severe economic recession that the UK is now passing through, the whole structure, purpose and practice of the Student Loans Company, based as it is on the assumption of very high graduate employment for decades to come, now looks seriously unfit for purpose and, indeed, should be the subject of a root and branch review?

Lord Parkinson of Whitley Bay: My Lords, the Augar review was just such a review; the Government are considering that carefully and will respond alongside the spending review.

Lord Craig of Radley (CB) [V]: My Lords, through Covid-19 restrictions, many university students have missed tuition and access to libraries, laboratories and other university facilities. Although they are awarded degrees, will the Government reduce the loan repayment liability of final-year students, which would be fair to reflect the curtailment of tuition and facilities that they suffered?

Lord Parkinson of Whitley Bay: The noble and gallant Lord makes an important point about the provision made for students during this pandemic, but universities have responded very swiftly and have very ably risen to the challenge. They have continued to provide high-quality education to people throughout the crisis, using a variety of means—online as well as in person—and we commend them for doing so.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

12.30 pm
Sitting suspended.

Arrangement of Business

1.40 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, a limited number of Members are here in the Chamber, respecting social distancing, and if the capacity of the Chamber is exceeded I will immediately adjourn the House. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak. Please accept any online prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. I should remind the House that our normal courtesies in debate still very much apply in this new hybrid way of working.

A participants’ list for today’s proceedings in Committee on the Agriculture Bill has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to the amendments, or expressed an interest in speaking, on each group. I will call Members to speak in the order listed. Members’ microphones will be muted by the broadcasters, except when I call a Member to speak. Interventions during speeches or “before the noble Lord sits down” are not permitted and uncalled speakers will not be heard. During debate on each group I will invite Members, including Members in the Chamber, to email the clerk if they wish to speak after the Minister. I will call Members to speak in order of request and call the Minister to reply each time.

The groupings are binding and it will not be possible to degroup an amendment for separate debate. A Member intending to press an amendment already debated to a Division should have given notice in the debate. Leave should be given to withdraw amendments. When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group. We will now begin.
Agriculture Bill
Committee (6th Day)

1.43 pm

Relevant document: 13th Report from the Delegated Powers Committee

Clause 32: Identification and traceability of animals

Debate on Amendment 209 resumed.

Lord Wallace of Tankerness (LD): My Lords, as I was about to say before our proceedings were cut short just before midnight on Tuesday evening, I speak in support of Amendment 267, to which I have added my name. I also say at the outset that shortly before the House adjourned on Tuesday, the noble Lord, Lord Wigley, made a compelling contribution in support of his Amendment 291, which makes a strong case for a United Kingdom framework for agriculture. I would readily support that.

In speaking to his Amendment 267, the noble and learned Lord, Lord Hope of Craighead, put the issue in context. He reminded us that Part 6, of which Clause 40 forms part, relates to the WTO Agreement on Agriculture. As he pointed out, as a matter of international law the United Kingdom Government are responsible for ensuring that UK policies are compliant with the agreement. Clause 40 makes provision for regulations to be made to secure compliance with the UK’s obligations under the WTO Agreement on Agriculture but, as the noble and learned Lord said, as the devolved Administrations see it, “the starting point for any system of regulation to ensure WTO compliance by the UK as a whole must be that it is the responsibility of each of the devolved Administrations to devise its own system for the support of agriculture with whatever resources may be available”.—[Official Report, 21/7/20; col. 2195.]

What is of concern is that, specifically, regulations can by virtue of Clause 41 impose limits on the amount of domestic assistance available to each of England, Scotland, Wales and Northern Ireland. Those could be at a lower ceiling than exists under the current arrangements. Thus it is self-evident that this is crucial to the operation of the devolved competence of agriculture, yet there is nothing that requires consultation with the devolved Administrations, let alone consent.

Agriculture is prima facie a devolved matter. Although negotiations on the CAP were the responsibility of the UK Government, the devolved Administrations had direct input into the preparations of the UK negotiating position. It is the case that while implementation of the CAP was devolved, as is the management of direct payments to farmers, the allocation of agricultural budgets between the devolved Administrations has been reserved to the United Kingdom Government. However, that allocation invariably involved detailed consultation, even if not always agreement, as the disputes over the allocation of the EU convergence uplift illustrated.

This amendment proposes that there ought to be consultation before any such regulations are brought forward. I would recognise government Amendment 268, which removes the regulation power in respect of requisitioning information from devolved Governments, that is a welcome move and the Government should be given some credit for responding to representations on that matter. But it is because of this apparent overlap between devolved and reserved responsibilities that great sensitivity will be required.

In its recent report on the constitutional issues arising out of the Brexit legislation, the Constitution Committee of your Lordships’ House, of which I am privileged to be a member, said:

“We recommend that powers for UK Ministers to make delegated legislation in devolved areas, including the power to supersede law made by devolved legislatures, should include a requirement either to consult devolved ministers or to seek their consent, depending on the significance of the power in question.”

In its report on the present Bill, the Constitution Committee said in paragraph 22:

“We recommend that the power in clause 40 should require the Secretary of State to consult the relevant devolved administrations prior to regulations being made.”

In the Fisheries Bill, the Government accepted that the consent of the devolved Administrations was required before amending by regulation prohibitions on the licensing of fishing vessels. In moving Amendment 209 to this Bill and speaking to Amendments 261 and 262, the Minister also indicated that the Government were providing for devolved Administration consent in respect of other regulations proposed under the Bill. Again, in the Fisheries Bill, in making regulations under Clauses 38 and 40, there is a statutory requirement for consultation. This amendment seeks a parallel requirement.

Surely the case for consultation is equally compelling here. I have no doubt, because we have heard it all before, that the Minister will seek to reassure us that of course the Government will consult. If that is to be the case in practice, why not let them also give us the assurance of it being buttressed to make that the case in law?

Lord Alderdice (LD): My Lords, I put my name to Amendment 289, tabled by the noble Baroness, Lady Ritchie of Downpatrick, not only because agriculture remains Northern Ireland’s most important and largest industry, but because of some particular political issues that affect Northern Ireland. I recognise that the Minister has tabled some amendments in this group on the relationship with Ministers in the devolved Administrations and I welcome that. However, as my noble and learned friend Lord Wallace of Tankerness has just emphasised, it is important that Ministers in the devolved institutions are serious decision-makers in their own right and in their representation of the people of Scotland, Wales and Northern Ireland and not just rule-takers from outside.

However, in the case of Northern Ireland, there are two other important issues that I believe this amendment facilitates by encouraging and, indeed, requiring the members of the Northern Ireland Executive to work together to develop bespoke legislation and an approach to agriculture that addresses the particular needs of Northern Ireland and the challenges and opportunities of the island nature of Ireland as a whole.

These agricultural issues are practical matters. I found in the negotiation of the peace process that when they could engage on practical issues, rather
than those involving profound constitutional principle, it was often possible to reach a surprising degree of agreement between parties that were otherwise in deep disagreement. Recently, we have seen further evidence of this, as the Northern Ireland Executive have dealt quite well with the Covid-19 crisis in comparison with others. By inserting a sunset clause in this Bill, we would be giving a specific encouragement to Northern Ireland Ministers to engage in practical negotiations on the agricultural industry which, as I say, is not a partisan matter.

It was often noted that the late Lord Bannside, when he was Dr Ian Paisley MEP, was able to work closely with the predecessor of the noble Baroness, Lady Ritchie, as leader of the SDLP. John Hume, who was also a Member of the European Parliament. Their co-operation was especially notable on questions of agriculture and the common agricultural policy. Our sunset clause would, in my view, encourage just this sort of bipartisanship and cross-community co-operation on agriculture in Northern Ireland.

The second reason for ensuring that the Northern Ireland Executive take up the development of their own legislation is that, in my view, the next few years will see significant changes in the relationships between the north and south in Ireland. It is clear from the protocol with the EU that Northern Ireland will have a special relationship with the rest of the island, which remains within the EU—something quite different from the rest of the UK. Indeed, it will be the only part of the UK with a land border with the EU and, with particular reference to this Bill, it uniquely has farms that straddle the border. In some cases, part of a farm will be inside the EU and part outside it.

It seems to me inconceivable that by 2026, the date in this clause, it will not have become necessary to develop new ways of addressing these issues that will be quite different from the ways that other parts of the United Kingdom—whether devolved or not—relate with the EU. By then, we will be almost 30 years on from the end of the Troubles that so deepened division on the island. A sunset clause will give the Northern Ireland Ministers the encouragement and freedom to address this complex and developing network of relationships. For these two reasons, I strongly support the insertion of this new clause after Clause 45 in the Bill.

Baroness McIntosh of Pickering (Con): My Lords, I associate myself with the amendments in the names of the noble and learned Lord, Lord Hope, and the noble Lord, Lord Wigley, and also with the remarks of the noble and learned Lord, Lord Hope, and the noble Lord, Lord Wallace. I am proud of the fact that I am a non-practising noble and learned Lords, Lord Hope and Lord Wallace.

As I entirely endorse the comments that the noble and learned Lords have made, I want to ask my noble friend a specific question with regard to the consultation that is asked for under these amendments. With regard to Amendment 291, I associate myself with the request from the noble Lord, Lord Wigley, for a UK framework for agriculture. What form will the consultation on these regulations take? Presumably, the regulations must be relatively far advanced, so when would my noble friend expect the consultation to commence? In reply, can he take the opportunity to inform us what developments there have been on the common frameworks? I understand that, originally, there were to be 24; we now hear word that there will be only three. They are absolutely key to this part of the Bill and to ensuring good faith—I know my noble friend likes to use the phrase “bona fides”—between the four parts of the United Kingdom. With those few words, I support the amendments in this group.

Lord Thomas of Gresford (LD) [V]: My Lords, I am disappointed, like the noble Lord, Lord Wigley, that Amendments 290 and 291 have been regrouped with others in this group. I was looking forward to a full delineation by the Minister of the way forward envisaged by the Government in creating some body in which the four nations could thrash out the common framework of a single market for the United Kingdom. As I have said earlier in Committee, the agricultural systems of the four nations are bound to diverge, not just because the devolved Administrations are governed by different political parties that may have different aims, policies and ideas, but because of the very diverse nature of their landscapes and communities.

Looking at it broadly, there are two main issues: how funding will be distributed between the four nations, and to what degree divergence is compatible with the single market. My concern is that Wales does not lose its current share of UK funding of 16%. Indeed, it should have a greater share. Mr Michael Gove, addressing the Rural Economy and Connectivity Committee of the Scottish Parliament on 27 June 2018, said that “it is in the nature of the landscape and the environment in Scotland—and also in other parts of the United Kingdom—that the preponderance of less-favoured areas and the nature of upland farming impose particular challenges that require a specific level of support ... we need to look in the future at how we allocate funding across the United Kingdom in order to reflect that ... My aim ... is to ensure that, in the future, we allocate funding in a way that is sensitive to the specific needs of each part of the United Kingdom.”

The United Kingdom Government have guaranteed continued funding of Pillar 1 of the CAP until 2022 and, as we discussed the other day, the continuation of rural development programmes under Pillar 2 of the CAP until contracts come to an end, at the latest in 2023. But what happens then? Farming is not an industry in which capital can be quickly switched from one sector to another. It requires long-term planning, which can be achieved only by clarity on future funding. As for divergence, there should be agreed common standards for animal health, traceability, animal welfare, breeding and trading in animals, fertilisers and the like. What divergence of support in specific areas would be compatible with a single UK market?

There is no issue that there must be some forum—a forum for consent, as my noble and learned friend Lord Wallace argued a moment ago—in which these questions can be resolved. It would be quite unacceptable and in breach of the principles of devolution for decisions to be made by some Whitehall diktat. Indeed, the Joint Ministerial Committee (EU Negotiations) already agreed in October 2017 that common frameworks will be established, to
I wish briefly to make three points. The first is the importance of respecting devolved competence in legislation. I welcome the amendments put forward by the Minister, who understands the importance and sensitivity of devolution. It is reassuring to hear him make it clear that the Government remain wholly committed to seeking legislative consent for all the provisions that engage the scope of the convention in Scotland, Wales and Northern Ireland. I just wanted to be sure of the correctness of my understanding of why the devolved Governments requested the amendments and the reasons why Her Majesty’s Government have brought them forward.

Am I correct in understanding that the Bill as introduced did not properly recognise the important principle that legislation by the UK Government to apply in the devolved nations but within the devolved competence should be made only with the consent of the devolved Governments or their legislatures? It is regrettable that, at the time of the decision made on the EU withdrawal agreement, legislative consent was not obtained. That is water under the bridge, but it was made clear then that that was a truly exceptional occasion. In view of the confirmation given by the Minister in introducing the government amendments, I hope that he can confirm the Government’s commitment that they will not in future present legislation to the House that does not respect the principle of requiring the consent of devolved institutions for any UK legislation that could be made by legislation within the devolved Parliaments. It is important to the way in which devolution is to operate and the strength of the union that there be such a commitment.

My second point—and I can be brief about this—is about moving forward on the frameworks. It is clearly highly desirable that there be agreement between the different Governments on matters on which there can be a common approach and an agreement of where there can be differences or divergence of the kind of which the noble Lord, Lord Thomas of Gresford, spoke. As I understand it, that is the objective of these frameworks. I therefore welcome the statements made on a number of occasions by the Minister that good progress is being made. The matters to be covered will be extensive and it is important to bear in mind that this is not, as I understand it, a consultation exercise but an attempt to reach agreement. I therefore look forward to their publication and hope that the Minister can update us as to when this is to happen.

There is one other matter why publication is important and that is the dispute resolution mechanism that must be inserted into a framework agreement. It is inevitable that there will be disagreements—I hope that they will be small—but the difference between a framework and a consultation, ultimately, is that if there is a framework, there must be a means of resolving differences, whereas, in a consultation, the decision is ultimately made by the person who consults.

Thirdly and finally, there is the need for a coherent constitutional approach. I warmly support the principles behind Amendment 290, in the names of the noble Baroness, Lady Jones of Whitchurch, and the noble Lord, Lord Thomas of Gresford, and Amendment 291, in the names of the noble Lords, Lord Wigley, Lord Bruce of Bennachie and Lord Thomas of Gresford. An alternative is now being canvassed, which is the provisional views put forward in the paper on the internal market. It will obviously be necessary to turn back to this in the long period between September and Christmas. However, it is important now to point out that the imposition of a policy ultimately determined to be in the interests of by far the biggest and most powerful of the four nations is not the way to ensure the preservation of the union. This constitutional
issue will have to be a matter for debate and it will have
to be debated in the context of agriculture, as it is so
important in that area. I therefore look forward to the
development of proposals over the summer, because this
urgent matter cannot wait longer. If the union is
to be strengthened and preserved, positive steps on
this are far more likely to achieve that preservation
than other action being taken.

Baroness Humphreys (LD) [V]: My Lords. I will
comment briefly on government Amendments 209,
261, 262 and 268, which I welcome. These amendments
cover the areas of outstanding concern to the Welsh
Government. They acknowledge their devolved
competence and were included at their request.

Amendment 209 deals with an issue that I raised at
Second Reading: how the new body created to oversee
the identification and traceability of animals would operate in an area of devolved responsibility, particularly
if that body was seen to be an English board. That the
new body would need to seek the approval of Welsh
and other devolved Ministers or institutions is now
certainly welcomed.

Amendments 261 and 262 ensure that the consent
of the Ministers of the devolved Administrations must
be obtained before making cross-border regulations in
relation to organic products. I am pleased that the
responsibility of the devolved Administrations has
again been recognised.

Amendment 268 covers an issue that, again, I raised
at Second Reading. By the removal of the powers of
the Secretary of State to make regulations in the area
of the WTO’s Agreement on Agriculture, this amendment
ensures that the rights and responsibilities for
implementing international agreements remain with
the devolved Administrations.

I welcome all these amendments, as they conclude
the process by which the Welsh Government have asserted their competence in these areas. However, I
express some disappointment in the fact that there was
a need for this process at all. Earlier in this debate, the
noble Baroness, Lady Finlay of Llandaff, in her powerful
and comprehensive speech on these amendments,
described the Government as seeking, in effect,”to
strong-arm the devolved Governments into giving up elements
of their executive competence” –[Official Report, 21/7/20;
cols. 2193-94.]

I agree with her sentiments and am pleased that that
has been avoided by the Government tabling these
amendments, and that the competence of the devolved
Governments will now be reflected in the Bill.

Lord Eames (CB) [V]: My Lords, in this group of
amendments I will speak to Amendment 209. I refer
to the contribution of the noble Baroness, Lady Ritchie
of Downpatrick, during our debate on Tuesday.

In this debate so far, I have been impressed by the
frequent references that the Minister has made to the
need to view the Bill in relation to the devolved nations.
On Tuesday, the noble Lord, Lord Wigley, spoke
powerfully on the importance of that relationship
from a Welsh point of view and this afternoon the
noble Lord, Lord Alderdice, has reminded us of the
connection with the problems in Northern Ireland.

So far as that relationship is concerned, the noble
Baroness, Lady Ritchie, reminded the House of the
difficulties presented by the period during which the
Northern Ireland Assembly and Executive did not
function. Amendment 209 is influenced by the problems
of that period but now, thankfully, the Northern Ireland
Assembly and Executive are operating fully. However,
the importance of the relationship between central
government and the devolved Administrations in areas
such as agriculture cannot be overemphasised in this
debate. This amendment is an attempt to build on that
sensitivity so far as one devolved nation is concerned,
but it has implications for the others so far as the
whole Bill is concerned and cannot be isolated to one
devolved nation alone.

As the United Kingdom prepares to leave the EU,
one of us can have a complete picture of the problems
which will emerge for the farming community throughout
the UK. Amendment 209 recognises this reality. For
Northern Ireland farmers, the uncertainties of their
geographical situation are well documented, with a
land border about to become the border between the
United Kingdom and the EU. As the noble Lord,
Lord Alderdice, reminded the House, this is vital to
farming communities in Northern Ireland. In addition,
there continues to be confusion around the issue of
what is normally referred to as a border in the Irish
Sea. The implications of that confusion for transporting
agricultural produce within the United Kingdom cannot
be overstated for Northern Ireland farmers—hence
their concerns about the future.

I support Amendment 209, for I am well aware of
the importance to the Northern Ireland economy of
our farming community, but I am equally aware of the
contribution of the devolved settlement to the strength
of the United Kingdom as a whole. That is why I
welcome the Minister’s references to the importance
of the relationship between central government and
the devolved Administrations, so far as agriculture is
concerned. It is surely essential that these reflections
are clearly stated in the Bill.

Lord Empey (UP): My Lords, I want to speak on
a number of these amendments but will make a small
technical point at the beginning. Amendment 209 and
others in this group refer to Scottish Ministers, Welsh
Ministers and a Northern Ireland department. A number
of colleagues have asked why this is the case—in fact
the noble Lord, Lord Kilclooney, challenged it during
one exchange some weeks go. But the Government’s
amendment is in fact correct because power in Northern
Ireland is not vested in the Minister; it is vested in the
department. This goes back to some kind of anomaly
in 1921. I have never understood or heard an explanation
as to why that is the case, but it is. Amendment 209 is
correct but some amendments in this group do not
quite follow the same pattern. I think that would need
to be addressed. The role of a Minister is to direct and
control a department in Northern Ireland so that
power is vested in the department, not in the Minister.

With regard to the amendments, my first question
to the Minister is: what happens if Whitehall fails to
get the agreement of one or other of these devolved
institutions? What impact would that have and how
would it be addressed in practice?
Members who have spoken so far today and on Tuesday evening have raised the valid question of whether we have a framework for a UK market, but what is not fully appreciated is that Northern Ireland is effectively in the European Union from the point of view of agriculture, and no man can serve two masters. We can have all the frameworks we like, but at the end of the day, the devolved Administration in Belfast may not be able to sign up to them for the simple reason that they are bound under the Northern Ireland protocol to follow EU regulations.

My point to my noble friends on the Front Bench—not getting at them politically—is that there is a huge political issue here. Her Majesty’s Government—and even in the last fortnight, members of the Cabinet—are even denying that there is a border in the Irish Sea. There is and it is there in the protocol. It was in the explanatory note on 2 October 2019 and reinforced in the agreement of 17 October 2019—it is there. You can waffle on or tear things up and throw them in the bin or do whatever you like, but the border is there.

Why else would you have to notify the authorities? If you are Mr Tesco and you send a tin of baked beans to Belfast, you have to notify the authorities that you are sending those beans and tell them what is in them and they may be subject to inspection. That applies to all manufactures and not just to agriculture. Let us at least acknowledge the reality. I support the principle that we should ask for the consent of the devolved Administrations, but from the point of view of the Bill, we are saying to them: “Let us develop a framework”, but one of those component parts is not capable of doing so, because it is bound by international treaty to follow the regulations of the European Union.

We can say whatever we like, but I would like the Minister, on behalf of the Government, to acknowledge the reality that there is a border in the Irish Sea. Our own European Union Committee spelled out in its recent reports exactly the facts of the case. Let us have some clarity and honesty as to where we are. As the noble Lord, Lord Alderdice, said, agriculture is our largest industry; it supports many thousands of jobs; and we have some unique problems. Of course, we now have cross-border problems throughout the United Kingdom. I have no doubt there are farms in Wales and Scotland that cross into England. It is not simply a Northern Ireland-only issue, but I appeal to my noble friends on the Front Bench to at least acknowledge this reality.

My final point is that not only is that the case, but every four years the Assembly could be asked whether it accepts and is prepared to continue with these arrangements, with us being left in the European Union regulations. When the amendment in the name of the noble Lord, Lord Hain, looked for multi-year financial deals, how do you even contemplate that when you have these levels of uncertainty? It is very difficult, and I sincerely hope my noble friend will be able to clarify the matter absolutely so that everybody in Belfast will know where they are.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, I follow the noble Lord, Lord Empey, and somewhat to my surprise very much agree with his call for honesty, a reality-based politics about the situation of the border down the middle of the Irish Sea and the need to acknowledge and deal with it. However, I disagree that that means there is any sort of argument against Amendment 290 in the name of the noble Baroness, Lady Jones of Whitchurch, or Amendment 291 in the name of the noble Lord, Lord Wigley.

Whether it is a co-ordination council or a framework, the particular situation of Northern Ireland and the differences that will happen under each of the devolved Administrations in all our nations demands some kind of co-ordination. I can imagine that the Minister may get up and say, as we hear so often, “Wait for the regulations, we will sort this out later”. Let us focus on the fact that the other place has already gone off on its summer break. Time is moving on and it is surely essential to have a mechanism for co-ordination in the Bill.

I also support Amendment 283 in this group in the name of my noble friend Lady Jones of Moulsecoomb. She has done a sterling job throughout this Bill, as I am sure your Lordships’ House has noticed, in ensuring that animal welfare issues remain front and centre of all aspects of the Bill, as they must.

At the special request of the Green Party of Northern Ireland, I have risen chiefly to speak to Amendment 289 in the name of the noble Baroness, Lady Ritchie of Downpatrick—in shorthand, the sunset clause for Northern Ireland. Particular circumstances here demand action from the Government to incorporate this into the Bill. Due to the absence of a sitting Assembly from January 2017 to January 2020, there was very little consultation in Northern Ireland on this Bill. The scrutiny that did take place was over one day. The Committee on Agriculture, Environment and Rural Affairs heard evidence from stakeholders, looking also at the Environment Bill and the Fisheries Bill. Due to the complexity, the committee was unable to explore fully the situation of this Bill, but it indicated in its report that it would endorse a sunset clause similar to that provided by Wales—the provision in Amendment 289.

The committee then recommended a timeframe ending at 2024, but I think that the noble Baroness, Lady Ritchie, is right: given the practicalities of Covid-19 and the electoral cycle, 2026 is the right timing for this. Without this amendment, Northern Ireland will be stuck with a basic payment system without any end in sight, with all the complexities and complications that the noble Lord, Lord Empey, has just outlined. Northern Ireland needs the opportunity to develop its own agricultural legislation, specific to its context. Here we are talking about geography, climate, soils and the political framework.

I hope that the Government will agree to the amendment. Looking to the future, I do not think that I can do better than to quote the remarkably elegant words of the noble Lord, Lord Wigley, when he said very late on Tuesday evening that we need a system that works for all the nations and respects the rights and wishes of all the nations,

“based on transparent and equitable mechanisms and underpinned by mutual respect”.—[Official Report, 21/7/20; col. 2200.]
Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, devolution is the subject of this group of important amendments. The Minister set out the Government’s case on the functions for the devolved Administrations. The noble Baroness, Lady Finlay of Llandaff, spoke about the importance of transparency on the consultation and ensuring the agreement of the devolved Administrations. The noble and learned Lord, Lord Hope of Craighead, also spoke very knowledgeably about the need for consultation on Clause 40 with the devolved Administrations on the WTO Agreement on Agriculture. My noble friend Lady Humphreys spoke on the effects on the Welsh and the inclusion of the devolved Administrations on the WTO Agreement, the noble and learned Lord, Lord Alderdice, believes that agriculture is a practical issue, not a partisan one. The devolved Administration in Northern Ireland should take up their own legislation on agriculture, and the sunset clause will assist this. Other noble Lords have spoken to this amendment along similar lines. I fully support the sunset clause, which brings Northern Ireland into line with the rest of the UK.

The noble Lord, Lord Wigley, spoke to his Amendment 290 very late on Tuesday; it would ensure that the Secretary of State creates a formal agriculture co-ordination council, which would be responsible for monitoring disputes on agriculture and food standards across the different areas of the UK. Other noble Lords have expressed support for this amendment. It is extremely important that this should be done while keeping in mind the relevant common frameworks that already exist. Can the Minister say just how many frameworks there will be? Will there be only three, as the noble Baroness, Lady McIntosh of Pickering, has indicated?

I fully support this group of important amendments. The noble Lord, Lord Empey, made a very powerful comment on the implications of the border in the Irish Sea and asked the Minister to acknowledge that. I look forward to the Minister’s response.

Finally, at the start of this group of 11 amendments on Tuesday evening, there were 24 speakers but, due to the lateness of the hour, seven Peers scratched their names from the list. Today, we are debating 41 different amendments in 10 groups, with the possibility of speeches from 137 noble Lords. We are rapidly approaching the point where everything that can be said about the Bill has been said, but not everyone has yet said it—although some have said it more than once. We must get to our target today; we do our reputation no good at all by dragging things out.

Baroness Wilcox of Newport (Lab) [V]: My Lords, this is an interesting group of amendments that raises a variety of issues in relation to how future agricultural policy will work in the light of the devolution settlements. It has been a pleasure to hear so many noble—and noble and learned—Lords contribute so widely and wisely to the debate.

I speak primarily to Amendment 290, in the name of my noble friend Lady Jones of Whitchurch. This is an evolution of an amendment tabled in the Commons and there are clear links with Amendment 291 in the name of the noble Lord, Lord Wigley. I agree with the comments made by my noble friend Lord Hain earlier in the debate. We have diverse systems in our four nations’ agricultural businesses that have been developed to match local needs. Wales may be different agriculturally, but the need to agree multiannual funding is indeed a key concern for us all. The Bill is a perfect chance for developing a shared opportunity for resilience in the sector across the UK.

So many noble Lords have spoken in this debate about the uniqueness of the agriculture industry and the way in which nature can impede upon the best-laid plans of the farmer, who has to deal with so many changing circumstances. Indeed, it is not without regret that I note that this would have been the week of my regular attendance at the Royal Welsh Show at Llanelwedd, where the best of the industry is evident. I therefore stress, again, that multiannual funding would go a great way to help to support farmers with uncertainties.

While there have been positive discussions between Her Majesty’s Government and the Welsh Government on the Bill, as highlighted by the government amendments in this group, there remain tensions with the Scottish Government, who may propose to the Scottish Parliament that legislative consent is withheld. On this point, there are general concerns over the level of specific engagement with the devolved Administrations in our post-Brexit realities. Indeed, this is highlighted by the recent publication of the UK Internal Market White Paper, which had worryingly little input from Wales, Scotland and Northern Ireland.

An agricultural co-ordination council, as proposed in this amendment by my noble friend Lady Jones of Whitchurch, would allow Her Majesty’s Government and the devolved Administrations to discuss common concerns, map disparities in policy between different parts of the UK and keep common frameworks under review. Such a body would be similar to the joint ministerial committees, a format that still technically exists but whose various incarnations seem to have met very infrequently in recent years, especially during this time of national pandemic.

2.30 pm

On Amendment 291, the European Union (Withdrawal) Act included reporting mechanisms for the establishment of common frameworks on all areas where repatriated powers would be ultimately exercised by the devolved Administrations. The transition period ends in December and not all frameworks are in place. To that end, I have several questions for the Minister. Where do we stand on common frameworks relating to agriculture? If frameworks are not agreed, does the Minister believe they will be in place by the time this Bill is on the statute book? Does he agree that there would be merit in a formal structure for discussions,
[BARONESS WILCOX OF NEWPORT]

rather than them taking place on an ad hoc basis? Amendment 290 includes the option of certain parts of the UK taking part in a co-ordination council even if others do not. Does the Minister see this as a workable approach? We need serious reassurances that these issues are in hand. Otherwise, we are likely to return to this issue on Report.

Finally, we are grateful to your Lordships’ Constitution Committee for its consideration of these complex matters in its most recent report.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, what an interesting debate we have had. I am most grateful to all noble Lords who have contributed.

On Amendment 263A, Defra Ministers meet on an almost monthly basis with counterparts from the devolved Administrations as part of the inter-ministerial group for EFRA. Any potential changes to food standards would be discussed here first. I am also pleased with the progress officials have made in developing the food information to consumers, fish labelling and food compositional standards common UK framework. The framework will focus on consensus-based decision-making but will also include dispute prevention and resolution mechanisms.

On Amendment 267, the powers in Part 6 allow for regulations to be made to ensure compliance with the United Kingdom's obligations under the WTO agreement on agriculture. The regulations therefore set out procedures and arrangements to ensure that the UK as a whole complies with existing obligations under an international treaty. We have a bilateral agreement with the Welsh Government on the making and operation of regulations under Part 6 of the Bill. We have offered to extend this agreement to the Scottish Government and DAERA Ministers in Northern Ireland.

In addition, my honourable friend the Minister for Farming, Victoria Prentis, committed in the other place to consult with the devolved Administrations on the making of regulations under Part 6. I say in particular to my noble friend Lady McIntosh of Kimble that draft regulations have already been shared with devolved Administrations and strong and productive discussions are continuing. Defra officials have been working closely with them; this is another important and positive point.

On Amendment 284, the powers taken by Welsh Ministers through the Bill are intended as a temporary measure while the Welsh Government continue to develop their own legislation. Financial assistance under Clause 1 may be given by the Secretary of State only in relation to England. Welsh Ministers are not taking similar powers in this Bill to operate or introduce new financial assistance schemes. It is the Welsh Government’s intention that these powers will be provided for by a future Senedd Bill.

On Amendment 283, Schedule 5 contains powers requested by the Welsh Government to simplify the existing schemes and improve them for farmers, not to change or reduce standards. The underlying animal welfare standards to which all farmers must adhere are not found in this domestic payments scheme legislation; rather, they are found in underlying domestic and retained EU legislation. Therefore, these underlying protections will continue for all.

I found Amendment 289 an interesting element of our discussions. The Northern Ireland Assembly debated and agreed the legislative consent Motion on 31 March 2020. The DAERA Minister made it clear to the Northern Ireland Assembly in that debate that he did not support a sunset clause at this stage with respect to Northern Ireland provisions in the UK Agriculture Bill. It is the Government’s very strong view—I must say, we have been reminded by all noble Lords who contributed of the importance of this—that we must respect the devolution settlement. I find it difficult to construe how the Government could accept the amendment proposed and respect the desire and wish of the DAERA Minister and, by that token, the Assembly. Therefore, we do not believe that Parliament should seek to override the constitutional view already agreed by the Assembly on 31 March 2020. If we are to be consistent in our respect for the devolution settlement, it is difficult to believe that your Lordships or the Government should seek to impose something on a devolved Administration when they have given their legislative consent Motion to legislation. To be very clear, my noble friend and I are honest brokers for both the Welsh Government and the Northern Ireland Assembly in the schedules before us.

On Amendments 290 and 291, the UK Government have created IMG EFRA, as I have said, and a series of specialist official-level working groups to deliver effective joint working with the devolved Administrations. This has proven a highly successful governance mechanism. The UK Government have collaborated closely with each devolved Administration on a UK-wide framework for agricultural support based on the Joint Ministerial Committee on EU Negotiations principles agreed in 2017. The framework is planned to cover policy areas such as agricultural support spending, crisis measures, public intervention and private storage aid, marketing standards, cross-border farms and data collection and sharing. I think the point about cross-border farms was raised in particular.

Good progress is being made on the framework. The UK Government shared their first draft with officials from the devolved Administrations this February. Since then, there have been continuing discussions with officials in the devolved Administrations on a common framework for agricultural support. In our view, placing additional statutory requirements in this area risks disrupting an ongoing process of what has been described as excellent collaborative working, which is working extremely well. It would also create inconsistency with wider framework discussions.

I think the noble and learned Lord, Lord Wallace of Tankerness, first used the word “sensitivity”. We are all of a view that we must deal with these matters with sensitivity. When I meet fellow Ministers from all parts of the United Kingdom, I see this as an endeavour of equal partnership. We believe that it is inappropriate for the UK Government to seek to legislate on frameworks, certainly without prior discussion and consideration with the devolved Administrations.
I also say to the noble and learned Lord, Lord Thomas of Cwmgiedd—and I repeat this from my opening remarks on Tuesday—that we remain wholly committed to seeking legislative consent for all provisions that engage the convention in Scotland, Wales and Northern Ireland. That is why I was pleased to make those amendments.

The noble Baroness, Lady Wilcox of Newport, and other noble Lords raised the budgets for the devolved Administrations. Intra-UK funding is being discussed as part of current Treasury settlement discussions with Defra. Her Majesty’s Treasury will discuss this directly with the devolved Administrations. I absolutely understand the importance of certainty on funding for all parts of the United Kingdom and, from the visits I have had, am well aware of the importance of farming to all parts of the United Kingdom, and its importance in terms of UK internal markets.

To answer my noble friend Lord Empey on the Northern Ireland border, the Government are working very closely with the Northern Ireland Executive to ensure unfettered market access between Northern Ireland and Great Britain while meeting our obligations under the Northern Ireland protocol. I also say this to my noble friend, because of my biosecurity interest: as an epidemiological unit in itself, the island of Ireland has some advantages. Also, we already have requirements, as does Northern Ireland, as part of that unit. Obviously, we want to make sure that the biosecurity arrangements for the island of Ireland are as strong as they can be, but our working with Northern Ireland will be absolutely imperative for the frameworks. The success of that is where I believe we will find a satisfactory resolution for all parts of the United Kingdom. I say that as a unionist.

The UK Government believe in close collaboration in the coming months to agree and implement administrative frameworks to set out future working and co-ordination on agriculture. The noble Baroness, Lady Wilcox of Newport, asked when that will happen; the answer is, by the end of the transition period. We think that close collaboration is, to pick up on a word used earlier, the respectful way to work. I am conscious that the relationship between all four parts of the United Kingdom needs to be strong and positive. If it is not, it makes things much more difficult.

I want to bring forward the fact that the relationship that all of us as Ministers in Defra have with our colleagues in the devolved Administrations is strong and positive. There is a common endeavour to ensure that we have vibrant agriculture and strong food production, and that we make a success of it all and make a success of the United Kingdom.

The Deputy Chairman of Committees (The Earl of Kinnoull) (Non-AI): My Lords, I have received three requests to speak after the Minister from the noble Lord, Lord Foulkes of Cumnock, and the noble and learned Lords, Lord Wallace of Tankerness and Lord Hope of Craighead.

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, the Minister mentioned his meetings with his counterparts in the devolved Administrations. Does he or any of his colleagues have any such meetings planned between now and Report to discuss and get their views on these amendments, and others, before we come to discuss them on Report? If not, would he consider arranging some meetings? It would be very helpful for the House to get the results of these sorts of discussions.

Lord Gardiner of Kimble: My Lords, the noble Lord makes a fair point. I am not the Minister having these discussions, but I will make sure that the noble Lord’s point is put to my ministerial colleagues. Again, consideration and discussion of all these matters is the healthy way forward. I will certainly ensure that a record of Hansard is passed on to my ministerial colleagues. It is a good point.

Lord Wallace of Tankerness [V]: My Lords, in his response to the debate, the Minister indicated that, in another place, Victoria Prentis had committed to consulting on regulations arising from Clauses 40 and 41. If that is the Government’s position, what cogent reason is there for not including this amendment in the Bill?

Lord Gardiner of Kimble: The noble and learned Lord makes an interesting point. I am just repeating the commitment that my honourable friend made. Perhaps I might take that one back.

Lord Hope of Craighead (CB) [V]: My Lords, I wanted to make exactly the same point as the noble and learned Lord, Lord Wallace of Tankerness. I listened very carefully to what the Minister had to say. I am afraid that I did not understand why a requirement for consultation should not be in the Bill. I would be grateful if the Minister could take this matter away and reconsider it so that we can possibly come back to it on Report.

Lord Gardiner of Kimble: Two noble and learned Lords making those remarks that makes it doubly important that I take their points back to the department.

Amendment 209 agreed.

Amendment 210 not moved.

Clause 32, as amended, agreed.

2.45 pm

Clause 33: Red meat levy: payments between levy bodies in Great Britain

Moved by Baroness Jones of Moulsecoomb

Amendment 211

211: Clause 33, page 30, line 32, leave out subsection (1) and insert—

“(1) The red meat levy is to be known as the animal slaughter levy.

(1A) A scheme under this section (‘the scheme’)—

(a) may make provision for amounts of animal slaughter levy collected by the levy body for one country in Great Britain to be paid to the levy body for another such country, or

(b) may amend, suspend or revoke an earlier scheme made under this section, and
Baroness Jones of Moulsecoomb (GP) [V]: My Lords, here we are, back again with renewed energy and enthusiasm.

My Amendments 211 and 213 to 216 seek to improve Clause 33. I can also see the power and value in Amendment 212 in the name of the noble Lord, Lord Hain. My amendments would require an animal slaughter levy to be established for all animals slaughtered in the United Kingdom. The funds raised from that levy would then be used to support farms to transition from livestock to plant-based food production.

As many Peers have said, meat consumption in the British diet is, on average, far too high. It is too much meat for our health. If all other countries in the developing world aspired to eat as much meat as we do, we would need dozens more planets to accommodate that meat production. As we have only one planet, reducing meat production and promoting plant-based foods are major steps in creating a fair and sustainable world.

Tucked into Amendment 211 is a requirement that the animal slaughter levy actually be set up, since the current drafting of Clause 33 grants the power to establish a red meat levy but places no duty on the Government to implement it. It is worth noting that creating a red meat levy is a big step for the Government; it is the kind of thing that, until very recently, us Greens have been mocked for even suggesting. Can the Minister be bolder than just red meat and go the whole hog to make this a full animal slaughter levy? I beg to move.

Lord Hain (Lab) [V]: My Lords, I thank the noble Baroness for her comments, specifically those on Amendment 212, standing in my name and that of my noble friend Lord Wigley, which seeks to “provide for repatriation of the levy collected in the United Kingdom supply chain to the devolved administration of origin.”

The agricultural processing sector in Wales, from whence I am speaking, is relatively small in comparison to the agricultural output of Welsh farms. The red meat sector is the predominant agricultural activity in Wales, and the processing facilities servicing this sector are strategically placed throughout the UK to maximise accessibility in a system that is heavily reliant on roads and HGV transportation for the movement of livestock.

With levy funding allocated according to place of cull rather than an animal’s point of origin, the centralised processing system disadvantages farmers in Wales. Furthermore, key products such as Welsh lamb and beef, which benefit from the protected geographical indication status—PGI—and derive a greater market share due to this status, are culled in other areas of the UK. It is these locations, not Wales, that receive the levy funds. This imbalance, driven by the streamlining and consolidation of the red meat processing and supply chain sector, is causing additional stress on a red meat sector already under significant financial strain in Wales. Levy Boards, with their increasingly important role in promoting the food products of Wales and working with the agricultural sector to improve efficiency and profitability through knowledge and best practice, should receive an equitable share of levy funds that allow them to work effectively in their respective areas of the UK.

As the UK seeks to negotiate new trade deals with other nations, it is the successful marketing and promotion of our flagship products in Wales, such Welsh lamb, 92% of which is currently exported to the European Union, that could deliver transformational change for farmers there. It would be unfortunate if these opportunities could not be delivered due to a poorly structured levy funding mechanism.

The issue of fair levy funding dispersal is also an important consideration when looking at the delivery of sustainable food production in the UK, a point referred to in passing by the noble Baroness, Lady Jones. A proportionately funded levy body could look beyond helping farmers and the supply chain with economic performance towards a focus on environmental and social considerations, especially sustainability.

Looking further ahead, we would all like to see a food supply chain based around local production, processing and consumption; that would provide potential benefits not only for the farmer but for the climate change mitigation agenda, which is so crucial. That is the long-term goal. In the meantime, having resources allocated fairly to the levy bodies will enable them better to support our agricultural producers as they move towards economic and environmental sustainability. I hope the Minister will accept this amendment and indicate that when he comes to reply.

Lord Wigley (PC) [V]: My Lords, I am happy to support the amendment moved by the noble Baroness, Lady Jones of Moulsecoomb, and I agree with her comments. I also agree particularly with the noble Lord, Lord Hain, about the sectoral challenges in Wales and the importance of the facilities being available and of directing, as far as possible, resources towards sustaining them.

Slaughter being located close to the point of production is important from the environmental point of view and indeed to sustaining employment in rural areas. This has been challenged in recent years by a number of economic factors which have tended to favour moves towards centralisation. The question of the resources available from the levy has been a burning issue in Wales. I am convinced that Ministers are aware of that; indeed, the Government have acknowledged it. It is therefore important that a guarantee be put into the Bill regarding the availability of such a levy to Wales, as well as to other locations where beef slaughter takes place. For these reasons, I strongly support the amendment.
Baroness McIntosh of Pickering: My Lords, it is a pleasure to follow the noble Lord, Lord Wigley. I shall speak only briefly on this group of amendments in order to probe my noble friend the Minister on when we will have the Government’s response to the recent consultation on the activities of the Agriculture and Horticulture Development Board. There was overwhelming support for keeping the existing levy, and I say to the noble Baroness, Lady Jones of Moulsecoomb, that I do not think that farmers would welcome another levy in addition to the existing one. Support for the levy is fairly overwhelming at 66%, but it is important that we review the purposes for which it is used.

I want to place on the record the difficulties that abattoirs and auction marts are experiencing at this time because of Covid-19. I hope that we appreciate those difficulties and sympathise with farmers who, as sellers, are still not allowed to enter the auction mart because, as I understand it, the restrictions are still in place. Only the buyers are allowed to do so and if I was a livestock owner, I would find not being there very worrying. I would be interested to see the Government’s response to the consultation. I do not think that I have missed it—the website sets out only the responses that were submitted to the consultation.

Looking ahead to when we discuss other amendments to the Bill, I hope that part of the levy will be used for marketing and for export. I am sorry to raise my Danish connections again, but I have been hugely impressed by how the Danes use their levy, which is raised from livestock and other producers and then quite substantially matched by funding from the Government, to run marketing centres. I think that we are learning from that because we opened a marketing centre in Beijing and saw an immediate incremental rise in our exports of those parts of the pig that we do not like to eat. With those few words, I shall wait to hear my noble friend’s response.

Lord Blunkett (Lab) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady McIntosh, given her historic links to Yorkshire. It is not surprising that she has advocated a kind of danegeld in terms of this levy.

I am intervening in this debate because my name was not on the speakers’ list for the debate that took place earlier in Committee in which my noble friend Lady Mallalieu drew attention to the plight of small livestock and other producers and then quite substantially matched by funding from the Government, to run marketing centres. I think that we are learning from that because we opened a marketing centre in Beijing and saw an immediate incremental rise in our exports of those parts of the pig that we do not like to eat. With those few words, I shall wait to hear my noble friend’s response.

Lord Wallace of Tankerness [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Blunkett, and I can assure him that my wife would be delighted if there were some means of restoring dialogue to “The Archers”. I want to speak briefly in support of Amendment 212, tabled in the names of the noble Lords, Lord Hain and Lord Wigley. Clause 33 is a welcome step forward in making provision for a scheme which will address the long-running issue of a levy on livestock produced in one part of the UK but slaughtered in another being retained in that other part of the UK. Has long appeared to me to be unfair and has been the source of some contention, so the Government are to be commended for their initiative in this clause.

I support the amendment because it puts further flesh on the scheme to be devised by providing for the levy to be repatriated to the devolved Administration of origin, thus making it clearer what a key objective of that scheme should be. Quality Meat Scotland estimates that over £1.5 million of levy on Scottish animals is lost each year due to the fact that some cattle, sheep and pigs produced in Scotland are slaughtered elsewhere in the UK. I rather suspect that little goes in the opposite direction. If such a sum were repatriated, it could be applied to the promotion of quality Scottish beef, lamb and pig products. I therefore support the amendment and I hope that it commends itself to the Minister.

Lord Adonis (Lab) [V]: I am not wanting to speak on this amendment.

3 pm

Viscount Trenchard (Con): I strongly oppose Amendments 211, 213, 214, 215 and 216 in the name of the noble Baroness, Lady Jones of Moulsecoomb. These amendments seek to rename the red meat levy “the animal slaughter levy”, which seems to me completely unnecessary. Worse, she proposes that the money raised by the levy should go towards assisting farmers to transition from livestock farming to plant-based farming. As long as there is demand for meat in this country, her amendment would simply result in an increase in meat imports from overseas.

Does the Minister agree that these amendments have no place in this Bill and represent a misguided attempt to use taxpayers’ money to interfere with citizens’
freedom to eat meat if they want to? As well as creating the impression that eating meat is somehow bad or less good than eating vegetables, they cast aspersions on our excellent livestock farms and our meat-production industry. Besides, has the noble Baroness not seen the recent research that shows that vegetarians need to eat much greater quantities of food than meat-eaters to absorb enough protein to prevent muscle wastage as people age?

I understand the point raised by the noble Lord, Lord Hain, in Amendment 212. There is an argument that the levy should logically be applied at the point of slaughter. The argument supporting this amendment seems to derive from the fact that there are not so many abattoirs in the other three nations, and I would like to hear the Minister’s view on this point.

Lord Cormack (Con): My Lords, I am delighted to follow my noble friend and the noble Lord, Lord Blunkett, who always speaks with wonderful, robust, basic common sense. He spoke for my wife when he talked of “The Archers”, and he spoke for me when he referred to the beguiling speech of the noble Baroness, Lady Jones of Moulsecoomb, who is a very popular Member of your Lordships’ House, and deservedly so. But I would say to her this: just watch it when it comes to pushing the vegetarian agenda. I am entirely happy for people to be vegetarian—I have a daughter-in-law, to whom I am devoted, who is a vegan—but that is by choice, and we should not use surreptitious means.

I am wholly in favour of the spirit of the amendment moved by the noble Lord, Lord Wigley, and seconded by the noble Lord, Lord Hain. There is a great deal of basic common sense in that, and I hope it will commend itself to my noble friend, if not in its precise form, then in a similar one.

We should be enormously proud of the quality of British meat. Welsh lamb was referred to by the noble Lord, Lord Hain, on a number of occasions—I love it, as well as Welsh and Scottish beef, and the wonderful lamb we produce in Lincolnshire. From all over the country comes marvellous produce. I think the favourite day of the month for my wife and me is going to the farmers’ market in Lincoln and buying quantities of good, home-produced meat, as well as other things.

I love vegetables; I have my five a day religiously. But we should not use legislation to try to undermine a great industry. We should take great pride not only in the quality of the meat produced in this country but in what can be done in this Bill to safeguard the lives of the farmers who produce it. Producing lamb in Wales is not the easiest of things, and there can be hardly anyone in your Lordships’ House who does not remember the terrible years after Chernobyl, when the Welsh farmers had such a very difficult time.

To my noble friend I say this. By all means, give strong support to Amendment 212, but beware of the wonderfully beguiling talents of the noble Baroness, Lady Jones of Moulsecoomb.

Baroness Bakewell of Hardington Mandeville [V]: My Lords, the red meat levy has been debated earlier in our deliberations on this Bill. The noble Baroness, Lady Jones of Moulsecoomb, wishes to rename the red meat levy “the animal slaughter levy”. Essentially, the rest of Clause 33(1) remains the same, with the levy going to help farmers move from livestock to plant-based food production. This amendment is not trying to introduce something by subterfuge, since here we are debating it on television. There is no compulsion here.

The noble Lords, Lord Hain and Lord Wigley, and my noble and learned friend Lord Wallace of Tankerness, have spoken in favour of the repatriation of the red meat levy to the country of origin. Livestock often travels across the border from the farm where it was raised to the slaughterhouse, and we have previously debated the long journeys that some animals have to make. The levy is currently collected at the point of slaughter, and this may not be the country of origin. I support the repatriation of this levy to the relevant devolved Administration where the livestock was reared. This is where the majority of the cost of rearing occurred, so the levy should be used in that area. That is the most sensible and equitable way of dealing with this levy, and I hope the Minister will agree.

Baroness Jones of Whitchurch (Lab): My Lords, I shall speak briefly. I am grateful to the noble Baroness, Lady Jones of Moulsecoomb, and my noble friend Lord Hain for raising these issues. The noble Baroness, Lady Jones, has made an interesting point about extending the levy, but I would like far more detail about the economic and perhaps unforeseen animal welfare consequences of broadening the levy via some kind of impact assessment. I would also like to see the proposal underscored by a commitment to consult on the proposals in advance.

We have touched on the benefits of diets based more on plants and less on meat on several occasions. I believe that measures like this should be introduced as part of a wider national food strategy, rather than in isolation. To the noble Viscount, Lord, Trenchard, I say that there are plenty of sources of vegetable protein; we do not have to rely on eating meat.

My noble friend Lord Hain is right to raise the issue of the repatriation of levies raised to the point of slaughter, rather than where the animals were raised. This is particularly concerning in the case of Welsh lamb, as he very eloquently pointed out, and it will become more of an issue as smaller slaughterhouses close down and animals are forced to travel greater distances for slaughter. This point was made well by my noble friend Lord Blunkett.

It has been good to have this short debate. A number of useful issues were raised, but if we are serious about it, a great deal more work would need to be done. In the meantime, I look forward to the Minister’s response.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I thank the noble Baroness, Lady Jones of Moulsecoomb, for Amendments 211, 213, 214 and 216. Perhaps I could tell her at the outset that we have the red meat levy; it was established in 1967 under the Agriculture Act.

The term “red meat”, or “cig coch”, is written into Welsh legislation to describe the cattle, sheep and pig industries and has been used regarding the levy for those sectors for many years. Changing the name of
the red meat levy in the Bill would necessitate amendments to related legislation across the UK and risk confusion and complications with the existing provisions. A further levy extending to all meats and carcasses of animals slaughtered in the UK would probably require a new levy body to be established, or the scope of the existing levy bodies to be broadened, to cover the additional species, such as goats and deer, that do not fall within the remit of the existing levy bodies. Consultation to determine the need for, and the benefit of, such a levy would also be required. This is set out in the Natural Environment and Rural Communities Act 2006. More importantly, agriculture is a devolved matter, as are these industry levies. It would therefore be for the devolved Administrations to choose to take forward their own regulations in this area, should they wish to do so.

Turning to Amendment 215, plant-based food production already benefits significantly from the UK levy system. The Agriculture and Horticulture Development Board collects levies that are used to fund activities in this area, valued at approximately £27 million. Legislation providing for our levy bodies clearly sets out the remit of the existing levy bodies. Consultation to determine the need for, and the benefit of, such a levy would also be required. This is set out in the Natural Environment and Rural Communities Act 2006. More importantly, agriculture is a devolved matter, as are these industry levies. It would therefore be for the devolved Administrations to choose to take forward their own regulations in this area, should they wish to do so.

Turning to Amendment 215, plant-based food production already benefits significantly from the UK levy system. The Agriculture and Horticulture Development Board collects levies that are used to fund activities in this area, valued at approximately £27 million. Legislation providing for our levy bodies clearly sets out the remit of the existing levy bodies. Consultation to determine the need for, and the benefit of, such a levy would also be required. This is set out in the Natural Environment and Rural Communities Act 2006. More importantly, agriculture is a devolved matter, as are these industry levies. It would therefore be for the devolved Administrations to choose to take forward their own regulations in this area, should they wish to do so.

Turning to Amendment 215, plant-based food production already benefits significantly from the UK levy system. The Agriculture and Horticulture Development Board collects levies that are used to fund activities in this area, valued at approximately £27 million. Legislation providing for our levy bodies clearly sets out the remit of the existing levy bodies. Consultation to determine the need for, and the benefit of, such a levy would also be required. This is set out in the Natural Environment and Rural Communities Act 2006. More importantly, agriculture is a devolved matter, as are these industry levies. It would therefore be for the devolved Administrations to choose to take forward their own regulations in this area, should they wish to do so.

My noble friend Lady McIntosh of Pickering also asked some questions about how they are collected, and I should say that the red meat levy collected in one country can be spent only to benefit the contributing industry in that country. For example, any pig levy that is collected in England must be spent to the benefit of the pigmeat industry in England. Currently, levy cannot be spent for the sole benefit of producers in another jurisdiction.

Clause 33 addresses an acknowledged unfairness in the GB red-meat levy system that has existed for a number of years. It is not intended to change the way these levies are collected or spent. The Government wish simply to right the wrong that has been identified in the red-meat levy system. My noble friend Lady McIntosh of Pickering also asked when we would have the government response to the AHDB consultation. The government response to the request for views on this was published in April 2020.

Turning to Amendment 212, tabled by the noble Lord, Lord Hain, Clause 33 was introduced to provide for a scheme that allows for the redistribution of red-meat levy between the levy bodies of Great Britain. It will provide a fair approach to resolving an inequity that has been acknowledged by the Governments of these Administrations for several years. The provision in this amendment is based purely on the origin of the animal, rather than where it has gained economic value. It will allow for the repatriation of levy to the devolved Administrations themselves, whereas the scheme established using the provisions in Clause 33 would allow for the redistribution of levy between levy bodies in the three Administrations. By widening the provision of the scheme from that of Great Britain to that of the United Kingdom, the amendment extends the repatriation of red-meat levy to Northern Ireland. However, the scheme is to be made jointly by Ministers of England, Scotland and Wales, and is not needed by Northern Ireland.

In addition, the repatriation of levy is restricted by this amendment to the devolved Administrations. This could create a disparity between the devolved Administrations and England, as the devolved Administrations will be allowed to repatriate levy dependent upon origin, but England will not.

The noble Lords, Lord Blankett and Lord Wigley, also brought up the question of small abattoirs, and the noble Lord, Lord Wigley, made the point that slaughtering animals close to the point of production is an important consideration in animal welfare. I am delighted to say, since they may not have heard my earlier response to this issue, that they are included in Clause 1(5) of the Bill, which provides for small abattoirs, under “preparing” and “processing”.

With this reassurance, I ask that the noble Baroness, Lady Jones of Moulsecoomb, withdraw her amendment.

Baroness Jones of Moulsecoomb [V]: My Lords, I thank all noble Lords who have taken part in this debate, which I have very much enjoyed. I spent almost the whole time smiling. I note the comments from the noble Lords, Lord Hain and Lord Wigley, about Wales, and their other comments. As I have said, there is a lot of value in that. I will say to the noble Lord, Lord Blankett, that I am proselytising not for vegetarianism but for the future of the planet and the health of the people who still survive. I am happy to debate that with him.

The noble Viscount, Lord Trenchard, seems to have misunderstood my amendment, because I am not doing anything about his citizen's freedom to eat meat—first, because we do not have citizens in this country but subjects, and secondly, I am a meat eater myself and, were I standing for election anywhere, that would probably lose me a lot of green votes. I was a vegetarian for 20 years and I have stopped. I now eat a minimal amount of healthy organic meat.

The noble Lord, Lord Cormack, made some kind comments. No one has ever accused me of surreptitious means—in fact, quite the opposite usually—so I feel very flattered. I also note that the noble Baroness, Lady Jones of Whitcomb, made comments about an impact assessment, which would obviously be a very valuable addition. I note that the Minister has pointed out all the difficulties that this would cause with legislation, but it would surely be just a tidying-up exercise, just like her Brexit Bill, and should not take long at all.

With all those comments in mind, I beg leave to withdraw my amendment.

Amendment 211 withdrawn.

Amendments 212 to 216 not moved.

Clause 33 agreed.

Clause 34 agreed.

Amendment 217 not moved.

3.15 pm

The Deputy Chairman of Committees (Lord Lexden) (Con): My Lords, we now come to the group beginning with Amendment 218. I remind noble Lords that anyone
Amendment 218

 moved by Baroness Jones of Whitchurch

218: After Clause 34, insert the following new Clause—

“Duty to sustain the UK agricultural industry workforce

(1) The Secretary of State must, before the end of the period of 6 months beginning with the day on which this Act is passed, lay before Parliament a strategy outlining the steps that Her Majesty’s Government proposes to take to—

(a) ensure an appropriate supply of seasonal agricultural workers,

(b) increase the number of people undertaking—

(i) practical training, and

(ii) formal qualifications relating to agricultural work,

(c) ensure agricultural workers have sufficient access to—

(i) financial advice,

(ii) mental health support, and

(iii) any other support the Secretary of State deems appropriate,

(d) ensure agricultural workers are subject to fair sectoral terms and conditions.

(2) In preparing the strategy under subsection (2), the Secretary of State must consult—

(a) other relevant UK Ministers,

(b) the Scottish Ministers,

(c) the Welsh Ministers,

(d) the Northern Ireland department, and

(e) bodies that appear to the Secretary of State to represent the interests of the UK agricultural industry.”

Baroness Jones of Whitchurch: My Lords, my Amendment 218 is on the issue of a duty to sustain the agricultural industry workforce. I also welcome Amendment 219, tabled by my noble friend Lord Judd. Our amendments would require the Government to draw up and consult on proposals to put employment in the farming sector on a more secure and better-rewarded footing.

It is clear at the outset that the workforce will be fundamental to delivering the changes that we are envisaging in this Bill. For example, in 2017, there were 474,000 people working in agriculture across the UK—about half a million people—with about 80,000 seasonal workers in that mix. However, the recent Covid-19 crisis has highlighted what we have known for some time: the sector relies too much on casual workers from the EU, the temporary and permanent opportunities are currently unattractive to most UK workers, there are few opportunities for training and career advancement and the pay and conditions have not kept pace with comparable employment opportunities in other sectors. So far, the temporary fixes put in place by the Government, such as the Pick for Britain scheme, have not provided a permanent solution to a problem that is symptomatic of a more fundamental lack of good training and career prospects in this sector.

Of course, there are good employers, with good employment practices and workers who are valued and well trained. I pay tribute to them. They know that investment and support for their staff bring rewards for the individuals and for the prosperity of their farm. However, many other workers, particularly those living in small, isolated communities, have local employment as farm labourers but are not in a position to bargain over their work conditions, and for them, exploitation is all too common. The fact that we had to introduce gangmasters legislation, in part to protect casual agricultural workers, is an indication of how lowly this work is, and how much exploitation there can be.

We also know that, sadly, this sector is characterised by low mental health and an indefensible safety record. The abolition of the Agricultural Wages Board in England has compounded the problem. Predictably, surveys show that, since the board’s abolition, there has been a reduction in pay awards and increased working hours. There is also evidence of increased wage theft, illegal clawbacks and non-compliance with employment law. England is now the only country in the UK without an effective collective bargaining body for agricultural workers, and it is time that we addressed that gap.

My noble friend’s amendment also talks about affordable housing: he is right to raise this issue. Many farm workers are provided with accommodation tied to their jobs. It can be a blessing but also a burden. Mobility is curtailed and alternative housing options are rare. It is also a major barrier to new entrants wanting to work in agriculture, who simply cannot find affordable homes anywhere near where they would like to work. So we are a long way from where we ought to be in terms of training and employment in this sector.

The world of farming is changing. It will require far greater technical skills in the future. The outcome of all the exciting agritech research will need practical applications, such as robotics, IT and scientific measurement. It will require a much greater knowledge of land management and biodiversity. It will also need—dare I say it?—some understanding of the record-keeping and bureaucracy needed to ensure that farmers can make claims successfully under the new ELMS. All this will require a structured training programme, with progression and rewards. I was pleased to hear the noble Lord, Lord Curry, talk about the skills leadership group in a previous debate and I hope that he will say more about that today.

Although I fully acknowledge that Michael Gove was a good Environment Secretary, he was a disastrous Education Secretary. During his tenure, many of the practical agricultural and horticultural courses were abolished. However, we have to start from where we are now and face that reality, rather than going back and rehearsing old arguments.

This sector faces one of the biggest transformations of any in the UK, moving very rapidly from low skilled to high-tech, and we will need the training courses to deliver that change. This could make employment in
the agricultural sector a really exciting proposition, provided it is accompanied by pay and conditions that will encourage people to stay. Therefore, I hope that noble Lords will support this amendment as a serious contribution to making the rest of the ambitions set out in the Bill a practical reality. I beg to move.

Amendment 219 (to Amendment 218)

Moved by Lord Judd

219: After Clause 34, after subsection (1)(c)(i) insert—

“(ia) affordable housing,”

Lord Judd (Lab) [V]: My Lords, I thank my noble friend for the very warm reception that she gave to my amendment. I strongly support what she is putting before the Committee. It seems to me vital and very sensible.

The word “crisis” is overused these days, but we really do have a crisis in rural areas. What used to be thriving communities based on agriculture have become very dependent on people from other parts of the country who, like me—I plead guilty—have settled in those areas. We have now reached the stage where communities in rural areas have real difficulty in getting even the basic services that they need, such as social workers, health workers and the rest, because they simply cannot afford to live in the area. That goes for farmers, people who want to farm and those who have come from generations of farmers and want to continue that tradition.

On Tuesday, we debated the measures to help people who want to farm to prepare to do so, and my noble friend Lord Whitty put forward a very important amendment in that context. However, we must recognise that, if that intention is to be fulfilled, it is essential that they have the facilities and support that they need to establish themselves. My noble friend’s Amendment 218 talks about ensuring that “agricultural workers have sufficient access to … financial advice … mental health support, and … any other support the Secretary of State deems appropriate”.

That is right, but I feel that no single provision is more important than ensuring that they have the housing they need to be able to maintain family life and do not have to travel great distances so they can to play a full part in the community, as well as performing in agriculture.

As I have said, I am grateful to my noble friend for being so friendly towards my amendment. I just hope that her amendment, and my amendment to it, will commend themselves to the Committee. I beg to move.

Lord Carrington (CB) [V]: My Lords, I declare my interest as a farmer and landowner, as set out in the register. I have added my name to this important amendment—Amendment 218—tabled by the noble Baroness, Lady Jones of Whitchurch, because I believe that without a duty to sustain the UK agricultural industry workforce, the aims of the Bill, and in particular the continuation and development of sustainable farming, cannot happen.

Currently, farming is characterised by one-third of farmers being over 65 and only 3% being under 35 and by a very unattractive career image in terms of earnings. With this Bill and its aim of encouraging the retirement of older farmers and intention of bringing younger people into the industry, it is vital that education and training are raised up the agenda, and that means improving formal qualifications.

At the same time as encouraging our own young into the industry, we need to make sure that, as envisaged in subsection (1)(a) of the proposed new clause, where necessary we can supply seasonal workers, even if that means bringing them in from abroad. A vegetable or fruit grower in Lincolnshire, or wherever, will soon give up his labour-intensive operation if he cannot get the pickers. The result will be that production moves overseas, with the associated negative consequences for the environment and food security.

After a 185% growth in UK soft fruit production over the past 20 years, this is a very dangerous situation. The National Farmers’ Union estimates that we require around 70,000 seasonal workers, with the bulk being required between April and September. The ONS estimates that 99% come from the EU. Up until March—the slow season—the shortage was estimated at around 5%. The Pick for Britain campaign has been very welcome but the results have been somewhat patchy, and, as the economy recovers, furloughed workers will return to their jobs, which will exacerbate the problem. The Government’s seasonal workers pilot scheme, although expanded from 2,500 to 10,000 overseas workers, is woefully inadequate and is scheduled to end this year. Can the Minister tell us what is likely to replace this scheme?

In his letter of 29 June, the Minister, the noble Lord, Lord Gardiner, drew attention to government activity in the area of training and skills—in particular, the apprenticeship programme and technical education—together with the increasing funding that is available, all of which is most encouraging. This is the purpose of proposed new subsection (1)(b). We should all welcome the development of a new farming qualification to attract teenagers into the business by increasing the support of T-level courses. The Government’s Institute for Apprenticeships and Technical Education is currently looking at the content of courses. Currently listed are crop production, forestry, habitat management, land-based engineering, livestock production, ornamental and environmental horticulture, and trees and woodland management and maintenance. All that is ongoing. I believe it is of such overall importance that it needs to be specifically contained in the Bill and thereby protected from future attempts to pare back this crucial element of both agriculture and the wider skills of the environmental land management scheme.

3.30 pm

As part of the agenda to improve skills in agriculture, we all look forward to the work being done by the agriculture skills leadership group chaired by the noble Lord, Lord Curry, who will shortly be speaking, and welcome the message of support received from the Government. The establishment of an industry professional body to lay down, monitor, measure and advise on common standards is crucial for the industry, and it will require funding to ensure its role and the enforcement of standards. This funding will need to come from both member organisations and government, as is the case for similar industry bodies. The advantage to the Government is enormous as
my Lords, I enthusiastically added my name to the amendment proposed so ably by the noble Lord, Lord Judd. I also enthusiastically support the whole amendment proposed by the noble Baroness, Lady Jones of Whitchurch, who is an expert in this subject.

What the noble Lord, Lord Judd, is really talking about is not just agricultural workers, but the future health and prosperity of villages. In much of south-eastern England, villages have effectively been turned into dormitory settlements for some time. The same process, particularly together with people retiring, is happening in the rest of England. If we really want viable, thriving, multigenerational communities that can support schools, shops and so on in villages throughout England then we have to have housing that ordinary young people can occupy when they get together, get married and so on, otherwise they will be forced out into the towns and lost for ever, and the villages will become older and older. We see that process happening all over the place.

Not everything that Baroness Thatcher’s Government did was a disaster, but one of their great disasters was the right to buy in rural areas. Every village used to have its own little council estate, as well as little cottages that provided for young people and what I call ordinary people—working-class rural folk. They have almost all gone; a few places were lucky and were allowed to exempt themselves.

Some 46 years ago I became the chairman of the housing committee in Pendle. In one village there was a little settlement of two rows of cottages owned by the water board, which had let them go derelict. It was going to demolish them because they were of no use to it anymore. I managed to get the council to buy and renovate them. By working with the parish council and the WI in that village, we made sure that they were available to rent for local people. Then came the right to buy. I am still proud of the fact that, as a result of what I did, that wonderful little settlement still exists and was not knocked down but, unfortunately, it is all now owner-occupied and selling for extraordinary high prices by east Lancashire standards.

Something has to be done about this. I believe that a new generation of rural housing to rent at affordable prices should be an absolute priority for a Government. Having said that, this issue is not for this Bill, but for other action by the Government, but Governments of all kinds have not taken this seriously for years.

The only other thing I will say on this is that the amendment by the noble Baroness, Lady Jones, refers to seasonal workers. There are a lot of people going around now saying it is dreadful that people in this country are too lazy, too fat or whatever it is to pick strawberries, plant cabbages or whatever they might be required to do. I do not think that is the problem at all. The problem is that, for young people setting off and making their lives, seasonal work by its very nature is not attractive. They want qualifications and training, as in this amendment, and jobs—not jobs for life, because they have gone, but nevertheless skills and qualifications that will lead them to a secure career and the ability to get jobs throughout their lives. Going to pick potatoes in potato-picking season simply does not do that.

I believe that the future for seasonal work is to reduce a large amount of it by introducing far more robots and mechanisation into the countryside. That may be what the parts of the Bill concerning productivity are all about, I do not know; perhaps the Minister can tell us. I also believe that if that happens, it may be possible to turn some of that seasonal labour—I say some of it; perhaps not a very high proportion—into permanent full-time jobs. Perhaps that would be not for the farmers themselves, but for the contracting companies providing the labour and the machinery to do different things at different times of the year. That is the kind of strategic approach that we want.

I do not know whether the noble Baroness’s strategy thinks along those lines, nor whether the Government are thinking about a strategy for this, or whether they are just panicking about the fact that fruit will go unpicked this year, next year or whenever, but that kind of strategic view is what is required. It is a very good reason to pass the amendment so ably moved by the noble Baroness, Lady Jones.

Lord Whitty (Lab) [V]: My Lords, I can be reasonably brief because my noble friend Lady Jones introduced her amendment so comprehensively. I also support the amendment from my noble friend Lord Judd.

A new British agricultural policy requires a new sort of agricultural and horticultural workforce that is more highly skilled, with differential skills but nevertheless better skills and qualifications recognised, and with a more permanent existence. We certainly do not require a reliance on gangmasters and seasonal workers imported temporarily from overseas.

It has been a mistake to rely so heavily on overseas labour for our agricultural workforce. It has been a mistake to cut back on agricultural and horticultural training. It has been a mistake to abolish the Agricultural Wages Board, which I strongly opposed at the time. It has been a mistake not to use the powers introduced in legislation in my time at Defra to enforce proper standards where there are gangmasters. There are some decent gangmasters, but the Covid episode has shown that many workers in this sector, both agriculture and the processing industries, are treated appallingly and housed in terrible conditions, which in some cases has thrown up problems with the spread of Covid. There have been a number of mistakes and we are not starting from a good position.

The new form of agricultural policy throws up a lot of new challenges that will need flexibility, higher skills and better management, but we have a chance to rectify this. The terms of the amendment set out a framework for a much more substantial strategy to recognise and update the skills of the workforce that we will require. Without it, we will not deliver a brave
new world of English agriculture or a better impact by agriculture on our environment and our countryside. I strongly support the amendment; indeed, I regard it as an essential part of the Bill and of our future strategy.

Baroness Ritchie of Downpatrick (Non-Afl) [V]: My Lords, I rise to support Amendment 218 and Amendment 219 in the names of the noble Baroness, Lady Jones of Whitchurch, and the noble Lord, Lord Judd, respectively.

The Bill provides us with an opportunity to change and update agricultural policy. As part of this, we must have the infrastructure on the ground to deliver the services, the product and the food. We had a long debate on Tuesday about food security, and this involves having the agricultural workers to do the picking and harvesting. If we want to professionalise the operation, we need agricultural workers who are trained, given incentives and have access to affordable housing—all of that is required. Therefore, I believe a duty must be placed in the legislation to sustain the employment of agricultural workers and put it on a very permanent footing.

On 20 July, the Minister very kindly provided a detailed Written Answer to my Parliamentary Question on the supply of labour on farms in England and Northern Ireland. He mentioned the seasonal workers pilot, which seems to have been impacted upon by the effect of Covid-19 on the allocation of visas, particularly in Ukraine and Belarus. I understand that those restrictions were lifted on 1 June. Could the Minister update your Lordships' House on the number of additional workers who have come in?

Secondly, there is no doubt that farming and agriculture face many challenges, notwithstanding Brexit and Covid. Workers have to ensure they and those working for them are protected from the pandemic; hence the need for this strategy and for the duty to be placed in legislation. I have no hesitation in supporting Amendment 218, of the noble Baroness, Lady Jones of Whitchurch, and Amendment 219, of the noble Lord, Lord Judd.

Lord Naseby (Con) [V]: My Lords, I view Amendment 218—and Amendment 219, which seeks to amend it—as one of the most important amendments we have had the privilege of debating across the House. It is not party political at all, other than the odd swipe that the noble Lord, Lord Greaves, found necessary to give. Being serious, agriculture is a major industry in this country, and we have a unique opportunity now to get a grip on how we take it forward.

Yesterday, a number of us took part in the Second Reading of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill. Among the issues debated was the question of the arrangements for importing seasonal workers, particularly for places like Lincolnshire. I am sorry to say to the Minister that it was none too clear to me, on our Benches, nor on the other Benches, what the way forward was.

I live in an agricultural county, in Bedfordshire, and agriculture does not wait. I walked round my kitchen garden only this morning, and due to the amount of talking we have done on these screens, there are a fair number of jobs that need doing. Agriculture does not wait, and it is not the same every season. I used to do a lot of work for the Mars Corporation, and with certain areas of their work you knew exactly when the season would hit—but you do not know with agriculture, so you need a flexible system.

3.45 pm

Looking at the details of this amendment, it mentions “practical training”. The Minister knows, as well as I do, that it does not matter what industry you look at, we have been told many times that practical training in this country is nowhere near as good as it is in Germany. We must find a way forward.

We have here in Bedfordshire a first-class agricultural college—Shuttleworth College—and there was one just outside my constituency in Northampton. I do not know how many there are in the country, but they have got to be brought into this discussion on how we can move forward on formal qualifications and practical training. There has to be a linkage.

When I read economics at Cambridge, many of the most stimulating lectures that we received in those days came from lecturers and professors from elsewhere in the world, who came for two terms and were creative thinkers. With the type of products we are dealing with, I suggest that our students need the same.

I have spoken before about horticulture. It is true that part of the answer lies—as I believe the noble Lord, Lord Greaves, said—in ensuring that we have got robots in that area. That is beginning to happen with strawberries and raspberries, and it has obviously been around with apples for much longer. However, is there an incentive for that industry? I do not know, I am not a specialist here—but I need and want to see leadership as we move forward. I listened with care to the noble Lord, Lord Carrington. He had some wise words about monitoring and measuring performance. This proposed clause, on which I congratulate the noble Baroness, Lady Jones of Whitchurch, is really vital.

On Amendment 219, some of your Lordships will know that I was chair of the housing committee in the London Borough of Islington some years ago. Others may know that I have been a fervent advocate of the mutual movement across the House, and one or two of you may remember the Mutuals’ Deferred Shares Act 2015, which went through your Lordships’ House with support across the Chamber. My personal view is that this is a wonderful opportunity to bring in the mutual movement, so that we can have affordable housing in the relevant areas allied to the needs of agricultural work. I believe the Government are keen on mutuality, and it is important that we see some real progress in this area, and some provision through housing associations, the friendly society movement and other groups for affordable housing. We need to get something on the statute book if that is what is required. I personally would like to see them as charities, so that they would not be sold off.

I say as an aside to the noble Lord, Lord Greaves, that there was nothing wrong with right to buy, because there was council housing being neglected—as I know only too well from my experience in Islington—and we did not have the resources to keep it up to scratch. The money from right to buy should have gone back
Baroness Bennett of Manor Castle [V]: My Lords, I offer the Green group’s support for Amendments 218 and 219. I associate myself particularly with the remarks of the noble Baroness, Lady Jones of Whitchurch, as she moved Amendment 218, referring to the lack of collective bargaining for agricultural workers in England as exceptionally damaging. As the noble Lord, Lord Whitty, commented, the loss of the Agricultural Wages Board was a disaster and something that I also opposed at the time.

Where I perhaps have cause for some pause is on “an appropriate supply of seasonal agricultural workers”. As a number of noble Lords have reflected, a heavy reliance on seasonal workers is not necessarily a way to produce fair, decent jobs, a well-populated countryside and strong communities in it. We want people who are resident year-round to have good, solid, reliable jobs. We should still think of agricultural labour as something that fits in with the desire of many people for part-time and flexible working that suits their needs. Back in 2013, I was at a Fruit Focus horticultural field day and spoke to a grower there who talked about how, back in the 1970s, housewives—as they were then described—students home from the holidays and people coming from the towns into surrounding orchards would work as and when they could. That of course requires a very different sort of agriculture and food supply system that supermarkets would have great difficulty with, but it would be a way of ensuring that people had the opportunity to earn money. Labour is available.

I contrast that with a report in the Times newspaper a couple of weeks ago reflecting, as many noble Lords have done, on how the lack of workers from the European Union and beyond this year has caused difficulties. An asparagus grower was quoted as saying, “Well, you know, British workers just won’t do 12 hours a day of back-breaking work.” Well, I do not believe that we should have a food system that relies on anybody doing 12 hours a day of back-breaking work. We need to ensure that there are jobs that a reasonable range of people can do over a reasonable range of their lifetime, and that needs to fit in with people’s capabilities and capacities, and the skills, as the amendment alludes to, very much need to be developed through far more education and training.

I want to reflect also on what the noble Lord, Lord Naseby, just said about mutuals being involved in co-ops and co-operative models of food production and food growing. Your Lordships might be interested in looking at OrganicLea, not very far from where those of you who are in the Chamber are sitting. It is a co-operative growing good, healthy fruit and vegetables and ensuring that its workers are part of a whole team.

Viscount Trenchard (Con): My Lords, I acknowledge the expertise in this area of the noble Baroness, Lady Jones, but am sceptical that her Amendment 218 would achieve the purposes she envisages and believe that it is unnecessary and indeed could be counterproductive. As my noble friend Lord Naseby mentioned, we already have excellent agricultural colleges, such as Shuttleworth and Cirencester.

The amendment represents an attempt to interfere with the supply of workers in ways which the market may or may not support. It presumes that there is likely to remain a shortage of trained agricultural workers. Is it not likely that further mechanisation will reduce the demand for agricultural workers? Is it not also true that much agricultural work does not require much training and is seasonal in nature? I ask the Minister to confirm that our future immigration policy will recognise the need and provide the foreign workers may be admitted to the UK for limited periods to carry out fruit picking and related jobs.

Lord Curry of Kirkharle (CB) [V]: My Lords, I declare my interests as recorded in the register. I want to speak to Amendment 218 in the names of the noble Baronesses, Lady Jones of Whitchurch and Lady Parminter, and the noble Lords, Lord Grantchester and Lord Carrington, and express my appreciation to the noble Baroness, Lady Jones, for her introduction of the amendment and for her comments.

The Minister kindly referred in his response to Amendment 12 two weeks ago—was it just two weeks ago?—to work on agricultural and horticultural skills that I have been involved with during the past two years or so. Of course, the coronavirus lockdown earlier this year highlighted how vulnerable we are to disruption when we depend so heavily on a seasonal labour supply from overseas. So I agree wholeheartedly on the need for a strategy to address this vulnerability. However, such a strategy should encompass all labour markets in agriculture and horticulture, not just those of seasonal workers. We are lagging well behind other professions in projecting our sector as an attractive career choice, with no clear signposting, no accurate labour market information, a fragmented and confusing landscape of skills delivery, very few nationally recognised qualifications and no record of individual achievements, including CPD.

A comprehensive skills strategy which includes engaging with schools, FE and HE institutions, the apprenticeship scheme and training and lifelong learning is long overdue. All of us who are involved with the agriculture and horticulture sectors are regularly impressed by the range of skills required to farm successfully, as listed by my noble friend Lord Carrington in an earlier
debate and referred to again today. As has been stated, the digital age and robotics will extend the range of skills required to embrace the many challenges we face in a fast-moving world, whether improving productivity or delivering the multiple potential outcomes through the ELM scheme, as well as adding value in exploring markets for our produce.

As indicated earlier by both the noble Baroness, Lady Jones, and my noble friend Lord Carrington, I have been engaged in a cross-industry skills leadership group which has the widespread support of all key industry organisations. This is not an appropriate time to do a sales job, but the group has recommended the establishment of a professional body to raise the profile of the sector and the exciting opportunities that exist in it, to recognise national qualifications and standards, to establish a single national data source of information, and to provide signposting for both employers and employees to encourage career development and CPD.

I once again thank the Minister for his personal support in trying to achieve these objectives and for the constructive discussions with and advice received from his officials within the department. I have to say that I do not agree with the comments made by the noble Viscount, Lord Trenchard, a few moments ago.

Baroness McIntosh of Pickering: My Lords, it is a great pleasure to follow the noble Lord, Lord Curry of Kirkharle. I pay tribute to the work that he has done and continues to do on the skills and leadership group.

In passing, I commend Amendment 219 in the name of the noble Lord, Lord Judd, because I think there is a problem of affordable housing in this sector, particularly when it comes to migrant workers. We saw an outbreak of Covid recently at a facility where the facilities that were available were less than desirable.

I will also speak in favour of Amendment 218 in the names of the noble Baroness, Lady Jones of Whitchurch, her noble friend Lord Grantchester, the noble Lord, Lord Carrington, and the noble Baroness, Lady Parminter. Is it the intention of the noble Baroness to extend to migrant workers the part of the amendment relating to training, or to boost the training of national workers, as we are told we have to do now?

Subsection (1)(a) of the proposed new clause would ensure an appropriate supply of seasonal agricultural workers. I raised this at Second Reading of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill yesterday and was disappointed not to get a reply. I realise that this is not my noble friend the Minister’s department, but it is essential to recognise that the points system under the new regime must be flexible enough to permit so-called low-skilled workers to enter and continue to do the work. I was reminded of one of the United States which recently determined that it would not have any outside migrant workers; they would pick all the fruit and crops themselves. As a result, all the fruit and vegetables in that state rotted in the ground. I am sure that the Deputy Chairman of Committees would be appalled at the consequences if that happened in Scotland. I seek an early commitment on this issue, which I am sure noble Lords will wish to look at in the immigration and social security Bill. We have got to look at agricultural policy in the round and take every opportunity, whether in that Bill, the Trade Bill or the Environment Bill, to make sure that we obtain what we seek.

I regret to introduce an element of discord, but I too find it hard to support the comments of my noble friend Lord Trenchard. I believe that there is cause to have training for this country’s local workers but I would extend that to migrant workers, to encourage them to stay and feel part of the wider agricultural family. I do not entirely agree with noble Lords who regret the abolition of the Agricultural Wages Board. I will stand corrected if my noble friend says otherwise in his reply, but I understand that we are all now covered by the living wage, so there is no need for it. I would be interested to see how the themes of these amendments can be progressed.

Lord Teverson (LD) [V]: My Lords, it is a great pleasure to follow the noble Baroness, Lady McIntosh, who has done so much work on the Bill. She is an excellent contributor to the Select Committee that I chair, which deals with some of these areas. I declare a non-financial interest as an honorary associate of the British Veterinary Association.

The proposed new clause relates to a duty to sustain the UK’s agricultural industry workforce. Part of that workforce that has not yet been mentioned is the veterinary surgeons and operatives, who are so essential to the agricultural sector. We know what they do with domestic animals and in their normal work with farm animals, but they also certify and supervise the import and export of animals and animal products. As official veterinarians, they sign and countersign export health certificates and they control much of the sanitary and phytosanitary processes at our ports. They are essential to the United Kingdom’s biosecurity strategies. Approximately 25% of our veterinarians are EU or EEA citizens, and in the industrial and food supply chain sector, it is a much larger percentage: some 95% of our vets in abattoirs are from EU and EEA states. They perform essential roles in dealing with food fraud, animal welfare, public health and biosecurity.

At present, there is an estimated 10% shortage of people in the profession as a whole, so there is already a great challenge. However, at the end of this year, as we finish the transition stage of our exit from the European Union, there will be an even greater demand for this profession. They have to be at ports to check phytosanitary and sanitary procedures, not just at the borders between the UK and EU but, now, for imports into Northern Ireland as well. I know that the noble Lord, Lord Gardiner, has done a lot of work on this, and on biosecurity. What are the Government doing to make sure that there is a suitable supply of veterinarians, given the risk that a number will go back to EU and EEA countries? It will be more difficult, thanks to bureaucracy and red tape, for veterinary practices and companies to bring vets into the country. Although I welcome the fact that vets are now on the shortage occupation list, when will the details of how that system will work be available to the sector?

Lord Northbrook (Con): My Lords, I support Amendment 218, in the name of the noble Baroness, Lady Jones of Whitchurch, and other noble Lords. I declare my interests as a landowner and arable farmer.
At the time of the Second Reading of the Bill, there was a double-page government advert in the *Mail on Sunday* headlined: "Why there's never been a better time to support our farmers and fishermen".

It added:

"By buying local … you'll be guaranteed to get the very best produce".

However, the advert also said, revealingly:

"Another challenge for farmers has been getting enough people to harvest" the vegetable and fruit crop. This can be fairly blamed, this year, on Covid-19, but the campaign to get local people to pick crops, to take the place of the EU pickers who normally do the job, does not seem to have gone very well. The Government have sensibly allowed foreign workers in this sector to be exempted from the quarantine rules. The fact remains that, as I understand it, from next year only 20,000 overseas workers will be allowed in the UK to do this work. The NFU says that 80,000 are needed.

My noble friend Lord Trenchard said that extra workers should be allowed in in the short term, but that automation will then solve the problem at the flick of a switch. I am far from being an expert on this subject, but I wonder whether automation could take place that quickly. It will certainly require time and a considerable amount of capital investment, which I hope will be aided by the ELM scheme. I therefore completely agree that Her Majesty's Government should, as Amendment 218 states, "lay before Parliament a strategy to ensure an appropriate supply of seasonal agricultural workers".

**Lord McConnell of Glenscorrodale (Lab):** My Lords, my noble friend Lady Jones of Whitchurch is absolutely right to move this amendment. She spoke eloquently at the beginning of this group and I do not need to repeat any of her persuasive arguments. I am delighted that my noble friend Lord Judd has moved his amendment, because affordable housing in rural and agricultural areas is vital and has been under threat for a long time. The availability of affordable housing for the agricultural and countryside workforce should be a vital component of the strategy demanded by the amendment.

There have been many excellent speeches, and I hope that the Minister and the Government are persuaded, but I shall add one more point that I do not think has been made by any other Members of your Lordships' House during the debate. As someone who, as I have said before, grew up on a farmstead and was never very good at agricultural work—never mind ever wanting to be an agricultural worker—and who therefore got away quickly when I had the opportunity, at the age of 17, I have always been struck by the increasing development, over the decades, of a split between those who live in the town and those who live in the country.

One of the reasons for that is that it is so difficult for people who did not grow up in the countryside to become engaged with the opportunities for agricultural and other countryside work, or even to visualise themselves in that situation and see what it might entail. We have often discussed in your Lordships' Chamber the lack of knowledge among children and young people who live in towns and cities about what goes on in the countryside. It is a contributory factor to their inability to see themselves in that line of work in the future. Among the many barriers to our having a good, secure agricultural workforce that my noble friend Lady Jones mentioned in introducing the debate, is the need to encourage new people to see that as an appropriate choice for their future.

I was struck by a scheme set up by Project Scotland, our national youth volunteering scheme, which was established when I was First Minister. One of its early projects was to take young people who were at risk of offending and who were in difficulties in the school environment away from school into full-time volunteering in agricultural and forestry work in Dumfries and Galloway. The life chances of those young people were transformed by finding something new and interesting, out of the town and out of their normal environment, that used their labour productively and suddenly gave them a real sense of purpose in life.

That is a model that could help with a lot of our social problems with certain kinds of young lads in different parts of the country, giving them a different kind of opportunity that maybe they have never seen before. If the Minister is minded to accept the amendment, or a form of it, during our debates on the Bill, and to have such a strategy in the future, one element of that strategy should be to see the opportunities that exist in agriculture and countryside work for those who may never have visualised themselves in that position, but who could find really productive careers and futures in it.

**Baroness Bakewell of Hardington Mandeville (V):** My Lords, encouraging and supporting the agricultural workforce is essential. Farming can be a dangerous occupation, and accidents often happen on farms. Ensuring that the workforce is properly trained, with formal relevant qualifications, and is properly paid, with their mental and physical health properly catered for, will ensure that agriculture as a sector goes from strength to strength. The right skills are not an optional extra. The noble Lord, Lord Whitty, supported the amendment passionately, as did the noble Baroness, Lady Ritchie of Downpatrick.

During the lockdown we have seen how important it is to have a sufficient supply of seasonal workers to pick the crops and work on the farms during their busiest period. It is estimated that over a 12-month period, some 17,000 additional migrant workers will be needed on our farms throughout the UK—although the noble Lord, Lord Northbrook, gave a slightly different figure. It is essential that the Government ensure that workers are available to harvest crops, and the success in recent years in the expansion of soft fruit growing will be adversely affected by the proposed regulations.

The noble Baroness, Lady Jones of Whitchurch, fully made the case for her amendment, and I support her comments about the need to direct and have a proper employed workforce. The noble Lord, Lord Carrington, gave some statistics about the age of current farmers: less than 35% of them are classified as what we would call "young". The noble Lord, Lord Northbrook, made
the same speech and the same points as I did on yesterday’s immigration Second Reading, so there is political agreement across the House on this issue.

4.15 pm

My noble friend Lord Teverson raised the issue of the recruitment and supply of vets. It is essential that we have sufficient vets for the agriculture sector to function properly. As he said, 95% of commercial sector vets come from the EU 27 countries, and that affects our country’s biosecurity strategy. Can the Minister say what steps the Government are taking to ensure that vets, who are on the shortage occupation list, can continue to come to this country after Brexit?

The noble Lord, Lord Naseby, spoke from his own experience about the need for qualifications and practical training. He and the noble Lord, Lord Whitty, also spoke about the introduction of robotics. That is not the complete answer, but it will go some way towards meeting the labour shortage. The noble Lords, Lord Judd and Lord Greaves, spoke in favour of Amendment 219, which would require the Government to ensure a sufficient supply of housing for agricultural workers. This is dear to my heart and has been the subject of speeches in the past in a number of debates on different Bills. This matter will not go away by being ignored.

Many of your Lordships have spoken of the need to ensure that there is decent affordable housing for those other coastal villages around our shores. Given the pressure on this subject, can the Minister reassure us that it is a priority for the Government?

This is a short group of amendments, which could ensure the success of agriculture into the future. So far, the Minister has not been persuaded to accept any of the reasonable and well-argued amendments put forward by noble Lords; I hope that this group will be the exception.

Lord Gardiner of Kimble: My Lords, I thank all noble Lords for a thought-provoking debate. In thanking the noble Baroness, Lady Jones of Whitchurch, and all noble Lords who have participated, I can say that the Government take all that has been said extremely seriously. I shall spend a little time, but not too long, explaining the work that is going on. As this is the first of these debates, I should start by declaring my farming interests as set out in the register.

The noble Baroness is right to highlight so many of the significant issues to which the agricultural sector is currently responding. This year, more than any in recent memory, has shown how important those who work across agriculture and horticulture are, and the need to ensure that this workforce is robust and resilient.

On seasonal labour, the importance for the sector of securing the labour it needs is well understood. In 2019, around 300,000 people were employed permanently in the agriculture sector, of whom around 18,000 were EEA nationals. Horticulture relies heavily on seasonal labour and, while the number of workers needed varies throughout and between years, Defra estimates that around 30,000 to 40,000 seasonal workers harvest fruit and vegetables at peak periods.

We have heard about innovation, and my visit to Harper Adams, among other places and institutions, of which there are a number, shows the direction of travel, and the fact that this is increasingly going to be a skilled area of advance and innovation.

As I know from my own experience, agriculture, horticulture and fisheries involve long hours. I can tell the noble Baroness, Lady Bennett of Manor Castle, that we will remain out there harvesting if we think there is a storm coming the next day. As long as the moisture level does not go too high, we—the owner, the worker, all of us—will carry on through the night, because we have a common endeavour to get the crops in. And I have to say also that for the livestock farmer, it is not 12 hours a day but 24 hours a day—so let us get a bit more realistic about the demands on all of us, particularly on the workers who work so hard in the agricultural sector. There is also a sense of purpose for so many who work on the land.

This year has been exceptional in terms of the collaboration there has had to be between industry and government, through the highly successful Pick for Britain campaign, to raise awareness of the roles available on fruit and vegetable farms and to link jobseekers with farms looking for seasonal workers. The expanded seasonal worker pilot in 2020 will enable us to carry out a more extensive evaluation ahead of any decisions being taken on how the future needs of the sector will be addressed. The noble Baroness, Lady Ritchie of Downpatrick, asked how many workers have come in. The Home Office reports that 4,488 visas have been granted this year. Some workers have yet to travel to the UK, and we estimate that approximately 3,000 seasonal pilot workers are currently in the UK.

I say to the noble Lord, Lord Carrington, and my noble friends Lord Trenchard and Lady McIntosh that the importance of this pilot is that it will enable us to carry on that more extensive evaluation of the systems and processes in place to access labour from non-EEA countries ahead of any decisions being taken on the future needs of the sector and how that would best be addressed. At the same time, the Government are continuing to implement that pilot this year and to support migrant workers who wish to travel to work.

The noble Baroness raised the really important issue of training and qualifications. Under the auspices of the Food and Drink Sector Council, the Agricultural Productivity Working Group, headed by Sir Peter Kendall, produced a report in February this year. It included recommendations to enhance access to and recognition of training and formal qualifications in the agriculture and horticulture sector. The Government are heavily involved in developing that work and are working with industry, via the skills leadership group, of which the noble Lord, Lord Curry, is an ambassador, to progress these recommendations. I think we are all extremely fortunate that the noble Lord, with his immense experience across the rural world and agriculture, is an ambassador of this group.

We are also very supportive of the work undertaken by the Agriculture and Horticulture Development Board—AHDB—to create a new range of training materials to help growers recruit, train and motivate new seasonal workers. They will receive tailored training for their
[Lord Gardiner of Kimble]

particular workplace, which will, of course, vary depending on the crop and activity involved at each farm. The Government recognise the importance of business advice and, indeed, mental health support. We recently awarded £1 million to nine projects as part of the initial phase of the future farming resilience funding. This will go towards projects that provide support for farmers, including through information sessions, workshops, one-to-one advice and on-farm and business reviews. This initial phase will be thoroughly evaluated to inform future decisions about expanding the future farming resilience funding so that more farmers have access to advice and guidance about future changes in the sector.

Amendment 218 refers to fair terms and conditions. It is a key priority of this Government to ensure that not only is there a successful and effective agricultural sector but one in which workers are treated fairly. All workers, permanent and seasonal, come under the auspices of the National Minimum Wage Act, the Employment Rights Act and the Equality Act. I think my noble friend Lady McIntosh of Pickering referred to that, and I emphasise that the Government place great importance on ensuring that farmers and producers understand that they have responsibilities to their workforce. I am very conscious in my discussions with the NFU, for instance, and its deputy president, Stuart Roberts, of safety on farms. The farming industry is very well aware that the need to improve safety is imperative.

The noble Lord, Lord Teverson, mentioned vets. I therefore have to say that two members of my family are veterinary surgeons. Defra is working closely with the Royal College of Veterinary Surgeons, the British Veterinary Association and other key stakeholders to develop a flexible and skilled workforce which meets the UK’s long-term future veterinary needs. For instance, we have legislated to recognise a new veterinary degree from the University of Surrey, with the first 40 students graduating last July, and a new joint vet school at Harper Adams University and Keele University is due to accept its first entry this year. I have experience of the importance of vets in both in the private and state sectors. Many in the state sector come from the European Union, and I have said many times at this Dispatch Box that I very much hope that they will feel at home here and will stay. They are very much respected and needed. I work very closely with many of them, and it is a great privilege to do so.

Turning to Amendment 219, I am very aware of rural housing issues. I should perhaps say that I facilitated a rural housing scheme at Kimble many years ago because I am very conscious of the need to ensure that families can remain in their villages. I have no interest to declare, but I endorse the work of the Hastoe Housing Association and many other rural housing associations. It is really important that we have multigenerational villages across rural Britain. In referring to affordable housing, seasonal workers often live on the farms on which they work. If they choose to do so, they must be charged reasonable rents in line with the national accommodation offset rates. More than 165,000 affordable homes have been provided in rural local authorities in England between April 2010 and March 2019. I place great importance on this. It is an area in which I have been working hard with Ministers in MHCLG to ensure that there is a very strong rural housing chapter in our national housing proposals.

I am very grateful to the noble Baroness for raising this matter because we clearly need to advance the matters raised in the amendment. The Government are already working on them, as I have outlined. This is a continuing piece of work, rather than a one-off strategy. Defra is working closely with the Home Office, MHCLG, BEIS and others to address these issues, as well as with the devolved Administrations, of course. I emphasise that I am grateful to the noble Baroness for raising these issues, and I have spent a little longer than perhaps I might explaining the work the Government are undertaking on all these matters. If she or other noble Lords felt it would be helpful, we could have discussions so that they can see that this is an area of work on which the Government wish to make advances in the ways I have outlined. With that, I very much hope that she will feel able to withdraw her amendment.

The Deputy Chairman of Committees (Lord Duncan of Springbank) (Con): I have received a request to speak after the Minister, so I call the noble Lord, Lord Adonis.

Lord Adonis [V]: My Lords, the Minister has given a very full response, but may I check that we have the numbers right in respect of the seasonal workers pilot? This is clearly crucial in how we recruit workers from overseas to meet our vital seasonal needs. Did I take the Minister to say that 4,486 visas had been granted, of which 3,000—so about two-thirds—have actually come to the country? Have I correctly understood that that number is out of the 10,000 visas that the Government said, some months ago, they would make available to seasonal workers? If that is correct, is it the case that less than one-third of the visas that the Government said would be available for seasonal workers from outside the EU have actually been taken up? If that number is as low as it seems—3,000 out of 10,000—does the Minister have a view as to why the take-up has been so low?

4.30 pm

Lord Gardiner of Kimble: I did not say that they are absolutely correct; I said that the Home Office reports that 4,488 visas have been granted. Some workers are yet to travel to the UK, and we estimate—this is an approximate figure—that 3,000 seasonal pilot workers are currently in the UK. I think it is the case that, due to the coronavirus situation, the route was closed for some time for Ukraine and Belarus, and therefore the numbers are lower than what would have been in the pilot.

I am constantly asking farmers about this situation, and my understanding is that farmers and growers, through many of their local contacts, have been getting support and help from local people, coming forward either through Pick For Britain or through the contacts and tentacles that many farmers have across their communities. However, those are the figures I have been given. If the noble Lord would like any further assistance outside the Chamber, I am very happy to have a further discussion with him.
Lord Judd [V]: I most warmly thank all those who have participated in this debate; it has been a good debate. I also thank the Minister, I find that it is important to the quality of our whole proceedings that we have a Minister who is rooted in the issues with which we are involved. He speaks with great understanding and sympathy, and a good deal of enlightenment. His remarks have been encouraging, particularly his offer to continue talking with those of us who have concerns in this area.

I also take this opportunity to thank my noble friend Lady Jones of Whitchurch for the warm welcome she gave to my amendment. Everything that has happened in the debate demonstrates how right she was to bring her amendment. I hope, therefore, that what I have proposed is helpful and that when—it probably will be—"when"—we pursue this on Report, we will simply take a belt-and-braces approach to ensure that the Minister’s good intentions and undertakings to us are entrenched in the legislation and incorporate the two amendments together. I think that would be a sensible thing to do. In this context, at this stage, I beg leave to withdraw my amendment.

Amendment 219 (to Amendment 218) withdrawn.

Baroness Jones of Whitchurch: My Lords, since we strayed quite a lot into innovation, robotics and so on, I thought that, in retrospect, I should declare an interest regarding my involvement with Rothamsted Enterprises, which is on the record.

I thank all noble Lords for the pretty fulsome support for my amendment from around the Chamber. I emphasise that this is not a prescriptive amendment; it simply asks the Government to pull together all the strands that we have talked about this afternoon—and the issues the Minister has flagged up in the work that is already ongoing—into one coherent strategy, which I feel we would all find useful. So often when we have these debates, the problem is that we find that there is some work going on in the Department for Education over here and other work going on in BEIS over there, but this is a fundamental part of how we are going to deliver the new agricultural programme that we are all enthusiastic about and aspire to. It is so much at the heart of it that bringing the strands together in one document that we can all see, sign off on and understand would be a really welcome step.

As I and many noble Lords have said, training and skills are absolutely key to this, and we cannot afford to be behind the curve—it is moving so quickly. I was very pleased to hear the noble Lord, Lord Curry, talk about his recommendation of a professional body, which I would like to see in the strategy. I was interested in the Minister’s comments about the Peter Kendall recommendations. Again, it would be good to see some of that spelled out in the strategy. All of this information and these recommendations are great, but they need to be brought to fruition and this is the Bill in which to do that. I am not saying that the current wording of my amendment is perfect, but something like it needs to be on the face of the Bill.

I will pick out a few questions. I was asked about seasonal workers. I agree with the noble Baroness, Lady Bennett, that not all seasonal work needs to be 12 hours long and back-breaking—I know that the Minister has a different view on this, and I understand that some seasonal work has to go with the weather. However, it does not all have to be back-breaking, 12-hour shifts. One of the problems we have is that a lot of UK workers do not come forward, precisely because of the length of the shifts; personally, I do not understand why there cannot be shorter shifts running in parallel.

The Minister talked about all workers having a buy-in and working 24 hours a day if needs be. For longer-term workers, I can see that that is the case, but casual workers maybe do not have the same buy-in to the outcome. This is what we are trying to find: we are trying to build longer-term relationships where, year after year, people care about the produce and outcomes, and feel that they have a say, a buy-in and some ownership of the profitability of the companies they are employed by.

The noble Baroness, Lady McIntosh, asked whether migrant workers should be covered. I thought that that was implied by what I said, but I am happy to say that of course that is the case. I will go one step further: if you are going to have training courses, it is absolutely vital that migrant workers and UK workers have the same training courses, particularly when it comes to safety issues or the use of machinery. You cannot afford to have one person who is less well trained and could let the side down by not knowing how to use the equipment. All of that training should be available to migrant workers and other workers alike.

I also agree with the noble Lord, Lord Teverson, that issues around vets very much underpin this issue. We absolutely need to have a system where everybody is treated equally and where the proper pay and conditions apply equally to UK workers and those from the EU.

A comment was made about the minimum wage. If this sector has a future, I do not see it being a minimum-wage sector. Of course, there will always be entry-level jobs that will be minimum-wage, but there needs to be career progression and extra pay for the extra skills that you develop. One of the things that is lacking at the moment is that when people upgrade their skills, they do not necessarily see that they will automatically get a higher rate of pay for doing so, which is what would happen in many other sectors.

At the outset of the Bill in the other place, evidence was taken from the agricultural workers’ unions. That evidence was that even people on the minimum wage were having part of it docked for clothing, food and all sorts of other charges. I am not saying whether or not these were legitimate, but there is no standard scheme to say that if your clothing is provided, you can have your wages docked by a certain percentage.

All the evidence they gave was that wages have gone down since the Agricultural Wages Board was abolished. I am not saying that it should be brought back in its old form, but something is needed to bring all of these collective bargaining bodies together. As I think I said in my opening, they already have such bodies in the other UK countries of Wales, Scotland and Northern Ireland; it is only in England where we do not have a means of providing advice on wages and conditions.
Baroness Jones of Whitchurch

I reiterate that change is coming fast in this sector. If we are to deliver the Bill, we need the subsidies, the finance that goes with that and all the advice and expertise we can bring into this sector, but we also need the labour force and the skills. That is the third leg of the stool that will prop this whole enterprise up. Unless this is an essential part of the Bill, I do not think the Bill will be sustainable.

I was pleased that the Minister said there is work going on—that is great. I really feel we need to pull those themes together, and this is the time to do it. I am grateful for his offer of discussions and would like to take him up. If not our amendment, something akin to it should be in the Bill. I really hope the Minister will not close his mind to the idea that the Government could put down their own amendment to deliver that; maybe that is an issue for another day. In the meantime, I beg leave to withdraw.

Amendment 218 withdrawn.

The Deputy Chairman of Committees: We now come to the group beginning with Amendment 220. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or the other amendment in this group to a Division should make that clear in the debate.

Amendment 220

Moved by Baroness Fookes

220: After Clause 34, insert the following new Clause—

“Export of farmed animals for slaughter or fattening

(1) A person commits an offence if the person exports to any country outside the United Kingdom a farmed animal for slaughter or fattening.

(2) A person commits an offence if the person arranges or facilitates the export to any country outside the United Kingdom of a farmed animal for slaughter or fattening.

(3) Subsections (1) and (2) do not apply to the export of a farmed animal from Northern Ireland to the European Union.

(4) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—

(a) in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both;

(b) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 5 on the standard scale, or to both;

(c) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both.

(5) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, subsection (4)(a) has effect as if for “51 weeks” there were substituted “6 months”.

(6) This section extends to England and Wales, Scotland and Northern Ireland.

(7) This section shall come into force on “IP completion day”, where “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This Clause prohibits the export from the UK of farm animals for slaughter or fattening. It includes an exception for exports from Northern Ireland to the EU as the Withdrawal Agreement prohibits restrictions on exports from Northern Ireland to the EU.
that is scarcely adequate. Worse still, in 2011 the European Commission admitted that the enforcement of these regulations was a major problem. In other words, nobody was doing anything much at all, so we cannot rely even on that as minimal welfare for our animals going abroad.

My amendment does not deal with the travel of animals within the United Kingdom, which has been the subject of previous discussions on the Bill. I strongly agree with the British Veterinary Association, which says that animals should be slaughtered as near as possible to where they were reared. That is certainly the gold standard, and I hope we can work towards that with a will.

Some disturbing information was sent to me only yesterday about animals not in very good condition even before they left our shores. I want to look into this further, but if I find that there is a real problem, I shall want to take this to the Ministers, apart from the passage of this Bill.

I feel I should be kicking at a door already pretty well open. In 2019 the manifesto of the Conservative Party—now in government—indicated that it wanted to end what it described as the “cruel” treatment of animals having to go abroad. It also said it wished to “end excessively long journeys” suffered by many animals.

I gather that the Prime Minister endorsed this approach during Questions on 10 June this year. Interestingly, his father and fiancée are patrons of the Conservative Animal Welfare Foundation. One of its key aspects is the requirement that animal exports should be stopped. It makes me wonder why the Government have not included a similar amendment to mine in their own Agriculture Bill. I look forward with great interest to the contributions of other Members in this debate, in particular my noble friend’s reply. In the meantime, I beg to move.

Baroness Hodgson of Abinger (Con) [V]: My Lords, I speak to this amendment in my name, so ably led by my noble friend Lady Fookes. It enables us to put an end to much suffering incurred by thousands of animals over the years when they are exported for slaughter.

Animals have to endure many hours of transport to meet their end. While I understand that the EU has comparable slaughter regulations, not all countries oversee these with the rigour they should. A report in September 2016 by a committee of inquiry of the French Assemblée Nationale confirmed that there were serious welfare problems and breaches of EU law on welfare at slaughter in French abattoirs.

Exporting animals for slaughter is simply a welfare insult. As we have heard, the long journeys are stressful for the animals and in some cases result in enormous suffering due, for example, to overcrowding, high summer temperatures and animals receiving injury en route. As mentioned in debates on other amendments, animals should be slaughtered at the closest possible point to production. In this day and age, there is no reason why they cannot travel on the hook, rather than on the hoof.

Figures provided by the Animal and Plant Health Agency show that around 40,000 animals were exported last year. Of these, I understand that around 30,000 were sheep, with just over half going to the continent. These animals are mostly going to France, Belgium, the Netherlands and Germany, but some are going to Hungary and Bulgaria, which have a large onward trade to the Middle East, where slaughter conditions can be simply terrible.

The proposed new clause also bans export for fattening. APHA figures show that 3,446 calves were sent from Scotland on long journeys to Spain and Italy in 2017, to be fattened for beef and veal. I gather that a number of English calves have also been sent. Not only does scientific evidence indicate that young calves are not well adapted to cope with transport; they may end up being kept in systems that are illegal in the UK on welfare grounds. It is therefore important that the ban included fattening as well as slaughter. Otherwise, animals will be exported for fattening that will then result in slaughter.

There will be limited impact from this clause on British farming, because the numbers are small when compared with the UK herd size. As my noble friend has mentioned, banning exports for slaughter was in our Conservative manifesto. The Bill is the perfect place to bring in this provision. While I understand that there may be some work to make this happen, that is no reason to delay the legislation. This trade is cruel, and if the UK wishes to consider itself to be a country leading in animal welfare, it needs to act to stop such practices now. I therefore hope that the Government will use this opportunity to back a ban on live exports for slaughter and fattening, due to the extensive suffering that it causes, and accept the amendment or undertake to work to bring something similar forward at the next stage of the Bill.

Lord Randall of Uxbridge (Con) [V]: My Lords, I added my name to that of my noble friends Lady Fookes and Lady Hodgson of Abinger. I did so slightly warily because I was not convinced that the Bill is the measure in which we should be adding this provision, but I do not doubt the need for it. As we have heard, it was a commitment in the Conservative manifesto at the last election, and I admire the doggedness of my noble friend Lady Fookes in keeping on this subject for a long time. She has been incredibly patient, and it is time that we looked at this matter seriously. It is incredibly complex to legislate for this and is not quite as simple as it might seem, for a variety of reasons that I am sure the Minister will tell us.

However, as regards travel within the UK, I can remember—not as far back as 1973 but in 1979—travelling on the “Good Shepherd” between Shetland and Fair Isle, where sheep were being transported. It was stormy, and I remember that sheep are not good sailors on small boats. I will not go into the result, but it is not easy to transport animals.

Our worry is, as has been said, that while we are told that inspections take place once animals leave our shores, we have great doubts that that has been done properly. Onward transport, not just across the channel, but to Bulgaria and elsewhere, and then on to the Middle East is of concern. I should like the Minister in his reply to say exactly where we are with this.

I should also add that I cannot support Amendment 277 in this group. However appalling the production of foie gras is—I am no great fan—
LORD RANDALL OF UXBRIDGE

criminalising people who might have some in their luggage as they come across the channel is not the way forward. It should be more about education.

Baroness Jones of Moulsecoomb [V]: My Lords, I support both amendments in the group. On the first, it was a pleasure to hear the noble Baroness, Lady Fookes, and her long, noble and sincere fight to protect animals that are exported.

Amendment 277, in the name of the noble Baroness, Lady Jones of Whitchurch, is about foie gras. I strongly disagree with the noble Lord, Lord Randall, that we should not penalise people who import it. We would not like it if people brought back bits of dead dog in their luggage. We hate the thought that, in some countries, dogs are eaten; yet, somehow, it is okay with ducks and geese. Foie gras is a brutal and horrific system of animal abuse. The practice is illegal in this country, but it can be circumvented by allowing people to import it from elsewhere. The simple point is that it does not matter if the animal abuse happens here or abroad: it is still animal abuse. A duck or goose is harmed just as badly in another country as it would be here.

I echo the noble Baroness, Lady Fookes, in asking why both these provisions are not already in law. Why will the Government not commit to amending the Bill on Report on these issues? It would get a lot of public approval, which the Government are probably in need of at the moment. Banning live animal exports was a pleasure to hear the noble Baroness, Lady Fookes, and her long, noble and sincere fight to protect animals.

Returning to the issue of exports as covered by the amendment, we need to ask why we make live animals cover these distances. Data shows that, in 2018, nearly 25,000 live cattle were exported to Spain for "production". Is there clear justification for this? Was this number necessary for breeding purposes? With cattle, we can now export frozen embryos and semen. Why are any live animals exported for slaughter? In recent years, thousands of sheep have been exported to France, ostensibly for slaughter. Why are they not killed in the UK and exported on the hook, not on the hoof, as the noble Baroness, Lady Hodgson, argued? I strongly support the amendment and look forward to the Minister's response.

Lord Trees (CB) [V]: My Lords, I thank the noble Baroness, Lady Fookes, for this important amendment, Amendment 220, and for her continuing commitment to animal welfare. I realise that the Government are committed to reducing livestock journey times for slaughter and fattening, and that a consultation is expected. I sincerely hope that the amendment will hasten action in that aim.

Since the basic tenet of the EU is free movement of people, capital and goods—and goods include animals—it has been impossible to act decisively with regard to export limitation. However, post Brexit, as the noble Baroness, Lady Jones, indicated, there is now that opportunity. There are also nuances and complexities, as the noble Lord, Lord Randall, stated.

With regard to the transport of animals and their welfare, as a recent report of the Animal Welfare Committee emphasised, the aim should be to reduce as much as possible the length of travel. However, other factors such as the health of animals at the time of travel, the quality of the travel vehicle and the conditions, and the frequency of loading and unloading are important elements. Transport is physically stressful.

There are rules, and for export they are somewhat stricter than for in-country movement. But as has been said, there can be failure to enforce those rules. Whatever maximum time is set for a journey, if it is suspended before that, it can resume after a short rest.

The export of sheep to the continent can involve journeys of 18 to 29 hours or more, with the longest uninterrupted period of travel between stops of up to 14 hours. Therefore, because we cannot control what goes on outside the UK, there is justification to restrict the export of live animals that originate in the UK at least to an absolute minimum, as may be required for breeding. We also need to be mindful to minimise journey times and the number of journeys in each animal's life within the UK, because some animals also undergo long journeys here. Although that is without the terms of the amendment, there needs to be a consistent approach to animal transport in general.

Lord Trees (CB) [V]: My Lords, I thank the noble Baroness, Lady Fookes, for this important amendment, Amendment 220. I remind the House of my farming interests as set out in the register.

Like the noble Baroness, Lady Fookes, I have wanted to see an end to live export for slaughter for many years. The majority of the animals exported in recent years appear to be sheep. The figures are not clear, but it looks as if the numbers have come down dramatically. However, I am very worried that we may see them rise because we are looking for new trade agreements and deals abroad and there is without question a demand in some places for live animals for slaughter.

The majority of the sheep that currently go are cull ewes going to France for non-stun slaughter for religious festivals. English sheep are cheaper than French ones, and every sheep farmer here knows that the best time to sell your old ewes, if you have the stomach for it, is just before the end of Ramadan. As has been said, the calves that go now come mainly from Scotland and are destined for the continent. They are dairy bull calves, which are a by-product of the milk industry, and are destined either to be killed at about eight months old or to be re-exported to north Africa as adults for non-stun slaughter there.

As we have heard, those animals face very long journey times. The Scottish ones used to go via Ireland, then on a ferry all the way round to the continent, where they were distributed to the countries where they had been purchased. In the abattoir inquiry chaired by the noble Lord, Lord Trees, which produced a recent report, we heard that the most distressing part of the journey is loading and unloading. On these long journeys, particularly with very young calves, that happens repeatedly—many, many times—to comply with the regulations when they are observed.
I understand that the English trade for such calves has largely ended because they are now finding a market in England for further rearing. Rose veal was heavily publicised and marketed, and people are now rearing them on contract for some of our main supermarkets and food outlets. One wonders whether the animal welfare, financial and environmental costs of sending some 3,500 Scottish calves to Europe every year could not be better avoided by good marketing and better provision in the Scottish abattoir system.

There are potential markets for all these animals at home and on the hook overseas. The campaign to sell rose veal was successful. Mutton was once highly prized but became unfashionable, despite the fact that, slow cooked, it has a great deal more flavour than highly prized new season spring lamb. With better marketing and promotion, it could be prized again. You never see it advertised in a butcher’s shop, yet I, as a sheep farmer, am often asked for it. I believe that the latent demand is there.

We are just about to embark on a number of important trade deals. As a livestock-producing nation, our products are likely to be in increasing demand, particularly in the Middle East and elsewhere where grass does not grow as ours does. We can, and must, expand our overseas markets, but, as the Government and their advisers say we should, slaughter the animals here, close the point of production, and export them dead, not alive.

We have heard a number of times during the long course of this Committee that we have wonderful, high animal welfare standards. In many areas, we do, of course, but we cannot simply shut our eyes and look the other way once we ship the animals that we have produced over national borders. I share the frustration of the noble Baroness, Lady Fookes, and look to the other way once we ship the animals that we have not been to abattoirs in central Europe. Finished sheep and cattle travel much further than 22 miles from islands around the United Kingdom, including Shetland and Orkney, to the UK mainland for further finishing and for slaughter. Many lorries transporting animals for further fattening or slaughter in the UK travel 220 miles, never mind 22 miles across the channel. As the noble Lord, Lord Trees, mentioned, it is also often difficult to determine whether animals are being moved for slaughter, further fattening or breeding purposes, so it would be extremely difficult—almost impossible—to police the reason for movement.

**Baroness McIntosh of Pickering:** My Lords, I have every sympathy for the sentiments behind Amendment 220, but I query the basis on which it is drafted. I experienced early on the concerns that people rightly have about the trade of live animals for export. It first came home to me when I was an MEP in the mid-1990s and represented the part of Brightlingsea on the north coast of Essex. The trade was closed over Dover and moved to Brightlingsea so, mindful of the concern, I boarded the ferry and saw the movement of the animals from the truck on to the ferry. I must say, they were transported in much more comfort than any North Sea passenger, from my experience of ferries at the time.

I urge the authors of the amendment to go back to the RSPCA and, I am sure, Compassion in World Farming, to check the veracity of the allegations. It is true that 20, 30 or 40 years ago—I pay tribute to the work that my noble friend Lady Fookes has done in this regard—there were horrendous tales of the live trade in animals but, when you got to the basis of them, many were not in this country or even on this continent. I was appalled at that time to see that videos were being made and shown in schools in north Essex and south Suffolk to try to drum up support for banning the live trade.

As the noble Lord, Lord Curry of Kirkharle, just said, you have to be very careful to differentiate between animals that are being exported for fattening and slaughter and those that are being exported for breeding, showing and other purposes; as he rightly said, it is difficult to differentiate between the two.

I would like to see the live trade as it currently exists, certainly between here and mainland Europe, which I understand most of it is—that is, for every live animal that is exported, only six or seven are carried in carcass form. It is a very limited trade, it is highly regulated, and no farmer in their right mind would like to see an animal stressed by transport because the meat would be worthless and there would be no market for it at all.

There is a scenario that we seem to have lost sight of in this amendment: new subsection (6) cannot possibly apply to Northern Ireland because of the Northern Ireland protocol. I hope my noble friend will set out that it is simply not going to happen there.

I also hope my noble friend will take the opportunity to say—and I take great comfort from this fact—that if it is true that we are leaving the European Union
and the transition period will end at the end of this year, the rules of the World Trade Organization will apply. I think the RSPCA is well aware of that fact. Under the “most favoured nation” clause and non-discrimination treatment, the likelihood is that the WTO would rule to prevent any such ban on the import or export of live animals under that principle.

With these few remarks, I hope my noble friend will continue to reassure us that this minimum, highly regulated level of trade can continue, but there are implications from the protocol and the WTO that I am sure he would wish to have regard to.

Lord Rooker (Lab) [V]: My Lords, 20-odd years ago, when we formed the Government in 1997, this was new to me and not something that I had not given any thought to. I was responsible for animal health and Elliot Morley was responsible for animal welfare. We toughened up the regulations and we thought they were working, but over the years I have come to share the view of the noble Baroness, Lady Fookes, so I wholeheartedly support the view that she has put forward today.

There are some caveats that need to be dealt with, which I will raise, but I cannot see any excuse for the export of live animals for slaughter or for fattening. Frankly, I am not an expert, but I well understand how I could distinguish between the export of animals for breeding and the export of those for fattening and slaughter; I do not think it is that difficult. We have—or, probably, had—quite a big export trade in pigs with China. They wanted to vastly improve their stock, and it was done with breeding expertise from the UK.

It is a fact that we have far fewer live exports than we used to. If memory serves me correctly, 20 or 25 years ago the figures were probably nearer to 250,000 or 300,000. I remember the rows at Brightlingsea that the noble Baroness, Lady McIntosh, has just referred to. I also remember the tragedy there of at least one person being killed under the wheels of a lorry while campaigning to try to stop the export of live animals.

We have to be careful of certain things. There is a Northern Ireland route to France. Slipping animals across the land border and then on into France is certainly a method that would have to stop. The noble Lord, Lord Trees, and someone else raised the issue of France. As I understand it, the reason why the French want our sheep is that if they are slaughtered in France, they can legitimately put “French lamb” on the menu. It is as simple as that. They do not have to declare it as British. It is slaughtered in France and therefore it is French lamb, so it is a selling point in French restaurants. That is what I have always understood the position to be.

5.15 pm

In a way, the central issue is that if we could trust the transport industry to operate the transport regulations, we would not have a problem. I do not think there is a shred of evidence that this industry can be trusted with the export of live animals, however it might look as if it is regulated. I think there is enough evidence from the past, let alone the present, that corners will be cut where they can be in that particular industry.

By the way, although I do not want to upset anyone, I would also be careful and watch that the Isle of Man does not become a stopping point. It is not generally known that during the beef ban, cattle from the Isle of Man were freely exported to Europe—the beef ban did not apply there—and they travelled through England to get there, strange though it seems. That is a possible backdoor route for those who wish to preserve a live trade. So, there are some issues.

It is good that the marketing of red veal and bobby calves is better than it was, because it was non-existent 20 years ago. We had a scheme at MAFF which was very unfairly nicknamed the Herod scheme: if a farmer disposed of a bobby calf within 21 days, we paid them a subsidy, since it was a by-product of the milk industry, as my noble friend Lady Mallalieu said, and had no commercial value whatsoever. However, there is a commercial value, and it has been shown that if red veal is marketed properly there is a possibility of creating a market.

The trade deals are the Achilles heel. When we leave the EU, we simply have to put our foot down and say that we are not going to get involved, however much pressure comes from the industry, in trade deals involving live animals for slaughter and fattening for food production. I have no idea of the current figures, but in the past we had massive exports of animals on the hook, hung in a special way to fulfil market conditions in some European countries. That can be done in terms of a quality approach, but to be honest I take the view of the noble Baroness, Lady Fookes: there has to be a complete block to address any of the potential loopholes that I have raised, and no doubt there are others. I do not see any justification for this trade at all.

Lord Taylor of Holbeach (Con) [V]: My Lords, it is a real delight to follow the noble Lord, Lord Rooker. I want to call him my noble friend because he certainly is one—but he has rather stolen my thunder, in the sense that he and I share a capacity for looking at issues that my noble friend Lady Fookes has tabled, because she has laid out a very strong case for banning both slaughtered animals and animals for fattening through third-party countries.

However, I would not want to see an exporter consign all live animal export via Northern Ireland in order to re-consign to a third country or even, as the noble Lord pointed out, the Isle of Man. I would expect such abuse to happen should the amendment be accepted, because Northern Ireland is especially excluded for exports to European countries under the withdrawal Act.

There may be other loopholes, and I hope the Minister can confirm what they are, along with the consequences of the amendment as it stands, although I am sure he will want to support the general thrust of what my noble friend Lady Fookes has been saying.

Baroness Bakewell of Hardington Mandeville [V]: My Lords, Amendment 220 relates to animals being exported from the UK for the purposes of slaughter or fattening prior to slaughter. The sanctions imposed on those found guilty are severe and will, I hope, act as sufficient deterrent to prevent it happening.
Moving animals long distances causes extreme distress and is unnecessary. The noble Baroness, Lady Fookes, spoke passionately against the export of live animals for fattening, especially young animals. The noble Baroness, Lady Hodgson of Abinger, and the noble Lords, Lord Randall of Uxbridge and Lord Trees, made compelling arguments against exporting live animals, which I fully support. Does the Minister agree that the export of animals should be stopped? I know that he is passionate about animal welfare and I look forward to his support.

The noble Baroness, Lady Jones of Moulsecoomb, spoke to Amendment 277—as the noble Baroness, Lady Jones of Whitchurch, will shortly—on banning the import of foie gras from 31 December 2021. This is plenty of time for regulations to be put in place for producers of foie gras to adjust and find other markets. I note that the noble Baroness, Lady Jones of Moulsecoomb, intends the ban to extend to individual tourists returning from a holiday in a country where it is possible to buy foie gras. I support the whole impact of the foie gras ban but not penalising individual tourists.

The vast majority of the experienced and knowledgeable noble Lords who spoke on this amendment support it, except the noble Baroness, Lady McIntosh of Pickering, and the noble Lord, Lord Taylor of Holbeach. While the loading and unloading of trucks may have improved in some cases, the length and nature of the transportation in many cases has not. The noble Lord, Lord Rooker, drew attention to that and confirmed that this is the case. I ask the Minister to support this amendment and look forward to his comments on the contribution of the noble Baroness, Lady Fookes.

**Baroness Jones of Whitchurch:** My Lords, I will speak to Amendment 277 but also in support of Amendment 220, which would ban the export of farmed animals for slaughter or fattening. The noble Baroness, Lady Fookes, and many other noble Lords set out the case for this extremely well.

My amendment has a very specific intent: to ban the import of foie gras into the UK and to introduce fines for those found guilty of the offence after 31 December 2021. This is an issue of blatant animal cruelty, which has been widely recognised. Foie gras is created by force-feeding ducks and geese massive amounts of food to make their livers swell to 10 times their natural size. It causes enormous suffering. The birds are kept in tiny cages with wire mesh floors and no bedding or rest area. The process of jamming food down their throats several times a day causes disease and inflammation of the oesophagus. There is no higher-welfare alternative for making foie gras. It is intrinsically cruel.

The production of foie gras on UK soil has rightly been banned since 2000. However, imports have sadly not been banned, with the result that the UK continues to import around 200 tonnes of foie gras each year, mostly from mainland Europe. It is time to put a stop to this. I say to the noble Lord, Lord Randall, that it is not about the odd tin of foie gras in someone’s luggage; it is about commercial profit from animal suffering.

When a similar amendment was considered in the Commons, the Minister, Victoria Prentis, agreed that it raised serious welfare issues but that we should consider the matter after the transition from the EU. However, noble Lords will have spotted that the implementation date in my amendment is a year after we have left the EU, so there is plenty of time to bring this law into effect. Noble Lords might also like to know that force-feeding animals is already prohibited in a number of other European countries, including Germany, Italy and Poland.

We need to join the international movement against this cruel activity and implement a ban on imports of foie gras here as soon as we can. Let us hope that if enough countries take a stand on this, it will make foie gras production uneconomical and end this cruel practice for good.

**Lord Gardiner of Kimble:** My Lords, I am most grateful to all noble Lords for participating in this debate. I particularly thank my noble friend Lady Fookes—the word “tenacity” comes to mind. I think everyone agrees that animals should be slaughtered as close as possible to where they have spent their productive lives. I understand, and indeed share, the sentiments behind this amendment.

Over the last 30 years, EU free trade rules have prevented previous Administrations from taking meaningful action on live exports. Having left the EU, the Government are clear that we want to tackle this issue. However, any restriction on trade must of course be in accordance with WTO rules. We are giving careful consideration to the animal health and public morals exceptions in the design of our policy. My noble friend Lord Randall of Uxbridge used the word “complex”, which is apposite.

The Government committed in their manifesto to end excessively long journeys of animals going for slaughter or fattening. In 2018, along with the devolved Administrations, we tasked the independent Farm Animal Welfare Committee, or FAWC—now actually called AWC—to look into controlling live exports and at what improvements should be made to animal welfare in transport. FAWC produced a report that provides a good basis for future reforms to control live exports and improve animal welfare in transport more broadly, which is also very important.

My noble friend Lord Taylor of Holbeach and others referred to Northern Ireland. Northern Ireland will continue to apply the current EU rules as a result of the Northern Ireland protocol, and so cannot prevent the export of live animals to the EU and beyond. While the amendment recognises that fact, it would regrettably create a loophole which would be detrimental to animal welfare. Animals could be transported from Great Britain to Northern Ireland, rested for a short time in accordance with EU law, and then transported to the EU or a third country. There is also a risk that, to ensure enforcement was possible, we would need to introduce greater restrictions on animal movements from Great Britain to Northern Ireland.

I say to all noble Lords that the Government are actively considering how they will take forward their manifesto pledge. The noble Lord, Lord Trees, asked...
whether the amendment would hasten this; as I have said, the Government are actively considering how they will bring forward their manifesto pledge to end long journeys to slaughter and fattening, using the FAWC report as a basis for future proposals.

I turn to Amendment 277. While allowed under EU law, the production of foie gras from ducks or geese by using force-feeding raises serious welfare concerns. The domestic production of foie gras by force-feeding is not compatible with our animal welfare legislation. However, this amendment would penalise someone for bringing foie gras into the country for their personal consumption. The individual British consumer or retailer currently has the choice to engage with the product or not. I understand the strength of feeling on the issue, but in the Government’s view the Bill is about reforming domestic agriculture, not introducing penalties to consumers.

As I ask my noble friend Lady Fookes to withdraw her amendment, I hope that she will not suggest that I am weak or vacillating. We are seeking to plot a course through a complex issue to adhere to and achieve our manifesto commitment. With that, I hope my noble friend will feel able to withdraw her amendment.

The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab): My Lords, I have received no requests from noble Lords to speak after the Minister, so I call the noble Baroness, Lady Fookes.

5.30 pm

Baroness Fookes [V]: My Lords, I am grateful for what has been a very interesting debate with a lot of very good points made—not all of which, of course, I agree with. However, it has certainly aired the whole subject again, for which I am grateful.

I appreciate that my noble friend the Minister has difficulties afforded him. I take it that he is genuine in his wish to bring about an end to the export of animals for slaughter and fattening. He mentioned the WTO rules, but I understand that a good exemption is possible under Article XX, to which he referred briefly, and I am quite sure that, if a good case could be made, there should be no great problems on that subject. I remind him that certain bans on the export of animals for slaughter and fattening are already in existence and appear to be unchallenged, particularly the ban on the export of horses and ponies under a certain value.

I obviously want to think very carefully about my amendment, because of the possible—or perhaps certain—loophole of animals going from England to Northern Ireland and then perhaps to the Republic and on through other countries, which is exactly what we do not want. I therefore want to give further consideration to whether I should pursue my amendment on Report. I would like to have further discussions with my noble friend to see in more detail what the Government have in mind to fulfil their manifesto commitment. In the meantime, I beg leave to withdraw the amendment.

Amendment 220 withdrawn.

The Deputy Chairman of Committees: We now come to the group beginning with Amendment 221. I remind noble Lords that anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

Amendment 221

Moved by Lord Whitty

221: After Clause 34, insert the following new Clause—

"Application of pesticides: limitations on use to protect human health

(1) The Secretary of State must by regulations make provision for prohibiting the application of any pesticide for the purposes of agriculture near—

(a) any building used for human habitation;

(b) any building or open space used for work or recreation; or

(c) any public or private building where members of the public may be present including, but not limited to—

(i) schools and childcare nurseries, and

(ii) hospitals.

(2) Regulations under this section must specify a minimum distance between any of the locations listed under subsection (1)(a) to (c) to be maintained during the application of any pesticide, and list any category of building or location.

(3) For the purposes of this section “public building” includes any building used for the purposes of education.

(4) Regulations under this section are subject to affirmative resolution procedure."

Member’s explanatory statement

This new clause would have the effect of protecting members of the public from hazardous health impacts from the application of chemical pesticides near buildings and spaces used by residents and members of the public.

Lord Whitty [V]: My Lords, earlier in this Committee stage, a number of noble Lords—I remember, in particular, speeches by the noble Lord, Lord Wigley, and the noble Baroness, Lady Finlay—spoke movingly about the impact of pesticides on human beings and the distress that it had caused. I thank them for that. I also thank my noble friend Lady Jones of Whitchurch, the noble Lord, Lord Randall, and the noble Baroness, Lady Jones of Moulsecoomb, for co-signing what is clearly a multiparty amendment.

The amendment is a vital but limited attempt to protect residents in rural areas from exposure to the spraying of pesticides and herbicides by requiring spraying to be carried out well away from homes and public buildings and from spaces where the public congregate. I am well aware that there is a wider background to this, which I will partially comment on, and it can be quite controversial, but this amendment is straightforward and, as such, I hope that it will be adopted by the Government at the end of this debate.

Much of the Bill is about the protection of wildlife, the health and welfare of farm animals, biodiversity, plant conservation, and water and air quality, but there is little recognition of the terrible damage to humans of ingesting chemical pesticides directly into their lungs, eyes and bloodstream. Many chemicals used in agriculture, including on UK farms and elsewhere, can, on their own or in combination, cause the breakdown of parts of the human immune system. They can poison the nervous system and cause cancer, mutations
and birth defects. Rural residents are well aware of the problems. Campaigners on this have dossiers on rural families who have suffered, and I shall give your Lordships a couple of examples of the testimonies.

One is from a woman in the countryside in the north of England:

“I have brought up my family of three next to a frequently sprayed arable field. On many occasions, the spray has gone over the children as they’ve played. It has covered our washing and gone through our windows. We are long-term tenants on this land, yet we are treated as if this has nothing to do with us. We do not know what these chemicals are, only that the farmer, when mixing them and pouring them into his tank, wears full protective clothing and then sits in a protected cab.”

Another says:

“I live in a rural area and have done all my life. The spraying of crops has been carried out almost daily. I suffer from two chronic diseases, one of which is likely to be fatal.”

Another resident says:

“My neighbour sprays so close we can sometimes feel the drops on our faces and there is nothing we can do. My children are at risk.”

However, there is something that we can do. At the moment, manufacturers, rightly, attempt to label their pesticide, insecticide and herbicide products with warnings. These comes in various forms, with labels saying “Very toxic by inhalation”; “Do not breathe spray, fumes or vapour”; “Risk of serious damage to the eyes”; or “Harmful: possible risk of irreversible effects through inhalation”.

Farm workers are covered under health and safety laws and by manufacturers’ advice to wear protective clothing, and most do so, but residents are not so covered. Guidance has been given to users that they should inform residents in advance of spraying and that the chemicals used should be clearly identified and communicated to residents. That advice is normally ignored and pretty well never enforced.

Ministers and others have, in debate on this Bill and elsewhere, lauded the UK pesticide regime as one of the best in the world. Frankly, that is not a great accolade given the exposure of whole populations in much of the world to pesticide damage, as recent reports by the United Nations have emphasised. It is wrong to claim that the EU or UK systems are safe. In much of the world to pesticide damage, as recent reports by the United Nations have emphasised. It is wrong to claim that the EU or UK systems are safe. In

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 Ministers and others have, in debate on this Bill and elsewhere, lauded the UK pesticide regime as one of the best in the world. Frankly, that is not a great accolade given the exposure of whole populations in much of the world to pesticide damage, as recent reports by the United Nations have emphasised. It is wrong to claim that the EU or UK systems are safe. In particular, they do not protect those who live close by.

When I more or less did the Minister’s job 20 years ago, I inherited the responsibility for pesticides, and I was concerned then about the degree to which the pesticide industry influenced the regulatory structures, and particularly enforcement. There was a degree of producer capture, and that anxiety has not gone away. Now that we are so-called free of EU regulations, there is a danger that that influence will grow further and that the lives of residents in the UK will be less safe. There have been occasions when the UK has been the country least keen on EU regulation in these areas. Whereas in most of the Bill, and in most of the Government’s vision for the future of agriculture, we are trying to go further than the CAP straitjacket in order to protect the environment and animal health, there is a danger that we will relax the pesticide regulations. However, we should be adopting strategies that enhance protection.

The amendment would at least have the effect of protecting residents and the public from the hazardous health impacts of spraying near buildings and spaces used by the public. As I said, it is in a sense a relatively small step, but it is absolutely vital for those families and populations. Ultimately, we need to see a longer-term strategy to develop non-chemical methods of crop protection, but this is an improvement that we can impose now, and one which should be part of the Bill.

Crucially, it establishes the principle that there must be minimum distances between pesticide spraying and occupied buildings. The details would be subject to wide consultation and to secondary legislation. A number of noble Lords have asked me why we do not specify the distance in this primary legislation. As we know, there will be some discussion about that and it would be normal for the details to come in regulations. However, there will be differences of opinion between farmers, manufacturers and campaigners for rural residents, and it is best that the precise distance is left for consultation and scientific measures. I myself would be inclined towards a substantial distance, but there will be other views about the practicality of that.

Tonight, let us establish, as part of the Bill, the very basic principle that human life and human health are protected and need to be protected. In the longer run, we need a proper strategy to reduce and eventually eliminate chemical pesticides, or at least the wholesale use of them, and to replace them with non-chemical forms of plant protection. However, that is a wider issue. Immediately, we need to protect the rural residents who are at risk. My amendment is a very small but vital part of the journey and I hope that the Government will be prepared to accept it, either this evening or on Report, for the sake of those rural residents who feel, and are, unsafe, and the many who have been distressed by the impact of pesticides on them and potentially on others. I beg to move.

Baroness Jones of Moulsecoomb [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Whitty, I have signed his amendment, which he has explained extremely eloquently. I also support—although I have not signed—the other amendment in this group, because both recognise the harmful effects of pesticides on human health and the health of our wildlife and countryside. This comes just days after Monsanto/Bayer agreed an out-of-court settlement of $10 billion in compensation to farmers who claim that Roundup caused their cancers.

Agricultural chemicals is a huge industry, and big agri-businesses are spending billions of dollars to avoid a court finding that their products cause cancer and other health problems. These two amendments are common sense when it comes to protecting our health and that of our countryside from these dangerous chemicals. Banning the application of pesticides in areas of human habitation, work and education will directly protect people from their toxic consequences.

Amendment 226 would help us shift more broadly from pesticide use towards alternative farming practices. I look forward to hearing the Minister’s response, and I would be very happy to work with noble Lords to bring these amendments back on Report, because they need to be included in the Bill.
Lord Randall of Uxbridge [V]: My Lords, I thoroughly support these two amendments in the name of the noble Lord, Lord Whitty. He and the noble Baroness, Lady Jones of Moulsecomb, have expressed everything I wanted to say. We have talked about the need to look after biodiversity and the environment, but what could be more important than the health of fellow human beings? I support these amendments.

Baroness Henig (Lab): My Lords, I will speak to Amendment 221, to which I have also put my name. This is my first contribution in Committee, and I have listened and learned an awful lot from the debates thus far. I have long-held concerns about the pollution and contamination caused by the widespread use of pesticides and chemical treatments across increasingly large parts of our agricultural land.

I am no expert on the effects of pesticides on human health and our wildlife, but the noble Baroness, Lady Finlay of Llandaff, and the noble Lord, Lord Patel, most definitely are. The House heard them talk in detail on a previous group of amendments about how exposure to agricultural pesticides is linked with many diseases and conditions. The noble Lord, Lord Whitty, emphasised that in moving the amendment. It is obvious that those living near crop fields are particularly vulnerable to exposure.

The Government have had in place a national action plan looking into this problem since 2013, but little seems to have resulted and unsurprisingly, it has been described as “woefully weak”. I read the Minister’s letters to Peers after Second Reading, in which he said that the Government will develop their policy in a revised national action plan on the sustainable use of pesticides, and that they will consult in coming months. This is not an adequate response to what is a serious, well-documented and ongoing health hazard.

We have all agreed that the Agriculture Bill is a landmark piece of legislation. It is going to provide the foundation for our agricultural and environmental policies for decades to come. The Minister in the other place described it as an ambitious Bill. But it is not ambitious in this area. What is our strategy regarding the use of pesticides? Are we going to have a target to reduce their use to, say, half, as the EU has adopted? The amendment proposed by the noble Lord, Lord Whitty, in which he suggests minimum distances to ensure that the container is clean and that the sprayer is either hand held or whatever it may be, into 2 litres of water. You make the mix two chemicals. In most cases, you pour 20 millilitres, they may or may not have to mix, and it is fairly rare to encounter a chemical treatment across increasingly large parts of our agricultural land.Ordinary consumers are reasonably well briefed. They know that most people have gardens and use some form of pesticide for the various problems in a garden. You know that most people have gardens and use some form of pesticide for the various problems in a garden. They know they may or may not have to mix, and it is fairly rare to mix two chemicals. In most cases, you pour 20 millilitres, or whatever it may be, into 2 litres of water. You make sure that the container is clean and that the sprayer is working properly. Quite frankly, the idea that people living in rural villages have no idea about pesticides is a myth.
We have only to go back to the 1960s when the British Agricultural Association had a code of conduct; I have the old booklet here somewhere. Over time, that code has been improved immeasurably. Furthermore, the scientific work that is done on agrochemicals is every bit as thorough as that done on medicines, medical trials and so on. If there is a failure in the use of spraying somewhere in the UK, that farmer should be jumped on, but most of the farmers I know are careful.

I live next door to the RSPB. It and others have done a wonderful job of restoring birds in the countryside in co-operation with British farmers. Spraying is altered to suit particular bird species. Along with granddaughter I have been to RSPB briefings recently and you cannot help but be impressed by the way the industry is working with those who are trying to look after our wild birds. I say to my noble friend that this is all very nice. If pesticides are used properly, I do not think that people are dying. I do not think that any harm is being done to them. Further, let us not forget that this is not the year in which to make dramatic changes to any sector of agriculture. This is the year of transition. It is a year where we need to move forward smoothly to ensure that our dear farmers can take on board changes that are being forced on them without having to muck about with whether less herbicide x or fungicide y should be used here or there.

I shall say to my noble friend on the Front Bench that he may not be 100% popular but, for my money, he should strongly resist both these amendments.

**Lord Blencathra (Con) [V]:** My Lords, it is a pleasure to follow my noble friend Lord Naseby, especially since I agree with so much of what he has said. On this occasion, however, I regret that I have to disagree with my noble friend Lord Randall of Uxbridge. I shall be brief because I am conscious that I must leave time for those colleagues who wish to speak on every single amendment. Where I take issue with my noble friend Lord Randall is on the words, “application” and “any pesticide”. I have made this point previously so I need not go into the detail, but we must not demonise all pesticides. It is taking place telling people what is going to be done. A requirement could comply with the access law and at the same time produce by the NFU which showed how farmers are around the field margins or across the middle of the field. That is an imposition, but it is not. During the recent Covid lockdown, loads of farmers put up notices asking people to behave sensibly and to keep away from their houses. Some very sensible notices were produced by the NFU which showed how farmers could comply with the access law and at the same time ask people to behave sensibly when they—we—were walking on their land, so it can be done. A requirement for sensible signage during the periods when spraying is taking place telling people what is going to be sprayed is only sensible so they can watch out. People go walking in the countryside for their health, and they do not want to walk through clouds of poison. I support both these amendments and hope that the Government will find a way of adding a proviso to the Bill on Report.

**Baroness McIntosh of Pickering:** My Lords, I am delighted to follow the noble Lord, Lord Greaves. I pay tribute to the restraint and brevity of my noble friend Lady Henig, with whom I had the pleasure to serve on the ad hoc Select Committee on the Licensing Act 2003.

**Baroness McIntosh of Pickering:** My Lords, it is always a pleasure to follow the noble Lord, Lord Blencathra, in this Committee, not least because I am mesmerised by the picture of that wonderful mountain, Blencathra, in the background while he speaks. I have a terrible problem listening to what he is saying because I am remembering wonderful days out on Blencathra. I congratulate him on a common-sense speech. It saves me having to try to reply to the noble Lord, Lord Naseby.

I wanted to add my name to the amendment tabled by the noble Lord, Lord Whitty, because it is a cross-party amendment and I thought there should be a Liberal Democrat on it, but the list was full, so I added my name to the amendment tabled by the noble Baroness instead. They are both sensible amendments with which to pursue this debate. In his speech, the noble Lord, Lord Whitty, concentrated mainly on the problems for residents who are subjected to spraying, whether it is done in ideal conditions or whether it is being done in accordance with the instructions on the packet. That the health of too many people is suffering as a result of this is pretty well established. Many of us have had letters before this Committee with individual instances and anecdotes. As someone once said, anecdote is the singular of data, and there is enough of it around.

It is also a problem for people who visit the countryside and use footpaths that are not adjacent to fields but are around the field margins or across the middle of the field. At the very least, we ought to be moving to a situation where notices are put up. Farmers may say that is an imposition, but it is not. During the recent Covid lockdown, loads of farmers put up notices asking people to behave sensibly and to keep away from their houses. Some very sensible notices were produced by the NFU which showed how farmers could comply with the access law and at the same time ask people to behave sensibly when they were walking on their land, so it can be done. A requirement for sensible signage during the periods when spraying is taking place telling people what is going to be sprayed is only sensible so they can watch out. People go walking in the countryside for their health, and they do not want to walk through clouds of poison.

I support both these amendments and hope that the Government will find a way of adding a proviso to the Bill on Report.
[BARONESS McINTOSH OF PICKERING]

I believe that Amendment 221 is well-meaning, but it is very prescriptive. On Amendment 226, I would like to associate myself with the call for research in this area, and I urge the Minister to outline in her reply to this debate what commitment the Government are making to conduct that research. I imagine that much of the research would have been done on a cross-European basis, and I would like to know how the Government are going to make up the funding, as they are committed to do—they have said that on a number of occasions.

I also pay tribute to the work that Rothamsted and other institutes are doing, but we need to have alternatives that are technically feasible and commercially viable. I hope my noble friend the Minister will put my mind at rest as to how this will be funded going forward.

Lord Addington (LD): My Lords, both these amendments are very difficult to argue against. They are telling us to be careful about how we use chemicals designed to kill things. My noble friend beat me to the word “poison”, but that is what they are for: to kill the organic life that we do not want in certain places at certain times.

Having controls about where you can use such substances is fairly basic. The noble Lord, Lord Whitty, describing a farmer effectively getting into a biohazard suit before using them gives a hint that they are potentially dangerous. If can think of examples just from this Chamber. I look across to where the noble Countess, Lady Mar, sat for many years: organophosphates ruined her life and she led a campaign to get rid of them.

Many people have told us that we do not know what we are talking about and to just use these substances sensibly—but we can then discover that they are lethal. Another example is DDT, and I could carry on. The fact that these chemicals cause problems when they get into ground-water is very well established. We should be more cautious and targeted about their use—there is a lot of technology which enables us to be more targeted, and we should embrace this.

I congratulat the noble Baroness, Lady Jones of Whitchurch, on her amendment. I think that something like the study she suggests should be in the Bill. My gut reaction is to say yes to Amendment 221, but unlike the noble Baroness, Lady McIntosh, I would like it to be more specific, so we know what we are dealing with. Such guidelines probably would depend on work that would be done under the later amendment.

There is potential risk here. We have tolerated a degree of damage to ourselves and to members of our society because we did not know what we were doing in the past. We would not tolerate that now and our standards are probably going to get tighter. Therefore, tightening up the process of observation should be encouraged.

I have one last anecdote: how many people have still got a bottle of blue slug pellets at the back of their garden cabinet which they are not quite sure what to do with? We have discovered that these destroy far more than just the slugs. I have used them in the past, and probably should not have done.

We are tightening our standards and becoming more targeted and smarter all the time with chemicals. It is about time we took this on in a more coherent fashion, and these amendments are a good step forward. I salute the noble Baroness, Lady Jones of Whitchurch, on her amendment.

The Earl of Caithness (Con) [V]: My Lords, I have some sympathy with these amendments. I like the way that the noble Lord, Lord Whitty, has drafted his amendment so that it is not prescriptive, because further work needs to be done.

We are used to buffer strips already: you cannot spray near a watercourse and you cannot put organic manure near bore-holes or wells. Why are human beings excluded from those same provisions? It seems to me a little perverse. I listened with care to my noble friends Lord Naseby and Lord Blencathra; yes, most farmers are good and are careful, but sadly we all know bad farmers. They are the ones causing the damage and are a major cause of the problem that pesticides create.

My noble friend Lord Naseby was right to say that “pesticide” is a generic term. I ask my noble friend the Minister whether she would consider different schemes for fungicides,  pesticides and insecticides? Herbicides are probably the least damaging to human beings, but they do leach through the soil, particularly sandy soil, very quickly. The others—for example, insecticides—can be particularly nasty to human beings. It does not require much breeze for there to be quite a fine spray which goes much further than most people recognise. Even in the United States, they are beginning to clamp down on the excessive use of these sprays and have better buffer zones. I think it is time we followed suit; this is something which should be researched and then implemented.

Baroness Northover (LD) [V]: My Lords, I too wish to speak in support of these amendments. The noble Lord, Lord Whitty, gave a passionate and well-informed explanation for why he has tabled Amendment 221.

Amendment 226 seeks to ensure that the Secretary of State must “monitor the use and effects of pesticides” and “conduct research into alternative methods of pest control and … promote their take-up”. The proposals include assessments of the “effect of pesticides on environmental health” and “on human health”. The amendment covers “farmers, farm workers and their families, operators, bystanders, rural residents and the general public.” This is wider than Amendment 221.

We have become increasingly aware of the dangers of pesticides. We know that intensive farming has driven the loss of wildlife: I was brought up on a farm and recall birds and flowers that you rarely see now. Chemical pesticides also damage human health, and I recall chemicals everywhere, spilling out of sacks. When pesticides were spread, they drifted over us if the wind picked up or changed direction, which it was always doing.

Farmers have a higher than average incidence of kidney cancer, which my father had. That is not down to chance—it is not a common cancer. There must be a risk that this is associated with the use of chemicals.
I hope that our outstanding cancer registries will continue to draw effective conclusions here. From that we get data, not just datum. Professor Ian Boyd, former chief scientific adviser at Defra, and Dr Alice Milner compared the overuse of pesticides to that of antibiotics, and they are surely right. The Food and Agriculture Organization is seeking to combat this worldwide, and the first step is collecting data on pesticide use.

As we seek to reduce the use of pesticides, it is extremely important that farmers can access advice, independent of merchants and manufacturers, as specified in this amendment. For so many years, farmers have depended on industry advice, as I recall my father having to do. However, as a tenant farmer with his head just above water, he usually cut in half what they recommended, simply on the basis of cost and the assumption that they had overestimated what was required. I therefore recognise the Friends of the Earth statement that:

“Farmers support the need to cut unnecessary use of pesticides—and it’s better for their bottom line too.”

I am concerned that going it alone, out of the EU, will lead not to higher standards, as the noble Lord so often assures us, but to lower ones. I recall a debate over neonicotinoids—neonics—when I was in Defra. Trials in the EU had led to the conclusion that they should be banned because of their potential effect on the bee population, which has declined dramatically. The United Kingdom opposed, slowing down action in the UK and across the EU. Also, with reference to the last group of amendments that we discussed, the UK also opposed stopping the transport of live animals, despite what was said in the referendum. These are not encouraging examples. Therefore, it is important to have this commitment on pesticides in the Bill. I share the concerns of the noble Lord, Lord Whitty, but I particularly support the wider-ranging Amendment 226, which could immediately be added to the Bill.

**Lord Lilley (Con) [V]**: My Lords, I will be brief, because much of what needs to be said has already been said. I sympathise with the intent of Amendment 221 but, like my noble friend Lady McIntosh, I would prefer something less prescriptive.

I will focus briefly on Amendment 226 and (1)(b) of the proposed new clause, to promote the conduct of research into alternative methods of pest control and to promote their take-up.

That must be the best long-term solution, that we simply use less of these poisonous substances. Sadly, Amendment 235 is not being moved today; it would have encouraged, or at least made easier, the development of genetically edited plants and so on which would be more resistant to pesticides. I used to represent Rothamsted—it develops all sorts of plants, some by genetic modification and some by traditional methods.

If we can develop plants which themselves repel insects, the need for insecticides will be reduced. I very much hope that we do not actually incorporate it in law but that the Government will take the message from this debate that the only long-term solution is to find ways which do not rely on pesticides to reduce the impact of malevolent insects on our crops—the same goes for weeds, as well.

That is all that needs to be said on this occasion.

**The Earl of Dundee (Con) [V]**: My Lords, I fully support Amendment 226, in the name of the noble Baroness, Lady Jones of Whitchurch, and my noble friend Lord Randall of Uxbridge. It implies four actions: first, analysis and monitoring of the harmful impact of pesticides; secondly, proper research into alternative methods of pest control; thirdly, such alternatives should be not just researched but, once identified, used so that they take over from pesticides; therefore, fourthly, an inferred timetable, with target dates set for phasing out pesticides, without which discipline the aspiration and process of replacing them at all is likely, yet again, to be procrastinated and prevaricated.

Some may even argue that the harmful effects of pesticides require no further analysis and monitoring in any case, pointing out that despite overwhelming evidence that a variety of these are carcinogenic, and that others pollute air, food and environment alike, nothing much has ever been done to control them, and that any future corroboration would probably be similarly disregarded and equally given short shrift. What might work much better, however, is to adopt a firm, balanced and comprehensive approach in the first place. If so, that is exactly the essence of this amendment, which calls for and contains several other elements alongside, and additional to, the request for continuing analysis of damage caused. Such a pragmatic approach is relevant, taking into account that, as long ago as 1975, Fred Peart, when he was Minister of Agriculture, correctly wrote:

“The repeated use of pesticides, even in small quantities, can have cumulative effects which may not be noticed until a dangerous amount has been absorbed.”

Looking back between then and now, sadly, this statement of 44 years ago only too clearly reveals also that successive Governments have been well aware of the cumulative effect of pesticides but have taken hardly any action to give protection against them to rural communities, wildlife and waterways.

Of course, as my noble friends Lord Naseby and Lord Blencathra have pointed out, some pesticides are not as bad as others, but the framework of Amendment 226 would enable such qualifications to be taken into account. Following its direction, target dates should now be set for phasing out pesticides and replacing them with alternative methods. I hope that my noble friend the Minister can endorse that prescription.

6.15 pm

**Viscount Trenchard**: My Lords, I agree with the noble Lord, Lord Whitty, and the noble Baroness, Lady Jones of Whitchurch, who have tabled these two amendments, that pesticides that cause harm to people and livestock should be banned. However, other pesticides have unreasonably been banned as a result of too rigid an application by the EU of the precautionary principle. I very much agree with the remarks of my noble friends Lord Naseby and Lord Blencathra. For example, the ban on neonics has made the cultivation of oilseed rape in this country uneconomic. The evidence about its toxicity is not clear, and its ban has been counterproductive in that farmers have been forced to use older and less effective pesticides such as pyrethroids and organophosphates,
that are less effective and must be sprayed several times during the growing season. They really do harm bees, other insects and even birds.

The prohibition of neonicos in the EU was the result of misguided pressure campaigns and false claims that bees are threatened by neonicos; actual data show the opposite is true. Contrary to some reports, honeybee colonies have been rising worldwide since the 1990s, when neonicos first came on the market. Surveys by the US Department of Agriculture show that American honeybee hive numbers have increased in seven of the last 10 years, and that there are now over 150,000 more hives in the US than in 1995.

As a result of the EU’s ban on neonicos, oilseed rape has become an uneconomic crop for British farmers, and the area cultivated in the UK has fallen by 60% since 2012. The deficit in this crop has been made up by imports, much of them from the Ukraine and other countries which still permit the use of neo-nicotinoids. These amendments would keep British farmers trapped under unnecessary rules. Does my noble friend the Minister agree that the neonic ban is an example of rules dictated by mumbo-jumbo rather than science, referred to by the Prime Minister in his speech at Greenwich in February?

Baroness Bakewell of Hardington Mandeville [V]: My Lords, this should have been the last group of amendments debated on Tuesday evening, dealing with pesticides, which we had previously debated. This debate has roused passions on both sides of the argument. Whichever side you come from, we all seem to agree that being sprayed with chemicals is unacceptable. I fully support Amendment 221 in the name of the noble Lord, Lord Whitty, the noble Baroness, Lady Jones of Whitchurch and the noble Lord, Lord Randall of Uxbridge, who has also added his name to Amendment 226 in the name of the noble Baroness, Lady Jones of Whitchurch, as has my noble friend Lord Greaves.

The noble Lord, Lord Whitty, talked of the protection of wildlife biodiversity. Terrible damage can be done to humans by ingesting chemicals which can cause health problems and deformities. The noble Lord gave a graphic example of the sprayer of pesticides who was wearing full protective clothing but taking no care to ensure that those nearby, not protected by clothing, were not covered by the spray. This is not right. Rural residents deserve to be protected, as was said by the noble Baroness, Lady Jones of Moulsecoomb, and the noble Lord, Lord Randall of Uxbridge. The noble Baroness, Lady Helic, reminded us of the previous contributions by the noble Baroness, Lady Finlay of Llandaff, and the noble Lord, Lord Patel. Will we remove toxic chemicals from our environment, as the noble Baroness, Lady Helic, said? There is a cumulative effect on humans, as well as the decimation of the insect population.

I regret that I do not agree with the noble Lord, Lord Naseby. Not all of us who have gardens spray our plants, fruit and vegetables with noxious chemicals to prevent pests. There are other means of discouraging pests and blight which do not contain poisons or spray up on our produce.

Over the years we have seen the devastating effects on humans of the use of pesticides and insecticides. Some noble Lords mentioned Roundup. I have experience of the effect of sheep dip. My noble friend Lord Addington mentioned DDT and organophosphates. We take an unconscionable time to act when presented with evidence of harm. It is, therefore, much better to ban toxic sprays and move to more environmentally friendly means of pest control, such as nematode worms to control slugs, instead of slug pellets, which kill birds that eat the slugs that have eaten the pellets, and eat the pellets themselves. I thank the noble Earl, Lord Dundee, for his valuable contribution to this debate. These amendments are linked; both monitor the use of pesticides and alternatives. We cannot monitor the use of pesticides if we do not collect data on their use, as my noble friend Lady Northover indicated. I am grateful for her contribution and her attention to the UK’s history in preventing the banning of neonicotinoids and the transport of live animals—we should be ashamed of our part in that.

Noble Lords taking part in this debate have made important points. In earlier debates, the noble Baroness the Minister gave reassurances on the implementation of alternative pesticide use. It is important that the public are protected from possible pesticide spraying. The IPM should be implemented as soon as possible. When will it be consulted on and then implemented? I look forward to the Minister’s response.

Baroness Jones of Whitchurch: My Lords, I have tabled Amendment 226 in my name and those of the noble Lords, Lord Randall and Lord Greaves. I also support Amendment 221, which was expertly introduced by my noble friend Lord Whitty. I remind noble Lords of my Rothamsted connections in the register.

Our amendment would require the Secretary of State to monitor the effects of pesticides on livestock and the land, conduct research into alternative methods of pest control and consult on a target to reduce their use. It complements the amendment in the name of my noble friend Lord Whitty, which focuses more on the impact of pesticides on human health, which is, rightly, also a great cause for concern. As I mentioned in an earlier debate on the agricultural workforce, there are nearly half a million people working on the land who have immediate and worrying exposure to pesticides and herbicides on a daily basis. It is right that that should be properly regulated.

My noble friend Lord Whitty also raised the concerns of those living in rural areas adjoining fields where crops are being sprayed, sometimes indiscriminately. They come with health warnings that are rarely shared with the local population. Clearly these practices can cause substantial pollution, not only to the individuals concerned but to the air quality in nearby areas. It was notable that the noble Earl, Lord Caithness, rightly pointed out the irony that water courses seem to be better protected than human beings. As my noble friend Lady Henig said, it is a sad fact that the health impacts of these chemicals often become clear all too late in the day. This is certainly the case with glyphosate, a widely used agricultural and domestic weedkiller.

This is why we argued emphatically that we should retain the precautionary principle when we transpose EU law into UK law. In response to noble Lords who
have been critical of these amendments, my noble friend's amendment calls not for a ban but for a minimum distance between spraying and homes and schools. That is a reasonable prospect, on any measure. In response to the noble Lord, Lord Lilley, not everybody operates to the high standards to which he referred and aspires. We cannot just assume that human nature will operate to the best and highest standards.

The amendment in my name concentrates more on the effects of pesticides on the land and its biodiversity. The objectives in Clause 1 place a welcome emphasis on managing land to improve the environment, to protect it from environmental hazards and to embrace agroecology. If we are serious about land management schemes that deliver for the environment, we have to be serious about a review of our pesticide use. As we have debated before, this needs to be based on an integrated pest-management principle which, as the noble Baroness, Lady Bakewell, said, understands the interrelationship between insects and the need to keep their presence in balance, rather than wiping them out indiscriminately with pesticides. A few months ago, I talked to a farmer who described the success of the beetle banks that had been laid in rows between his crops. The beetles come out in the daytime; they roam around the field eating aphids; and then they return to the bank at dusk, and everyone is happy. These are surely the kinds of innovations that we should be supporting, along with precision application where pesticides are absolutely necessary.

We also need to be aware of the threat from imported foods with lower restrictions on the use of pesticides which might flood our market post-Brexit. We need specific measures to ensure that UK farmers cannot be undercut by cheap food from non-EU countries with less strict controls, which might be contaminated by pesticide residues. Will maintaining pesticide standards and the precautionary principle apply to all imported food post-Brexit?

When a similar amendment was put forward by my Labour colleagues in the Commons, the Minister, Victoria Prentis, agreed that the use of pesticides should be minimised and their usage and effect carefully monitored. She argued that further details would be included in the 25-year environment plan. But I see no reason why this issue cannot be progressed as part of this Bill. All we are asking for is up-to-date research on the impact of pesticides and alternative methods of pest control. I agree with the noble Lord, Lord Lilley; it is happening at Rothamsted and a number of other research institutes. But we need to pull that evidence together in one place, so that we have a strategy for alternative and better use. This is necessary if we are to have the good practice that the environment land management in the Bill desires. If we are serious about this, the future is about alternatives to pesticide use. All we are asking is that we capture that and put it in the Bill in a constructive way.

I urge noble Lords to look closely at the wording of my noble friend Lord Whitty's amendment and mine. They are both very modest in their aspiration and scope. They do not ask for a great deal, but they do ask for practical solutions for the way forward. I hope that noble Lords will support both amendments.

**Baroness Bloomfield of Hinton Waldrist:** I thank the noble Lord, Lord Whitty, for Amendment 221, which I will take together with Amendment 226 in the name of the noble Baroness, Lady Jones. The Committee has heard a number of heartfelt speeches, most notably from the noble Lord, Lord Whitty, when he moved his amendment. A number of noble Lords also mentioned the thoughtful and considered contribution of the noble Baroness, Lady Finlay of Llandaff, on day three of Committee, when soils, pesticides and nature-friendly farming were debated in the first group of amendments. The Government understand these concerns and recognise the importance of ensuring that the use of pesticides is minimised, that alternatives are developed and that there is monitoring of pesticide use and its effects.

The Government agree that pesticides should not be used where they may harm human health. A robust regulatory system is already in place to deliver that objective. Pesticides are authorised only if scientific assessment shows that their use will not harm human health and will not have unacceptable impacts on the environment. The assessment is carried out by experts at the Health and Safety Executive, with independent input from the UK Expert Committee on Pesticides. The assessment of risks is therefore rigorous, and authorisation is frequently refused—but at this stage I take on board the suggestion from the noble Lord, Lord Greaves, about sensible signage.

Monitoring schemes report on the level of usage of each pesticide and on residue levels in food. They also collect and consider reports of possible harm to people or to the environment. These controls ensure that people are properly protected, and they are based on risks. They allow pesticides to be used where this is safe and will help UK farmers to provide high-quality, affordable food.

**6.30 pm**

My noble friend Lord Caithness asked further questions on types of chemical control. I can confirm that after the end of the transition period we will take responsibility for our own decisions on pesticide use in Great Britain. This will include fungicides and herbicides, with the current legislative framework retained in national law. Operating an independent regime will give us the opportunity to control our own laws and to ensure our regulatory system is smart and efficient, while continuing to deliver high standards of protection for the environment and human health.

Under the 25-year plan to improve the environment, the Government are committed to developing and promoting integrated pest management. This will, over time, reduce risks from pesticide use and amounts used. A number of noble Lords, including the noble Baronesses, Lady Henig and Lady Bakewell, asked when the IPM would be consulted on and implemented, and about the national action plan's progress. We will consult on a revised national action plan later this year which will set out plans to reduce the impact of pesticides. I can place on record that the Government are committed to protecting people and the environment from the potential risks posed by pesticides and are already doing so.

My noble friends Lady McIntosh, Lord Dundee, Lord Lilley and others asked about research. The Government support work to research, develop and
[BARONESS BLOOMFIELD OF HINTON WALDRIST] promote means to move away from pesticides. This includes plant breeding for pest-resistant varieties, the use of natural predators, developing biopesticides and the use of cultural methods to reduce pest pressures. The Government support many other alternatives to chemical pesticides and farming systems that reduce or eliminate pesticide use, such as the transforming food production programme, which includes methods such as robotics and vertical farming, that have the potential substantially to reduce pesticide use.

My noble friend Lord Trenchard asked about the decision to ban neonicotinoids. We supported the restrictions on neonicotinoids because the scientific evidence on risks to pollinators supported this step. We will review this position only if the scientific evidence changes, and scientific research is ongoing. I am grateful to my noble friend Lord Naseby for highlighting some of the other successful projects undertaken jointly with farmers and other wildlife bodies.

I hope that these comments, together with my comments on Tuesday, will give some reassurance to noble Lords who have spoken in this debate. On that basis, I ask the noble Lord, Lord Whitty, to withdraw his amendment.

The Deputy Chairman of Committees: I have received a single request to speak after the Minister and call on the noble Baroness, Lady Finlay of Llandaff.

Baroness Finlay of Llandaff (CB) [V]: The agrichemical monitoring system has lagged behind emerging evidence, partly because the epidemiology is so difficult to do on a population basis. The standard trial model is difficult.

Do the Government recognise that Canada’s largest agribusiness, Richardson International, is banning glyphosate spray on oats and that Bayer, which is the production route now that it has bought out Monsanto, is spending $10.9 billion settling around 125,000 cancer lawsuits out of court over cancers such as non-Hodgkin lymphoma? I worry that we cannot ignore these trends and simply rely on past papers and so on. Do the Government recognise that an amendment to this Bill that flagged up the precautionary principle would be a key plank in safety, would be completely compatible with the type of request that has come from the noble Baroness, Lady Cumberlege, in her report on health-related issues, and would move us forward to being a leader in the modern world in food production?

Baroness Bloomfield of Hinton Waldrist: I acknowledge the noble Baroness’s comments and know that they come from a deep knowledge and understanding of the issues surrounding this sector. We have our own experts in the HSE who are undertaking ongoing research. I am aware of the settlement in the States relating to the use of glyphosates and its potential connection with non-Hodgkin lymphoma. Her concerns are being addressed in ongoing research programmes within government.

Lord Whitty [V]: My Lords, I am somewhat disappointed by the Minister’s reply. My amendment relates to several hundred thousand people in rural areas who are not protected by the present law. In so far as there are codes of practice, as referred to by the noble Lord, Lord Naseby, those have frequently been breached and, as far as I am aware, nobody is being prosecuted for it. We therefore need something in primary legislation to deal with the situation of residents.

Others are covered. Workers are clearly covered by the health and safety regulations, and, these days, most farm workers observe the need to protect themselves. They that have to, as I said earlier, indicates that there is a serious danger to human health from coming into contact with some of these chemicals.

That danger has been underlined for years. We had a royal commission 12 or 13 years ago which showed the dangers. We have had the chief scientific adviser to Defra report on the global use of chemicals and the dangers they present to human health. On the legal side, we have High Court judgments and United Nations reports. There is no need for any more proof that such chemicals are dangerous, particularly to those who are frequently exposed. Clearly, workers used to be frequently exposed before they adopted protective means and some, regrettably, still are, but the next group who are exposed, rural residents, are not so protected by the law. My amendment would reduce the exposure of rural residents. The noble Lord, Lord Greaves, in general supported this approach. He emphasised walkers, bystanders and visitors, but they are sort of protected by the health and safety legislation already because they would be on the premises of the user of those chemicals. People who are a few yards away from those premises are not so protected, yet medical records show that continuous exposure over several applications of spray has caused serious medical problems.

My amendment would protect a group which is not currently seriously protected by the present law or present practice. Clearly, there are different sorts of chemicals, and we are concerned particularly with those which are sprayed across large fields and affect those adjacent to them.

However, there is an overall problem in the use of pesticides in relation both to human health and to adverse effects on soil, water and air quality. We need a strategy. Amendment 226 would begin to give us a strategy, although, if we are to have a comprehensive strategy, we need clear targets for the elimination of chemical pesticides in as many areas as possible and for the development of alternatives.

Yes, there are serious possibilities for replacing these chemicals in the research labs and in industry. Serious strategies on the application of chemical pesticides, insecticides and fungicides are being adopted to limit the exposure to others, but there is no legal protection for those who are most frequently vulnerable to pesticide spray—that is, those who are right next to fields where it is being sprayed across the crops. This is a problem not only when the wind is blowing; the droplets stay in the air for some time, even when there is not a heavy wind. We have a sufficient history of medical problems to prove that those rural residents are seriously affected, but we do not have any serious legal protection for them. One simple way of doing it is in my amendment: to restrict the spraying of crops close by residential buildings and other public buildings.

Baroness Bloomfield of Hinton Waldrist: I acknowledge the noble Baroness’s comments and know that they come from a deep knowledge and understanding of the issues surrounding this sector. We have our own experts in the HSE who are undertaking ongoing research. I am aware of the settlement in the States relating to the use of glyphosates and its potential connection with non-Hodgkin lymphoma. Her concerns are being addressed in ongoing research programmes within government.
Amendments 222 to 226 not moved.

Amendment 227

Moved by Baroness Young of Old Scone

227: After Clause 34, insert the following new Clause—

Land use strategy for England

(1) The Secretary of State must, no later than 31 March 2022, lay an agricultural land use strategy for England before Parliament.

(2) The strategy must set out—

(a) the Secretary of State's objectives in relation to sustainable agricultural land use within an integrated land use framework;
(b) proposals and policies for meeting those objectives;
(c) the timescales over which those proposals and policies are expected to take effect.

(3) The objectives, proposals and policies referred to in subsection (2) must contribute to—

(a) achievement of the purposes for financial assistance under section 1(1) and 1(2);
(b) achievement of objectives in relation to mitigation and adaptation to climate change, including achieving carbon budgets under Part 1 of the Climate Change Act 2008;
(c) sustainable development including the use of previously agricultural land for development and infrastructure;
(d) the achievement of objectives of the 25 Year Environment Plan for halting the decline of biodiversity.

(4) Before laying the strategy before Parliament, the Secretary of State must publish a draft strategy and consult with—

(a) such bodies as he or she considers appropriate, and
(b) the general public.

(5) The Secretary of State must, no later than—

(a) 5 years after laying a strategy before Parliament under subsection (1), and
(b) the end of every subsequent period of 5 years, lay a revised strategy before Parliament under the terms set out in subsections (2) to (4).

(6) The Secretary of State must, no later than 3 years after the laying of a strategy before Parliament under this section, lay before Parliament a report on the implementation of the strategy and progress in achieving the objectives, proposals and policies under subsection (2).

Member's explanatory statement

This new Clause would provide a land use context to enable the Secretary of State to make optimal decisions about the balance of financial assistance to the various purposes in Clause 1.

The Deputy Chairman of Committees: We now come to the group beginning with Amendment 227. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

Baroness Young of Old Scone (Lab) [V]: My Lords, I declare my interest as chairman of the Woodland Trust.

This amendment would require the Government to put in place a land use framework for England to provide a structure for resolving competing land uses, including agricultural land use. I thank the noble Earl, Lord Caithness, and the noble Baroness, Lady Bennett of Manor Castle, for their support for my amendment. I also thank the noble Lord, Lord Inglewood, who had hoped to voice his support today before events intervened.

There are multiple pressures on our finite amount of land, and they are all growing. We need more land for increased food security, for storing carbon, for biodiversity, for managing floods, for trees and increased timber self-sufficiency, for recreation and health, and for built development, housing and infrastructure. There are probably more pressures that I have not added to the list. The University of Cambridge Institute for Sustainability Leadership recently conducted a demand/supply analysis and found that,

“to meet a growing UK population's food, space and energy needs while increasing the area needed to protect and enhance the nation's natural capital”;

the UK would have to have a third more land than it currently has—so the future competition for land will be huge. As we tackle these multiple pressures for land, we are hampered by the lack of a common framework within which to reconcile these competing needs.

It is interesting that Scotland, Wales and Northern Ireland each have a land use framework and are using it to greater or lesser extent to guide policy on these competing areas of land need. As we build the new future post Covid, it is overdue that England should develop and use such a framework. This has been called for by many people, including the Select Committee on the Rural Economy of your Lordships' House a couple of years ago and the Food, Farming and Countryside Commission. That commission will be commencing some real-life, county-level pilots on land use frameworks in the next few months. So I urge the Government to agree that a land use framework for England should be put in place. Otherwise, the competition for land will be a free-for-all and will fail to optimise the choices made to ensure that the most important land uses are given priority in the places that are best suited to them.

I assure noble Lords, landowners and land managers that I am not talking about lines on maps and precise delineations of what goes where. I am talking about a high-level framework within which negotiations, probably at county level, can take place. Let me give an example from Wales, which has the most promising land use framework in the UK. There was considerable concern among Welsh sheep farmers that some of these competing land uses would simply mean that there were no sheep left in the uplands. Discussions on the best places to put additional trees and woodland and convert land to agroecological farming have shown that only about 0.2% of the current agricultural land in Wales would have to change its use. It will be a huge reassurance for sheep farmers in Wales that woodland and agroecology schemes are not the Antichrist, banishing sheep from
[Baroness Young of Old Scone]

the uplands for ever, but can be integrated with comparative ease. That land use framework was extremely valuable in that respect.

6.45 pm

The Minister will tell me that this amendment would not achieve what I have described. I am pretty clear about that. I had rather hoped to lay an amendment that mirrored very closely the statutory provisions for the Scottish land use framework, drawn from its climate change Act. However, quite rightly, the Public Bill Office advised me that if I wanted to place this in an agriculture Bill, it needed to talk more about agricultural land use. So it talks about an agricultural land use strategy within an integrated land use framework, which would take account of all the pressures on land to ensure both that our scarce land delivers several public benefits at the same time and that our future land use needs are met without having to find 30% more land. After all, land is a finite resource; we are not making any more. I beg to move.

Amendment 228 (to Amendment 227)

Moved by The Earl of Dundee

228: After Clause 34, after subsection (2)(c) insert—

"(d) proposals to support landowners to make land available to new entrants and farming entrepreneurs."

Member's explanatory statement

Within the land use context of the new Clause this amendment would enable the Secretary of State to support landowners to make land available to new entrants and farming entrepreneurs.

The Earl of Dundee [V]: My Lords, like the noble Baroness, Lady Young of Old Scone, and others, I support Amendment 227, which, as a proposed new clause, advises a land use strategy for England, as the noble Baroness explained.

First, it is consistent with the purposes of the Bill, for if we carry out the Bill’s dual intention of improved food security and environment conservation, we will have followed a different land use strategy in any case.

Secondly, however, we do need targets—this is what the noble Baroness’s amendment implies—for these are what strategies must use if they are to be successful. Meeting them does not have to be mandatory, but setting them in the first place makes it far more likely that we will get nearer to where we hope to be in 30 years’ time than if we do not start out with such targets in the land use strategy for England.

My Amendment 228 relates directly to the new clause suggested by the noble Baroness. It “would enable the Secretary of State to support landowners to make land available to new entrants and farming entrepreneurs.” As we are well aware, the average age of a United Kingdom farmer is 60—that has been mentioned frequently in our debates—yet for new and aspiring farmers, land continues to be hard to come by. Nevertheless, although it is a long-standing problem, we are now even more challenged in two ways.

We are challenged first by the terms of the Bill, for its twin aims of improved food security and land conservation require of our farmers ever more energy, vision and initiative; and, secondly, by the economic circumstances affecting and surrounding the United Kingdom, including the impact of cheap imports from the United States and of highly subsidised agricultural produce from European Union states. These considerations make it all the more necessary to encourage new entrants to farming.

On measures to increase their opportunities, the Scottish Land Commission recently made some useful recommendations proposing business incentives for young farmers and income tax relief incentives for landowners to make more land available. Provided that they already own three hectares of land and produce a workable plan, new entrants aged between 16 and 41 would qualify for a business grant, some of which would be paid at the outset and the balance of which would be paid at the end of four years if by then they have generated a stipulated amount of business income. Corresponding to this, under the current farm business tenancy scheme, income tax relief incentives would also be offered to landowners provided that they have contracted with a new entrant for not less than 10 years.

Does my noble friend the Minister agree that new entrants to farming are essential to the success of the Government’s intentions; that measures along the lines of the Scottish Land Commission’s recommendation would achieve a significant uptake; yet, that apart, but in the first place, the resolve of the Secretary of State to provide such incentives to encourage new entrants to farming should now be incorporated within the Bill? I beg to move.

Lord Greaves: My Lords, I have put down Amendment 228A largely because I had an amendment down in one of the mega-groups at the beginning of this Committee—that seems a long time ago now—which I never spoke to, because there was too much to speak to in that group and so I just ignored it. The noble Lord, Lord Judd, very carefully and kindly spoke at length about it, which I was very grateful for, and the Minister actually replied to my amendment, even though I had not spoken to it, so I got something out of it.

It seemed to me that the amendment moved by the noble Baroness, Lady—I am going senile, I think—

A noble Lord: Young.

Lord Greaves: The noble Baroness, Lady Young of Old Scone—at least I can pronounce “Scone” correctly. Her amendment provides a good handle to put this issue back in as far as planning is concerned.

My original amendment was all about the need to incorporate or relate the ELM schemes—particularly in tier 2 and tier 3—to all the other strategies of different bodies and organisations in an area, particularly the planning system. It seems to me that, if there is to be a new system whereby the Government put money into farm-level schemes under ELMS, larger schemes under tier 2 and even larger landscape schemes under tier 3, there should be a very clear relationship between these and the local planning system, and it should be a two-way relationship.

First, the scheme should take account of the local planning system and the local plan. Secondly, the local plan and local development control decisions on planning
permissions should take account of the tier 2 and tier 3 schemes in particular. Otherwise, we will end up with public money, provided through the new ELM system, being put into schemes that then conflict with the policies of the local planning authority.

This is true for both plan making—which is one half of local planning—and actually determining particularly large-scale planning applications. If there is a tier 3 scheme to do something exciting with a valley and then somebody comes along and wants to build a large housing estate there, and the local plan itself—whether it is the district plan or the neighbourhood plan—does not take account of the tier 3 scheme being in existence, one can see that it is not going to be very helpful.

Therefore, the national planning policy statement ought to be modified to say that local planning—local plans and local planning decisions—should take account of ELM schemes, particularly the landscape-scale schemes and the larger-scale tier 2 schemes. The advice to local planning authorities about developing their local plans, and to parish councils about developing their neighbourhood plans, should say that they should take account of ELM schemes in their area. That just seems to be common sense to me.

Local planning is about spatial structures and elements, and it is increasingly about environmental and ecological things like wildlife corridors. If there is going to be a wildlife corridor in the local plan, then that needs to be linked up with the tier 2 or tier 3 scheme so that the farmers are then encouraged, by being provided with money, to do useful things in that wildlife corridor. The same applies to biological enhancement zones, large-scale SSSIs and even small-scale SSSIs—the abandonment, or neglect, of many SSSIs is a scandal. Landscape-scale policies in the local plan ought to be linked in with landscape-scale policies under ELMS.

I happen to live in a parish called Trawden Forest on the edge of Colne. The whole of Trawden Forest is a landscape conservation area, the purpose of which is to try to prevent people doing damage to such things as the special, historic local walls around fields that we have, and local structures such as that. If that is in existence as a council policy and part of the local plan, which it is, then it ought to be taken into account by whoever Defra appoints in that area to develop landscape or tier 2 schemes. Enhancing the structures in the conservation area scheme should be part of the farm-level schemes, the tier 2 schemes or whatever.

I had to do some campaigning, along with the Ribble Rivers Trust, which has done excellent work, because when the northern forest was announced two or three years ago, for some reason Lancashire was missed out. There is a huge bite in Lancashire that was not to be in it, despite the fact that adjoining parts of West Yorkshire and North Yorkshire were. We are in it now, so that is okay, but if there is to be a northern forest, with a particular focus on a lot of tree planting in the area, that ought to be taken into account in the ELMS. ELMs ought not to be regarded as something on its own; it ought to be incorporated with all the other planning that is taking place locally, so that the whole thing is integrated and the public money going into the public goods in ELMS contributes not just to the farms, but to everything else going on in the area.

The Earl of Caithness [V]: My Lords, the evidence we received when I sat on the Natural Environment and Rural Communities Act 2006 Committee, the Rural Economy Committee and then the Food Poverty, Health and Environment Committee convinced me that we need a land strategy plan in this country. As the noble Baroness, Lady Young of Old Scone, said, it does not need to be a detailed one; that is not the objective, which is to take a holistic look at the countryside in the way the noble Lord, Lord Greaves, just said so that there is no contradiction between various types of development.

There is only a finite amount of land in England, but there are often many competing demands for that land. If we take the north face of Scafell Pike, for instance, there is not much competition for that land, but if we take the triangle between Milton Keynes, Cambridge and Oxford, there is huge competition—from agriculture, horticulture and forestry, with the demand to fulfil the Government’s requirement to plant more trees, from industry, new roads, new railways and new housing. We are told that we need to grow different types of crops, to change our diets or to grow more fruit and vegetables in this country, but there is only a limited amount of land that can grow those sort of crops and there is no security for that land.

The National Infrastructure Commission and developers will be keen to take any agricultural land it possibly can to fulfil its development ambitions. Can the Minister confirm that the National Infrastructure Commission does not have to take biodiversity and climate change into account in its proposals? If it does not, then farming is at real risk and the proposals that my noble friend is so ably putting before the Committee are in jeopardy.

We need to assess what agriculture needs over the next period to secure production and the growth of the right crops so that it does not conflict with forestry ambitions or the Prime Minister’s demand to “build, build, build” wherever we can, and so that our countryside is not ruined as a result. We are at the brink of making a huge mistake for our grandchildren and future generations. In our effort to improve this country’s economy and drive it forward, which we very much want, we must also secure the landscapes and the agricultural land that needs to be kept for production of food and which is now under threat.

7.01 pm

Sitting suspended.

7.31 pm

Baroness Bennett of Manor Castle [V]: My Lords, I was delighted to attach my name to Amendment 227, in the name of the noble Baroness, Lady Young of Old Scone, and Amendment 228, in the name of the noble Earl, Lord Dundee. I also express my support for Amendment 228A, in the name of the noble Lord, Lord Greaves, which makes an important point about the need for joined-up thinking to ensure that what is being decided and acted on at a local level is reflected in national action. I also very much put myself behind his comments on the state of our SSSIs and the issues in that whole area that desperately need to be addressed.
When I came to think about the whole idea of a land use strategy, I started by reflecting on how many invitations I have had to conferences, how many reports I have had sent to me, and how much work has been done by a whole range of civil society actors, academics and campaign groups over recent years on how land is used in the UK, and in particular in England. There is real frustration, determination and understanding of the need for change. I will refer to a couple of these.

Back in 2014, perhaps one of the most aptly and clearly named was a report on The Best Use of UK Agricultural Land, produced by the University of Cambridge Institute for Sustainability Leadership. Look at the ongoing work from what was the Royal Society of Arts’ Food, Farming and Countryside Commission—it does a great deal of exciting work, although it has now perhaps moved more towards a local level. It asked how we should, can and must use our land. I also point to an excellent report from Dr Helen Harwatt from Harvard University, Eating Away at Climate Change with Negative Emissions, which was presented at an excellent Grow Green conference that I went to.

I will not take up too much of your Lordships’ time in making a long list, but I am sure that most noble Lords taking part in this debate would be able to add a dozen or half a dozen similar to those on that list. There is clearly a real hunger for an overview or vision of what land use should look like. If we are to say how we, as the nation of England, are to form a view of what we want our land to be used for, surely the Government have to provide the place where that is coalesced. I hope that that would be in some kind of citizens’ assembly, with a consultative process, but producing the sort of outcome that Amendment 227 refers to.

Before I comment directly on Amendment 228, I stress that what I am about to say reflects my personal views. I should be fair to the noble Earl and say that he may or may not reflect exactly his intentions in placing the amendment. When I saw this amendment and decided to put my name to it, I thought of a brilliant performance which has been described as a show, a sing-along, and a TED talk-style live event: “Three Acres and a Cow”. It draws its title from campaigns and campaign groups over recent years on how land is used in the UK, and in particular in England. There is real frustration, determination and understanding of the need for change. I will refer to a couple of these.

These two amendments aim to ensure that there is a sense of direction—something which we have heard again and again is lacking from the Bill. However, I want briefly to address the comments made in an earlier debate by the noble Lord, Lord Naseby, when talking about pesticides. He said that this is not the year to make dramatic changes. Respectfully, I very strongly disagree with him. ELMS is a dramatic change from the CAP, we are seeing dramatic changes in the climate, and Covid-19 is of course imposing dramatic changes on us all. We are heading in a very different direction from what we have seen for decades. The British countryside is headed in the direction of ever-larger farms, ever-greater mechanisation, and the production of fewer and fewer crops, very often with more and more expensive inputs. We are changing direction, so it is very important that we have a sense of where we are going, which is what these amendments aim to achieve.

I see from looking at the news during the break that there are hints that, over the weekend, we will see a dramatic change in the Government’s obesity strategy. The noble Viscount, Lord Trenchard, made reference to the drop in rapeseed plantings, which is a dramatic change that has come about through the ban on neonicotinoid pesticides—here I commend the Minister for her strong defence of that ban. Perhaps now, when we are seeing this big change in the Government’s obesity strategy, we will see a similar change in direction and great reductions in the planting of sugar beets, and the preservation of fields and very good soils by the planting of vegetables instead.

We are very much in a time of change and we need some kind of road map or guide, so that we do not flail around wildly. We cannot just say that we have a Secretary of State with the power to make decisions, while we have no idea where he is seeking to direct the use of our land, which is so valuable and so scarce.

Lord Addington: My Lords, I will try to focus on the amendments in front of us. If we are talking about land use and a land use strategy, it has to go fairly wide—a bit of lateral thought will make this stick together better.

My name is down, along with that of my noble friend Lord Greaves, on the amendment to bring the local government plan in alongside this. However, it encapsulates just about everything we have in the Bill. I spoke about many things, such as access. If I can remind the Government Front Bench about Clause 1 without them grimacing too much, all the things we have down there should be working into a strategy. A strategy is a good idea, but it has to go wide and bring things in. The exact form of that will be slightly difficult, but the idea of the noble Baroness, Lady Young, is sound.

I am not quite sure how you do this without having a list that never ends. What is and what is not on the list has always been a parliamentary challenge, has it not? I like going back to the parliamentary clichés every now and again. If we are to try to get this, it has to encapsulate much more thinking. It cannot just be about agriculture but must touch on other things as well. We have established that agriculture does not stand by itself. Whether it is housing or other things, everything else has to be in there. I will be interested to hear what the Government say about this. This cannot stand alone; agriculture is not another planet.

Baroness Ritchie of Downpatrick [V]: My Lords, I rise to support Amendment 228, in the names of the noble Earl, Lord Dundee, and the noble Baroness, Lady Bennett of Manor Castle. The noble Baroness, Lady Young of Old Scone, talked about the need for a land-use strategy—I could not agree more—and said
that Northern Ireland had a land use framework. Part of that framework is a land mobility scheme, designed to bring into farming new entrants and young people, who hitherto would not have been able to do so because they did not have access to land or were waiting on succession arrangements in their own family structure. This is a voluntary initiative between the Young Farmers Clubs of Ulster and the Ulster Farmers Union, and it gets some funding from the Department for Agriculture, Environment and Rural Affairs.

To underpin what the noble Earl was saying about bringing new entrants in, I can tell the Committee that the land mobility scheme is about helping to restructure our industry. It is about how we encourage young people into farming, and how we bring new skills, new thinking and a new generation into agriculture by matching people with opportunities and providing a service to facilitate workable arrangements. This much-needed initiative will match older farmers with no succession arrangements in place with younger farmers, and together they can develop long-term operational and financial plans for the farms in question, on an agreed basis. That is one way of bringing young entrants, and new entrants, into farming. It is a very slow process, but it is well worth examining. I recommend it to the noble Earl and to the Minister. We should see whether there are any possibilities to share experience. I suggest that something like this should be written into the Bill. That is why I support the amendment.

Lord Campbell of Pittenweem (LD) [V]: My Lords, never let it be said that we do not range widely in our discussions. “Three acres and a cow” was, of course, the mainspring of the distributist movement, which enjoyed some popularity in the late 19th century and again in the 1920s. I have not heard it discussed for a long time, and the noble Baroness who brought it to our attention has allowed us to reflect on history.

I shall speak to Amendment 228A, in the names of my noble friends Lord Greaves and Lord Addington, but having heard those who tabled Amendments 227 and 228, I support those amendments as well. Amendment 228A would create a statutory obligation that a land-use strategy, if adopted, should be taken into account in the development plan documents and the planning decisions of all planning authorities. It is worth asking: what would be the point of it if it did not enjoy that kind of notice?

As has been said, we are embarking on a period of considerable uncertainty in agriculture. We are changing from a long-standing regime to a new one, and in that change, planning authorities would be much assisted by a land-use strategy. If they adopt it as far as relevant in their development plans and use it to determine competing land uses, they will produce valid and consistent policies and informed decisions on such planning applications as come before them.

There is one particular area in which planning authorities will need to be consistent and informed. If the present Government’s announced policies in relation to the provision of housing are to be achieved, there is little doubt that local authorities and planning authorities will be under severe pressure to permit residential development. Volume housebuilders prefer green fields. They do not like brownfield sites because of the problems of land assembly or access, and they certainly do not like contaminated land because of the considerable expenditure involved in making it suitable for construction.

7.45 pm

If, as a result of a land-use strategy, there were to be multiple applications for housing development on what had been farming land, which had become available because of retirement or, on other occasions, planning authorities would bless the day that they had a land-use strategy as part of their statutory obligations. Some of these issues will, of course, be resolved by a constructive approach to land banks. I know that that is not part of our considerations and that we have been promised details of a policy document in due course, but I just want to say, from some professional experience, that if we can find a way of using land that is currently banked, the pressure on the countryside will be very much reduced.

Lord Holmes of Richmond (Non-AFL) [V]: My Lords, it is always a pleasure to follow my friend, the noble Lord, Lord Campbell of Pittenweem. He has a barrister’s brain and an Olympian’s frame. Mark Twain said, “Buy land, they aren’t making it any more”. Although he did not see the Dutch project of polderisation, he certainly had a point, which goes to the essence of the amendments in this group. What has connected every speaker so far is a simple point of coherence. It makes coherent sense to have a land-use strategy. Anything else would inevitably mean competing interests, with land often going to the highest bidder or the largest voice. I support, in particular, the comments of my noble friend Lord Caithness, and, in essence, I support the amendments in this group.

Lord Cameron of Dillington (CB) [V]: My Lords, I shall speak to Amendment 227, in the name of the noble Baroness, Lady Young. England—not Britain, but England—is the fifth most densely populated country in the world, from a list that includes the city state of Singapore. The south-east of England, with London at its commuter heart, is obviously very crowded, but so too are the Midlands. For instance, the Peak District National Park has 21 million people within an hour’s drive of it. That is a staggering number of human beings.

The second fact to note is that, as Bill Bryson once said, the unique feature of the English countryside is that its citizens love it to death. We all feel it belongs to us. Furthermore, most of us want to live in it and to have a home there. A survey in the 1990s showed that more than 80% of those living in southern England wanted to live in the countryside, where less than 20% currently live, so there are immense pressures on our countryside, even before we start to plan our nation’s food production. There are demands for leisure, housing, transport, energy, forestry and business property, as well as our obligations in relation to biodiversity, landscape and climate change.

How do we deal with all these pressures? At the moment, the way our countryside produces all those services and goods is a matter of haphazard chance. There are, of course, myriad strategic and neighbourhood plans, guided by the national planning policy framework,
[Lord Cameron of Dillington] but there is a difference between what people need to get planning permission for and how we actually want to use the land on the ground.

At the moment, most of the usage is dictated by the marketplace and responded to—admirably, in a way—by a new generation of young, entrepreneurial landowners and others who look for whatever possible use the land might be suitable for. But we have already decided in this Bill that the marketplace cannot and should not drive all land usage. With the powers in the Bill, the state is going to step in with large amounts of money—£3 billion per annum—is promised—to buy land uses that the market does not cater for.

This brings us to the question of what we should use our land for, and where. The answer may be that we need a plan, or rather a framework or frameworks, possibly at different levels—we possibly need a national framework and a regional framework. Personally, I would avoid local frameworks as I fear they might encourage too much nimbyism, which could destroy the innovation we so badly need for our future land use. The one thing we do not need, of course, is a Soviet-style plan that knocks local enterprise on the head.

Although I think a land use strategy is a good and useful idea, I strongly support the noble Earl, Lord Caithness, in his wish to have a one-off Select Committee in this House to really examine how best we could set up and implement such a land use strategy. There are now many new variables to go into the mix, including the need to plant more trees to absorb CO2, maybe the need for more domestic tourism venues now that overseas travel has taken such a hit, and maybe even the imminent arrival of lab-produced meat and milk, which could dramatically change our farming landscape and what we want from our land. I strongly believe that this is just the sort of issue that a Lords Select Committee could get its teeth into to produce an illuminating and compelling message for government.

Baroness Scott of Needham Market (LD) [V]: My Lords, my noble friend Lord Campbell remarked that there are huge competing pressures on land use, and we do not currently have a mechanism to resolve the priorities among those competing claims. We already have expectations on land to deliver carbon storage, extensive tree planting, renewed biodiversity, flood management, water storage and, of course, food, and we are about to add the pressures of all the environmental and habitat improvements set out in Clause 1.

As all noble Lords have said, there are huge competing pressures on land use, and we do not currently have a mechanism to resolve the priorities among those competing claims. We already have expectations on land to deliver carbon storage, extensive tree planting, renewed biodiversity, flood management, water storage and, of course, food, and we are about to add the pressures of all the environmental and habitat improvements set out in Clause 1.

We know that Scotland has a land use strategy, Wales has a spatial plan and Northern Ireland has a regional development strategy. It was fascinating to hear from the noble Baroness, Lady Ritchie, how that is used to help new entrants. On the other hand, England has no overall framework. What it has for planning is a morass of strategies, plans and initiatives, so I am grateful to the noble Baroness, Lady Young of Old Scone, for tabling the amendment to set out the vision for a land use strategy that could help the Government to deliver their agriculture and forestry aspirations, as we are debating today, but also the 25-year environment plan, the 12 policy statements for critical infrastructure, and this sense of place, which is something on which the Government have based their civil society strategy. The noble Lord, Lord Cameron, was quite right to highlight just what a crowded island this is, and the noble Lord, Lord Holmes, talked about the lack of coherence; he is quite right too.

Amendment 228, tabled by the noble Earl, Lord Dundee, addresses this problem of new entrants to agriculture and the difficulties they face. In some ways this links with amendments on county farms in earlier groups, because county farms were intended to do just this, but, as we have heard, are becoming rarer. That links with land use, of course, because if you are a cash-strapped council and can sell some land on the edge of town for a housing development, I am afraid you are likely to do that. It is a fact that land for agricultural purposes will struggle to compete against the land demands of housing, for example.

Finally, Amendment 228A, tabled by my noble friend Lord Greaves, would create this link with local development plans and the neighbourhood plan process. This is absolutely the right thing to do. It has seemed to me for some time—clearly the noble Lord, Lord Cameron, tends to feel the same—that in this country we are very good at development control but not very good at planning. We had some elements of it up until about 2004 in the form of county structure plans. They did not cover the whole country, but they were at least strategic. However, they often got stymied by differences with district councils, which had the development control function. County structure plans disappeared in 2004, replaced by regional development plans, which bit the dust in 2010. It seems sensible to include local planning in any provisions and thought in Amendment 227.

Baroness Jones of Whitchurch: My Lords, I am grateful to my noble friend Lady Young of Old Scone for raising the case for an integrated land use framework today and in her very good contribution at Second Reading. She makes a very important point.

As all noble Lords have said, there are huge competing pressures on land use, and we do not currently have a mechanism to resolve the priorities among those competing claims. We already have expectations on land to deliver carbon storage, extensive tree planting, renewed biodiversity, flood management, water storage and, of course, food, and we are about to add the pressures of all the environmental and habitat improvements set out in Clause 1.

In his excellent speech on food security on Tuesday, the noble Lord, Lord Hodgson of Astley Abbotts, reminded us that population growth and urban
development are producing demands to build 2 million
to 3 million more houses, with all the services and
infrastructure needed to underpin those communities—
new shops, schools, hospitals and so on. This will
inevitably put the squeeze on land available for food
production.

As we have debated several times, we are busy
making policy and legislative decisions in silos and not
taking account of the impact of one on the other. This
is a major criticism in the latest report by the Natural
Capital Committee. It quite rightly identifies the need
for a “natural capital assets baseline” against which
priorities can be assessed and progress measured.

A land use framework could comprehensively map
out the opportunities and benefits of different forms
of land use. It could provide clear guidance on cross-
departmental priorities and mechanisms for resolving
conflicts over land use. It could join up resources and
money to rural areas, providing funding on a game-
changing scale rather than separate pots of money and
layers of bureaucracy. It could also ensure that overarching
government priorities such as tackling climate change
are delivered coherently, utilising national, local and
private funding. I see great benefits in this approach.

I also have a great deal of sympathy for the amendment
from the noble Earl, Lord Dundee. These are issues
that we have debated in other groups, most notably in
the debate on county farms and tenancies. I think we
all agree that we need to find new ways to bring new
blood and business skills into the sector. The question
remains: where will that land come from? How can we
make that aspiration a reality?

Finally, the amendment from the noble Lord,
Lord Greaves, would make it more explicit that local
planning should be part of the land use strategy. This
is understood as one of the competing forces that
must be balanced by the mechanisms in my noble
friend’s amendment, but it is nevertheless helpful to
have it spelt out.

This debate has raised some important questions
about competing pressures on a scarce, finite and
precious resource. I hope the Minister will be able to
provide some reassurance that the proposal laid out so
ably by my noble friend is being taken seriously.

Lord Gardiner of Kimble: My Lords, I thank all
noble Lords who have spoken in this debate, especially
the noble Baroness, Lady Young of Old Scone, who
has moved Amendment 227, which I will address
along with Amendments 228 and 228A.

8 pm

The Government agree that strategic planning can
play an important role in identifying a sustainable
long-term approach. The National Planning Policy
Framework sets out the Government’s planning policies
for England and how they are expected to apply.
Localism is at the heart of the Government’s approach.
The NPPF provides a framework within which locally
prepared plans can be produced. It supports a more
flexible approach that is tailored to the nature and
extent of the strategic issues facing each local area.

It is interesting that no noble Lord raised the question
of the NPPF. I remember some Noble Lords, including
the noble Baroness, Lady Young of Old Scone, taking
part in debates about it, so I am intrigued that it was
not mentioned in this evening’s short debate. That
framework refers to measures to support a prosperous
rural economy. It notes that planning policies and decisions
should enable the development and diversification of
agricultural and other land-based rural businesses.
It also says that planning policies and decisions should
contribute to and enhance the natural and local
environment by recognising the intrinsic character
and beauty of the countryside and the wider benefits
from natural capital, including the economic and
other benefits of the best and most versatile agricultural
land—grades 1, 2 and 3a of the agricultural land
classification. Indeed, the framework says that where
significant development of agricultural land is
demonstrated to be necessary, areas of poorer-quality
land should be preferred to those of higher quality.

In addition, the NPPF refers to

“protecting and enhancing valued landscapes, sites of biodiversity
or geological value and soils”,

and

“recognising the intrinsic character and beauty of the countryside,
and the wider benefits from natural capital and ecosystem services
—including the economic and other benefits of the best and most
versatile agricultural land, and of trees and woodland”.

I remember a discussion, I think with the noble Baroness,
Lady Young of Old Scone, about veteran trees, which
of course she and I cherish.

Further to that, the Government are proposing as
part of the Environment Bill to introduce local nature
recovery strategies. These will help to provide a local
calendar for investments under Clause 1 of the Agriculture
Bill. Local nature recovery strategies are a new system
of spatial strategies for nature, covering the whole of
England. Each strategy will, for the area that it covers,
agree priorities for nature’s recovery, map the most
valuable existing habitat for nature and map specific
proposals for creating or improving habitat for nature
and wider environmental goals. In that connection I should
also say, particularly to the noble Lord, Lord Greaves,
that the Government are working with stakeholders to
determine how these could help to direct investments
under Clause 1—for example, through the ELM scheme.
The local nature recovery strategies will help local
planning authorities to create local plans that reflect
national policy requirements for protecting and enhancing
biodiversity.

I say to my noble friend Lord Caithness that the
National Infrastructure Commission’s charter sets out
three high-level objectives on sustainable growth,
competitiveness and quality of life, but that is not to
say that it takes no account of climate change or
sustainability. For example, the national infrastructure
assessment that it publishes includes chapters on low-cost,
low-carbon energy and on reducing the risk of drought
and flooding.

On Amendment 228, the Government recognise the
importance of enabling new farmers to join the industry;
indeed, we have had considerable debates on that in
Committee. In February’s Farming for the Future policy
update, the Government set out our plans for offering
funding to councils, landowners and other organisations
to help them invest in creating new opportunities for
new-entrant farmers. We will help landowners to feel
confident in letting land to new entrants, delivering benefits to both parties and creating a new generation of innovative farmers. Alongside investing in creating more smallholding land opportunities for new entrants, we will also provide guidance and mentoring to new farmers so that they can develop sustainable and profitable farming businesses.

I am very happy to discuss the amendment further with the noble Baroness, Lady Young of Old Scone, because, as I say, it would be very interesting to cross-reference the National Planning Policy Framework, which covers planning policies for England, and the provisions of the Environment Bill with any further considerations or concerns she has.

I am always nervous of what I might call statist plans; they have not exactly worked terribly well around the world. We have put localism at the heart of our approach, but we have accepted, as we always would, that there are important areas at the national level, which is why the National Planning Policy Framework is an essential part of the approach.

I am very happy to talk further with the noble Baroness about her amendment and what we are doing in government. With that, I would be most grateful if she felt able to withdraw her amendment.

The Deputy Chairman of Committees (Lord Faulkner of Worcester) (Lab): My Lords, I have received no requests to speak after the Minister. I call the noble Earl, Lord Dundee.

The Earl of Dundee [V]: My Lords, on the need for better and clearer incentives to encourage many more new entrants into farming, and as indicated in my opening remarks, I believe that the Scottish Land Commission's recent recommendations are well worth studying. These set out to provide mutually attractive incentives to both parties, landowners and new entrants, to form farming business contracts together.

I am grateful to the Minister for his response and to all noble Lords for their useful comments. I will look carefully at what has been said and possibly return to the matter on Report. Meanwhile, I beg leave to withdraw my amendment.

Amendment 228 (to Amendment 227) withdrawn.

Amendment 228A (to Amendment 227) not moved.

Baroness Young of Old Scone [V]: My Lords, I thank all noble Lords who have taken part in this debate, particularly the noble Lord, Lord Greaves, for his amendment requiring close links between the planning system and any land use strategy. My view is that we need an overarching land use strategy which would guide all sorts of decision-making processes—the planning system, the ELM schemes and some of the initiatives the Minister referred to, such as local nature recovery strategies and some of the work of the National Infrastructure Commission.

I also thank the noble Baroness, Lady Bennett of Manor Castle, who rightly pointed out that we are at a time of great flux in land use and that a strategy is very much needed now. I also thank the noble Lord, Lord Addington, who was quite right about it needing to be wide and not just about agriculture; this is really a strategy about what land is for and how we get the right balance between competing uses.

The noble Lord, Lord Cameron of Dillington, has huge experience in these areas and rightly stressed that there should be perhaps one framework at a national level and others more regionally, but also that we have to guard against the nimbysim of too local a structure. If I cannot get the Minister to agree to this amendment, I would be delighted if there were to be a relevant Select Committee of this House.

I listened very carefully to the Minister's response. Much as I love the National Planning Policy Framework, and I have worked hard on it over the years, it is partial. The reality is that the planning system does not really do anything to weigh up from a range of competing needs what should happen in a given area. It is much more focused on development needs, particularly built development needs. I still think that, irrespective of the National Planning Policy Framework, there is a need for an overarching land use strategy.

The same goes for local nature recovery strategies, which are very much about biodiversity. We are currently looking at a piecemeal arrangement which needs integrating into this strategy. I do not think it needs to be statist at all; it can be generated in ways that make it very much about conversations at a county level and at a national level about the right way to maximise the benefit for all these uses of our limited land.

To touch on the point made by the Minister about the National Infrastructure Commission, I had a hugely interesting discussion with its acting chief executive just before lockdown. It is now getting the hang of its climate change responsibilities, but it has never been tasked with responsibilities for other things such as biodiversity. It is time that the Government tasked the infrastructure commission with taking account of biodiversity needs, as well as the other half of the twin challenges, climate change.

I thank the noble Lord for his offer of further discussion. Although I would much prefer him to accept the amendment, clearly that is not going to happen. I should say that even if we cannot get this amendment accepted in the Agriculture Bill, there are myriad opportunities on which I shall not be backward in coming forward, including the Environment Bill—if it ever comes to our House—and the rumoured changes to planning legislation. When we talk about flooding or carbon or water, I shall be there to talk about an integrated land use strategy. I shall become the Countess of Mar of integrated land use strategies.

As has been said, land is a finite resource—we are not making any more. We need a framework now, and the pressures are growing. I hope that the Minister will recognise the need for some such way forward, but at this moment I beg leave to withdraw my amendment.

Amendment 227 withdrawn.

The Deputy Chairman of Committees: We come now to the group beginning with Amendment 229. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate.
Anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

Amendment 229

Moved by Baroness Young of Old Scone

229: After Clause 34, insert the following new Clause—

"Duty to consult on a new environmental regulatory regime for agriculture in England

(1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish proposals for a new environmental regulatory regime for agriculture in England in accordance with this section.

(2) Following publication, the Secretary of State must consult all interested stakeholders on the proposals mentioned in subsection (3).

(3) The proposals for a new regulatory regime mentioned in subsection (1) must include—

(a) consideration of the role of agriculture in achieving environmental objectives;
(b) clear objectives for the regulatory regime with specific reference to the agricultural sector;
(c) a new model for securing compliance with regulation formulated with a view to ensuring significant change in the behaviour of producers;
(d) targets for compliance with environmental regulation;
(e) amendments to existing regulations and new regulations required to maintain agricultural environmental standards following the removal of cross-compliance, and to support the new environmental objectives and priorities proposed in accordance with this section;
(f) assessment of the resources needed to implement the new model mentioned in paragraph (c) and achieve the compliance targets mentioned in subsection paragraph (d);
(g) any other issues that the Secretary of State considers relevant."

Member’s explanatory statement

This new Clause would update the regulatory framework for agriculture to fill gaps and bring it in line with environmental objectives, and to create effective compliance mechanisms.

Baroness Young of Old Scone [V]: My Lords, I hope that at this time of the night noble Lords are not getting fed up with my voice. I thank the noble Baroness, Lady Quin, and the noble Earl, Lord Cormack, for their support for it. The amendment requires the Secretary of State to publish proposals for an updated regulatory framework for agriculture to fill regulatory gaps that result from our leaving the common agricultural policy, and which would bring the regulatory framework into line with the environmental objectives stated in the Bill and the 25-year environment plan. It would also help to create effective monitoring and compliance mechanisms.

Everyone is pretty clear that the regulatory framework around farming is not fit for purpose. Some farming and land management practices continue to have adverse environmental impacts—ammonia emissions, pollution of rivers, greenhouse gas emissions, and soil erosion, to mention just a few. It is staggering that agriculture is the primary cause of 30% of our sites of special scientific interest—those jewels in our wildlife crown—being in an unfavourable condition. Yet the current average inspection rate for the environment on farms is once every 200 years. I am not counting inspections by the rural payments inspectors, which are about EU requirements to audit funding and which, hopefully, Brexit will see the end of. However, once in 200 years is not much of an environmental inspection regime.

Changes to the farm support system, as outlined in the Bill, will further jeopardise effective farm regulation. Under the current basic payment scheme, all farmers and land managers in receipt of payments must, under the cross-compliance conditions, deliver something that is catchily called good agricultural and environmental condition—GAEC. It is the regulatory baseline of environmental performance. That requirement to achieve GAEC if one is in receipt of payments disappears with the common agricultural policy. There remains no less need to have a strong set of baseline environmental standards universally required of all land managers so that the specific public good provided above this baseline by the ELM scheme can be rewarded with payment. It would be heinous if ELM scheme public money were to be paid, for example, to improve water quality to a farmer, who, meanwhile, was failing to comply with the basic agricultural conditions that currently exist for other water quality protection arrangements.

Defra’s Farming for the Future update committed to introducing an alternative inspection and enforcement approach. I would welcome that, provided it does not mean a new stand-alone agricultural regulator which would duplicate the expert regulators we already have in Natural England and the Environment Agency—I declare an interest having been chairman of one and chief executive of the other—which not only know their onions but draw on knowledge gleaned from regulating a range of sectors, not just farming. That cross-learning from other sectors is very important. What these existing regulators need is not another regulator on the pitch but a proper framework for agricultural regulation, within which they can work with land managers. They also need proper resources to do an effective job in inspection and enforcement. All of this would be enabled by my Amendment 229, which I am moving.

8.15 pm

I also lend my support to Amendment 230, in the name of the noble Baroness, Lady Quin, and Amendment 231, in the name of the noble Lord, Lord Randall. These would replace the measures of environmental protection for field boundaries, including hedgerows, and for ponds and small water body habitats which existed through the catchily named GAEC provisions of the cross-compliance regime under the common agricultural policy, which would otherwise be lost without these amendments.

I also draw attention to Amendments 296 and 297, in the name of my noble friend Lady Jones of Whitchurch, on similar replacement measures to tackle soil degradation. When I was chief executive of the Environment Agency, there was a growing problem with muddy floods after the run-off of soils from bare ground, often from the inappropriate siting or management of potato or maize growing. In the last few years, we have now seen for the first time in aerial pictures of the UK and its coasts
evidence of substantial soil erosion, travelling down the rivers and out to sea on a grand scale. If we are not to lose our precious soils, this amendment is absolutely required.

Lord Randall of Uxbridge [V]: My Lords, it is always a great honour to follow the noble Baroness, Lady Young of Old Scone, and I am sure that nobody would tire of hearing her, even at this time. I am sure that I will hear a collective sigh of relief because I think this will be my last contribution to the Committee. I thank the Committee for its indulgence, not least my two noble friends on the Front Bench who have had to listen to my ramblings.

The noble Baroness, Lady Young of Old Scone, has already referred to the two amendments standing in my name. I am grateful to her and to the noble Baronesses, Lady Bennett of Manor Castle and Lady Quin, for putting their names to Amendment 230. I am grateful again to the noble Baroness, Lady Young, and to the noble Lords, Lord Greaves and Lord Addington, for doing so on Amendment 231.

As has been discussed, these amendments regard the potential loss of the good agricultural and environmental conditions—the GAECs, or whatever they are to be called. Amendment 230 relates to GAEC 7a, which includes: maintaining green cover at the base of a hedge for two metres either side from its centre; not trimming hedges during the main breeding season of nesting birds; not removing stone walls, earth banks, stone banks or material from these, as they provide important habitats for many plants and animals. If this amendment were inserted, it would amend the Hedgerows Regulations 1997 to ensure that these important protections are maintained.

Replacing elements of GAEC 1 to protect ponds and small water body habitats is also important, because a wide variety of small water bodies are vital for freshwater biodiversity. But they remain largely overlooked and generally excluded, as I understand it, from government policies such as the water framework directive and river basin management plans, which describe how we should protect freshwaters. Small standing waters, ponds and small lakes are particularly important for biodiversity compared to other freshwaters. These waters support a surprisingly large proportion of freshwater biodiversity and are especially important for uncommon freshwater species.

Amendment 231 would change the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 to provide a requirement for buffer strips of green cover adjacent to watercourses, surface waters, et cetera, mirroring the current cross-compliance requirements in GAEC 1. This amendment would also require land managers to keep a farm map with surface water, boreholes and so on marked outside nitrate-vulnerable zones. The term “surface waters” is included in GAEC 1 and is taken in common parlance to include ponds and lakes. I think that Amendment 231 would provide legal certainty on this. I thank noble Lords for listening to me.

Baroness Bennett of Manor Castle [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Randall of Uxbridge. He set out very clearly the benefits of Amendment 230, to which I was pleased to attach my name, and Amendment 231, to which I am pleased to offer my support. It is a little unfortunate that this got split from Amendment 117 on meadows, which the noble Lord kindly backed after I had tabled it, because the two fit together rather nicely. They are two hugely valuable biological and ecological resources that are to a large extent being destroyed and lost in parts of our countryside. It is undoubtedly true that the common agricultural policy was responsible for a huge amount of destruction, but the cross-compliance, or GAEC, regulations have in recent years helped to at least keep what we still have. It is crucial that under the new arrangements we do not lose that protection, and that is what these two simple amendments aim to do. I hope very much that the Government will be able to take them on board and incorporate them in the Bill.

Baroness Quin (Lab) [V]: My Lords, it is a pleasure to speak after the previous three speakers. I added my name to the amendment tabled by my noble friend Lady Young of Old Scone and I support the point that she made in moving her amendment, especially her explanation that this is about updating the regulatory framework, plugging gaps in it, bringing it into line with environmental goals and creating, as I think she put it, viable cross-compliance mechanisms.

Earlier in this Committee stage, I spoke about the need to know what we are talking about when we refer to “environmentally friendly farming” and “nature-friendly farming”. I believe that this amendment, along with others, would help to forge a proper understanding of this and avoid getting trapped in silos—a point made a few minutes ago by my noble friend Lady Jones of Whitchurch.

I also added my name to Amendment 230 on hedgerows, in the name of the noble Lord, Lord Randall of Uxbridge. I have always felt very strongly about the removal of hedgerows and about their proper maintenance in an environmentally friendly way. The debate about hedgerows goes back a long way—even to before we entered the EU. In many ways, British agriculture was a leader in hedge removal over the years, and I am very glad that the mood on this has changed greatly in recent times.

The replacement of hedges and the retention of hedgerows are very important. There is a certain irony in that originally there were grants for removing hedgerows, whereas now there are grants for replacing them. None the less, I welcome that change in priorities. When I was an Agriculture Minister, I was keen to support EU action to protect hedgerows as part of the development of the CAP’s second pillar.

I believe that many farmers are keen to play their part in the maintenance and re-establishment of hedgerows. An interesting example that I came across recently was of a farmer who had replaced a long stretch of tumble stone wall with new hedging but then used the redundant stone to construct a series of rubble mounds to create a bespoke habitat for wheatears. It struck me that that was a good example of thinking about the environment at every stage of an agricultural project.

I agree very much with the part of the amendment in the name of the noble Lord, Lord Randall, that concerns the ban on cutting hedges from 1 March to
31 August during the breeding and nesting season. In conclusion, perhaps this is something all of us with gardens should consider carefully. Earlier today in this debate, the noble Lord, Lord Blencathra, I think, talked about the fact that gardeners as well as farmers use pesticides. Well, gardeners often have hedges and sometimes they cut those hedges, even savagely, during the nesting season. Obviously, action to encourage gardeners on hedges is outwith the scope of this amendment and even of the Bill. But I would ask the Minister whether encouraging gardeners to be more environmentally friendly is something that the Government are taking up with the Education Department, perhaps, to make it part of environmental education in schools.

In short, I support both amendments I have spoken to. I hope the spirit of them, even if not every word of them, will be taken on board by the Government.

Lord Greaves (LD): My Lords, what a pleasure to follow a succession of speakers with whom one agrees almost entirely. I added my name to Amendment 231 as an expression of solidarity with all the amendments in this group, which come to the heart of one of the major problems of the Bill. Okay, we are doing away with cross-compliance from the CAP grants most farms have taken advantage of, and moving to a system where a proportion of farms—perhaps a high proportion—will take advantage of, for example, tier 1 schemes. They will be an improvement on cross-compliance if they work properly, because each one will be tailored to the specific circumstances of that farm. That ought to be an advantage, as it ought to be possible to get the best benefit from the particular and unique circumstances of every farm that takes part.

However, the main problem is that there will be some farms—we do not know how many, but they may be large, efficient farms—that decide not to take part in ELMS because they think they can make a profit in the new environment without doing so, without doing all the fiddly things the Government are insisting on through ELMS. Those are the farms where there is a huge risk of a severe loss of environmental benefit and a severe deterioration of everything good that farms give that people have been talking about—ponds, hedgerows and everything else. I do not think we have had an answer from the Government yet on how they are going to deal with that particular problem. These amendments seek to do it by setting up a system of regulation—if I have understood them properly—that will insist that all farms undertake certain basic minimum things.

The Minister has said on at least two occasions in Committee that under the new system there will be no compulsion, and everything will be voluntary. I am very worried about some of these big, supposedly efficient but environmentally inefficient enterprises that might undermine the whole thing.

The Deputy Chairman of Committees: The noble Lord, Lord Cormack, has withdrawn from the debate so I call the noble Lord, Lord Addington.

8.30 pm

Lord Addington: My Lords, I thank the noble Baroness, Lady Young of Old Scone, and the noble Lord, Lord Randall, who have both tabled amendments in this group. This is the last time that we will hear from the noble Lord, Lord Randall, in today’s proceedings. He has diminished our discussions by removing himself. I have attached my name to two of the amendments tabled by the noble Lord where I could find a space: the one on hedgerows and the other about ponds.

When we think about the classic vision of farmland, it will contain hedgerows—the amendment also refers to dry stone walls. They define fields and serve as the highways for wildlife. It has already been said that ponds are incredibly important to maintain natural diversity and encouraging the new population that is much derided by the Prime Minister. All of these things are vital to a healthy and balanced environment and they help to make up a classic pastoral setting. I hope that the Minister can at least say that the protections enjoyed under the previous regime will be transferred and that the concerns expressed by the noble Lord, Lord Randall, are recognised. As I say, that is the very least that should happen.

We should have a major framework for environmental standards, but let us leave that argument to one side for a moment and concentrate on the hedgerow and the pond. If we start with those, we will probably not go too far wrong.

Baroness Worthington (CB) [V]: My Lords, I want to speak briefly in support of this group of amendments. I would have added my name to Amendment 297 had I got there in time. A key feature mentioned by a number of noble Lords is that the shift towards a system of payments for public goods will remove a layer of regulatory protection from our countryside that we must address. We must ensure that a strong regulatory floor is created so that people can be rewarded for doing additional good work for the countryside. If we shift to a world with no regulatory standards so that everything is expected to be paid for, we will find a huge pressure on the public purse and we will see the potential for backsliding from the standards that we enjoy today.

I particularly wanted to add my name to Amendment 297. Although it appears to be technical in nature, it is an important and significant one in terms of protecting the current standards from the climate change perspective. The amendment would do two things—I am sure that the noble Baroness, Lady Jones, will articulate this far better than I when she speaks. It would introduce a requirement for environmental permitting to cover the keeping of livestock in intensive fashion. It would add beef and dairy and outdoor pig farms to the environmental permitting process. Adding intensive farming facilities, which can be very significant sources of methane and ammonia emissions, to environmental permitting would ensure that we do not waste public money on reducing those sources of pollution if we can continue to use the existing regulatory standards that do the job for us.

Amendment 297 would also reintroduce a requirement that would be lost through the loss of cross-compliance on farmers to take reasonable steps to maintain soil cover and to limit the loss of soil through wind erosion. These again are sensible standards that we would expect farmers to abide by in order to preserve our soil stock. Soil is a vital element of a healthy, functioning
Lord Holmes of Richmond [V]: My Lords, I speak in support of the amendments in the name of my noble friend Lord Randall of Uxbridge. Hedgerows are much more than boundaries and a way to manage animals, as a recent story in the Halesowen News illustrates. Local residents in Halesowen were furious when the council “butchered” their local hedgerows. The residents recognised that the hedgerow blocked noise and reduced pollution and they also welcomed the fact that it provided a habitat for many species of wildlife, including nesting birds and small mammals such as hedgehogs, and contained many flowers and fruits essential for the bees.

Hedgerows are an essential component of the local agri-eco system; that is why Amendment 230 is so important in making sure that we continue to give hedgerows the protections that they need. They also play a vital role in reducing the rate of climate change through carbon storage, they regulate the water supply for crops and reduce soil erosion. Animal health can also be improved by hedgerows: a thick stock-proof hedge can prove a barrier to the spread of disease and can provide shade and shelter and reduce wind speeds. Recent research has shown, for example, that lamb survival rates are increased by hedgerows reducing the chilling effect of the wind.

Where there are gaps in the law after we leave the EU, we should take the opportunity through this Bill to ensure that they are filled. Amendment 230 makes sure that hedgerows are not overlooked by the Bill. We cannot let some areas of nature be overlooked, and I hope that the Government will accept this amendment. If the noble Lord, Lord Gardiner of Kimble, cannot let some areas of nature be overlooked, and I know that my noble friend Lord Randall of Uxbridge has taken an interest that that would be the case. I know that the noble Baroness, Lady Young of Old Scone, makes a powerful case for hedgerows the protections that they need. They also play a vital role in reducing the rate of climate change through carbon storage, they regulate the water supply for crops and reduce soil erosion. Animal health can also be improved by hedgerows: a thick stock-proof hedge can prove a barrier to the spread of disease and can provide shade and shelter and reduce wind speeds. Recent research has shown, for example, that lamb survival rates are increased by hedgerows reducing the chilling effect of the wind.

Where there are gaps in the law after we leave the EU, we should take the opportunity through this Bill to ensure that they are filled. Amendment 230 makes sure that hedgerows are not overlooked by the Bill. We cannot let some areas of nature be overlooked, and I hope that the Government will accept this amendment. If the noble Lord, Lord Gardiner of Kimble, cannot accept it, he set out in some detail for the Committee how the protection that this amendment seeks to put in place will be delivered?

Baroness McIntosh of Pickering: My Lords, I am delighted to follow my noble friend because I was also hoping to ask for confirmation that hedgerows will be covered within ELMS and that farmers will have to meet the cross-compliance requirements. From memory, when we had the debate on Clause 1 and the many amendments that were tabled at that time, it was my understanding that that would be the case. I know that my noble friend Lord Randall of Uxbridge has taken great interest and is very expert in this area. I also am concerned about water quality and our requirements under the water framework directive; I am interested to know if we will keep up with the requirements of the successor water framework directives to come.

My main point is that I find Amendment 229 from the noble Baroness, Lady Young of Old Scone, very interesting, but I would be rather aghast to think that we were going to have a new environmental regulatory regime. I take this opportunity, if I may, to say to my noble friend the Minister that there is great uncertainty at the moment as to what the regulatory regime will be, as we have not yet had sight of the Environment Bill. Perhaps I am being slow here, but I do not see what the relationship will be between the office for environmental protection and the Environment Agency, Natural England, Rural Payments Agency and the host of other bodies. Who will be the policeman in all this and who will be giving the friendly advice to farmers in this regard?

Baroness Bakewell of Hardington Mandeville [V]: My Lords, the case for environmental and agricultural regulation has been set out very clearly by the noble Baroness, Lady Young of Old Scone. It is important that there is an updated regulatory framework. The Agriculture Bill makes radical changes to the way that funding is allocated. The ELMS are very different from direct payments, and it is therefore essential that the framework reflects the thrust of the Government’s intentions. A farm inspection only once every 200 years is pathetic, and indeed dangerous. Bringing the framework in line with the environmental standards that will pertain to adapt their business models to reflect the loss of what is, for many, the largest single component of their annual incomes, introducing a new regulatory regime would be unnecessarily burdensome and confusing.

I seek clarification from my noble friend the Minister that the cross-compliance rules will also apply to payments under the ELM scheme; I expect that this would mean that this amendment and, indeed, Amendments 230 and 231, in the name of my noble friend Lord Randall of Uxbridge, are not necessary. Furthermore, his intention to reduce from 20 metres to 10 metres the minimum length of hedgerows to which regulations apply is surely disproportionate and unreasonable. Is my noble friend not aware that, up and down the country, farmers are putting in new hedgerows?

In Amendment 297, the noble Baroness, Lady Jones of Whitchurch, seeks to place a limit on rearing pigs on any land at a density greater than 20 healthy pigs per hectare. A friend of mine whose family have farmed pigs in Lincolnshire for generations tells me that this density is very low. I ask my noble friend the Minister to confirm that he agrees.
once the Bill has passed is essential. We cannot have two separate standards, otherwise there will be wholesale confusion. Effective compliance cannot be implemented without an updated regulatory framework: without this, it appears like putting the cart before the horse.

Amendment 230 proposes a new clause to protect hedgerows and gives detail on how this should be designed and implemented. I fully support this amendment, as other noble Lords have. Over the years, since I was a child, I have seen hedgerows ripped out to allow farmers to plough larger tracts of land. This has meant that the feeding and breeding grounds of small birds and insects have disappeared, leading to the disappearance of some iconic species, such as the bullfinch. This amendment seeks to protect the margins at the edges of fields and to reinstate hedgerows. It is important to reconnect with the wildlife that previously lived in our hedgerows and field margins. I believe this is a move in the right direction, and support the views expressed by the noble Lord, Lord Randall of Uxbridge, and the noble Baroness, Lady Quin.

Amendment 231, in the name of the noble Lord, Lord Randall of Uxbridge, seeks to protect water, wells, springs and bore-holes from pollution. The area where I live is covered with natural springs, some of which provide domestic water supplies; preventing the pollution of this water is therefore extremely important. Farmers should do everything possible to prevent poisonous chemicals from entering the watercourses, and this should include pesticides and herbicides. Water is an important, life-saving ingredient in agriculture, and it provides biodiversity. I welcome this amendment and look forward to the Minister agreeing to this.

Amendments 296 and 297 propose a new schedule, which would introduce animal welfare standards for pigs, cows and cattle, give minimum standards of space and give protection to water and soil quality. Intensive farming and livestock management has a downside on both animal welfare and soil quality. I support this amendment and look forward to hearing positive comments from the Minister. I feel a bit sad that I am getting quite excited at the prospect of actually reaching—[Inaudible.]

The Deputy Chairman of Committees: She is excited. I call the noble Baroness, Lady Jones of Whitchurch.

Baroness Jones of Whitchurch: Yes, we are all excited.

My Lords, I will speak to my Amendments 296 and 297 in this group. I am also speaking in support of the amendments in the names of my noble friend Lady Young of Old Scone, the noble Baroness, Lady Bennett, and the noble Lord, Lord Randall. He has made a significant contribution to this and other debates, and we are grateful to him for raising the issue of protecting hedgerows this evening. It is an issue which many people care deeply about, and a number of noble Lords have reflected that this evening.

Our amendments propose a new schedule to modernise regulations relating to intensive farming and the management of livestock and soil. They fit in with the suite of amendments on the need to create a new regulatory framework regime, which has been expertly introduced by my noble friend Lady Young of Old Scone. As she and other noble Lords have pointed out, the Bill in its current form fails to provide the regulatory baseline which will be lost when we leave the CAP cross-compliance requirements. For example, when we are no longer bound by the good agricultural and environmental condition standards in England, there will be gaps left in relation to good soil management, hedgerow management and the protection of small water bodies.

8.45 pm

The Bill also misses the opportunity to update the regulations on some of the emerging environmental issues in agriculture, where we are rightly demanding higher standards. For example, there are regulatory gaps on the need for climate change mitigation and adaption, and for the use of integrated pest-management techniques to cut down on the use of pesticides.

Rather than deal with this in a piecemeal way, an overarching framework should be drawn up, which seeks to plug the existing gaps and, more importantly, sets out a new model based on the objectives of the Bill to better manage land in a way that improves the environment. Farm payments are clearly part of this. It would include setting standards and targets for compliance with the regulations. It would need to address the failures of the Environment Agency to have a credible programme of farm inspections. As my noble friend Lady Young’s amendment makes clear, it would also require a detailed programme of consultation, to ensure buy-in from stakeholders and to help deliver behaviour change.

I am grateful to the noble Baroness, Lady Worthington, for her support for my amendments, which address the impact of ammonia emissions. Agriculture currently accounts for about 88% of total UK ammonia emissions. These come primarily from livestock manure in slurry in stores and when spread on the land as fertiliser. We are now much more aware of the dangers. As well as having direct health impacts, ammonia reacts in the soil and the air to form other pollutants. This is why the Environment Bill 2020 sets a target of an 8% reduction in ammonia emissions compared to 2005. Although small, we are still way off meeting this target and urgent action is needed in this area. The Agriculture Bill should play its part by bringing intensive beef and dairy production, and outdoor pig operations, into the environmental permitting regime. This would help us to meet those emission reduction targets.

Our amendments also address the scourge of soil degradation, which has already been debated and it was agreed needs urgent attention. It impacts not only on food production outputs but on greenhouse gas emissions, increased flooding and reduced water quality. The amendments would amend the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations to place stricter requirements on high-risk crops, to minimise soil erosion and diffuse pollution.

These are very specific amendments, but we agree that they should be considered in a wider regulatory review, as proposed by my noble friend Lady Young. I therefore hope that noble Lords will support them.

Lord Gardiner of Kimble: My Lords, I thank all noble Lords, particularly the noble Baroness, Lady Young of Old Scone, for another thought-provoking debate.
Agriculture has a key role to play in the protection of the environment and helping us achieve the targets set out in the 25-year environment plan. The noble Baroness’s amendment raises some important aspects of an effective regulatory regime. We agree on the importance of consultation. The Government will increase their engagement with interested parties on agricultural regulation in the autumn. We will be seeking evidence and views to help develop plans and policies, to ensure that we have the best possible regulatory system for the agricultural sector in the future.

Existing regulations and regulatory bodies will continue to protect the environment. Having listened to their comments, it seems that some noble Lords are forgetting—or choosing to airbrush—all the domestic regulation that protects our air, water and land. For example, the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations include important protections that mandate action to reduce soil loss. The regulations on nitrates and on slurry, silage and agricultural fuel oil are designed to protect our watercourses. The Government will also raise standards, where needed, to protect our environment. As announced in the clean air strategy, the Government will require and support farmers to take more action to reduce ammonia emissions. We will work with farmers and land managers to uphold our standards.

While our current regulatory regimes will continue to work to ensure that the environment is protected, leaving the CAP is an important moment. The Government intend to seize this opportunity, engage with industry and work in partnership to strengthen how we regulate in the future. In establishing a new regulatory model, we want to work with the sector to get it right while ensuring that we always have a robust system of inspection and enforcement in place to uphold our important standards.

The Government envisage a future regulatory system designed with a focus on outcomes, both environmental and related to animal, health and welfare, with the core principles of partnership, adaptability, proportionality, transparency and efficiency at its heart. The Government will work across the Defra group to develop a shared strategy for farming and land-management regulation. This shared strategy will set out a clear vision for agricultural regulation and allow co-ordinated action and improvement across agencies aligned to Defra’s priorities, including those in the 25-year environment plan.

I am glad that my noble friend Lord Randall of Uxbridge tabled Amendment 230. Hedgerows and field boundaries are the very essence of our countryside: they provide vital resources for mammals, birds and insect species. As well as being an important habitat in their own right, they act as wildlife corridors, allowing dispersal between isolated habitats. Many are also important historical and cultural landscape features. The Government recognise the crucial role hedgerows play in providing habitat in the 25-year environment plan and are committed to protecting them.

I must say to the noble Lord, Lord Greaves, who is probably involved with this matter, that we already have domestic legislation, as he must be well aware, in the form of the Hedgerows Regulations 1997, which prohibit the removal of important hedgerows and have played a role in helping to stop the net loss of hedgerows that was observed before their introduction. Since the Hedgerows Regulations 1997, evidence shows that the decline in the length of hedges reported in the 1980s has been halted and rates of removal have fallen markedly.

The role of hedgerows as important habitats for birds and their nesting sites is protected under the Wildlife and Countryside Act 1981. Specifically, hedges may not be cut during bird-nesting season as this would harm birds or destroy their nests. Existing regulatory regimes protect hedgerows from removal and protect their function as important habitats. We want to support farmers, as custodians of the countryside, including through the creation, maintenance and protection of our hedgerows and other field boundaries.

My noble friend’s amendment would bring the rules on hedgerows, stone walls and stone and earth banks, which are contained in cross compliance, into domestic legislation. Cross compliance will continue for all BPS recipients for the time being. We will not start making delinked payments until 2022 at the earliest and not before consultation. In place of automatically replicating cross compliance rules in regulation, the Government intend to review the most effective mechanism to deliver against their environmental goals. A number of noble Lords have raised the fact that, under Clause 1, ELMS can provide financial assistance for hedgerow planting and maintenance where this helps to deliver environmental public goods.

The Government want to work with their partners to ensure that their regulatory response is effective and proportionate. We are committed to maintaining and improving environmental standards, working with and listening to industry to help us do so. To my noble friend I say that the Government are absolutely seized of the importance of hedgerows and boundary, and we will be working in all respects to safeguard their future. They are really important.

To the noble Baroness, Lady Quin, I say that I am reminded of the Year of Green Action last year and the importance of encouraging—well beyond the farming community—those of us who garden, have allotments or can make a difference in some way. I certainly use this opportunity to suggest that, unless it is for safety reasons, we should not cut our hedges too early. I am also mowing a lot less and it is interesting to see so many more pollinators on my very scrappy grass.

Amendment 231 would amend the farming rules for water, and with it I shall also address Amendments 296 and 297. The Government understand the urgent importance of protecting our soils and have committed in the 25-year environment plan to having sustainably managed soils by 2030. Clause 1(1)(j) provides for financial assistance to manage land or water in a way that protects and improves the environment and for the protection and improvement of soil. The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations, known as the farming rules for water, already cover the management of buffer strips. It is expected that all farmers will continue to implement these as a reasonable precaution to prevent...
The Government agree that records can be important for demonstrating compliance and also understand the value of buffer strips in mitigating pollution. The Government will conduct and publish a review of the farming rules for water early next year, where the effectiveness of these regulations will be fully assessed and stakeholders consulted. During the review, the Government will ensure that watercourse buffer strips and the inclusion of inland water sources are duly considered. The clean air strategy commits to extend environmental permitting to the dairy and intensive beef sectors by 2025, and the powers to extend the legislation to these sectors are already in place. As part of this work, we will consider whether other sectors need further regulation.

On pig production, I say to my noble friend that the largest intensive pig sector installations are already regulated through the environmental permitting regulations. Installations with more than 2,000 places for production pigs over 30 kg and 750 places for sows currently require a permit. I have taken some advice on pig density: it is considered that a proposed pig density limit of 20 pigs per hectare is particularly low.

My noble friend Lady McIntosh asked about policing and advisers. Existing bodies will continue to protect the environment. The Environment Agency and Natural England will use advice-led enforcement.

I turn to Amendment 233. The Government are conducting a comprehensive post-implementation review of the slurry, silage and agricultural fuel oil and related nitrate regulations. This review will consider all the provisions in the regulations holistically and look at how we regulate more modern practices, such as the use of slurry bags. The Government are committed to the environment and have set ourselves challenging outcome. We should take a broad view of the changes, we need to consider the best way to manage environmental pressures, including slurry and silage. This review is already under way and we should not pre-empt its outcome. We should take a broad view of the changes, if any, needed to ensure we can meet those 25-year environment plan goals.

I shall repeat what I said on the previous group to the noble Baroness, Lady Young of Old Scone. I am very happy to discuss her thoughts on these matters, particularly since the Government are well-seized of the importance of a proportionate and proper regulatory regime. We already have our domestic regulations and requirements, and we will continue with cross-compliance until there has been consultation. The noble Lord, Lord Greaves, should not worry; they will not be lost until we are working on replacements. It is very important that we work together on this, so I say to the noble Baroness that I am sure the experts will be happy to discuss this with her, and I would be delighted to be part of that if she would like. I hope she is reassured of the importance that the Government place on ensuring that we have contemporary regulations that are couched to improve the environment and to work with farmers. On that basis, I hope she will feel able to withdraw her amendment.

Baroness Young of Old Scone [V]: My Lords, I thank all noble Lords who have spoken in this debate. The noble Lord, Lord Greaves, rightly pointed out the possible environmental downside of those farmers who choose not to enter ELMS, which will of course be voluntary. The noble Baroness, Lady Worthington, rightly pointed out that if we have to pay for minimum environmental standards that are currently delivered under the cross-compliance regime it would have a huge impact on the public purse.

The noble Viscount, Lord Trenchard, and the noble Baroness, Lady McIntosh, were anxious about a new regulatory regime being too burdensome for farmers at this time of flux, but I think that this is just the time. It is really important to give farmers a clear regulatory framework in which they can operate and make other changes to their farming businesses driven by the requirements of this Bill and our exit from the CAP. It would be really useful for farmers to know what is expected of them and to get the help and advice they need from the regulator on how to comply with the regulatory framework. I press the Government to move as quickly as possible on this.

I was not quite clear on, and I will want to read again in Hansard, what the Minister said about the continuation of some sort of cross-compliance. It would be useful to get from the Minister, if possible, a note to clarify the assurances that he gave about many of these issues being covered by other regulatory regimes, just so that we can be sure that all the things put in these amendments as needing to be preserved when the cross-compliance regime disappears are fully covered by existing regulatory requirements, particularly domestic regulation. We are not airbrushing that out; I simply continue to point to the fact that, even though we may have domestic regulation on soils, muddy floods continue to occur. It is only where we have seen local engagement by the Environment Agency with groups of maize farmers, for example, working with them collectively, that some of the intrinsically difficult practices in maize production have been reduced. The domestic regulation does not seem to be working; only in-depth collaboration in an advisory capacity with the regulator produces the results.

I thank the Minister for his offer of a meeting; I shall take him up on that. I look forward to the consultation and the extensive work on a new regulatory model that will kick off in the autumn. I hope that does not mean that anything dreadful is going to be done to the Environment Agency or Natural England. They need to get on with it, rather than be reorganised. We do not need a single environmental regulator just for agriculture. It is vital that we have skilful regulators who know what they are talking about because they are specialists and who draw their expertise also from case law and experience in regulating the same issues across a range of sectors. I welcome the fact that the Government will think long and deep and talk earnestly with the rest of us about that. I beg leave to withdraw the amendment.

Amendment 229 withdrawn.

Amendments 230 to 234 not moved.
The Deputy Chairman of Committees: I understand that neither the noble Lord, Lord Holmes of Richmond, nor anyone else listed to speak wishes to move his Amendment 235.

Amendment 235 not moved.

Amendment 236 not moved.

The Deputy Chairman of Committees: We now come to the group beginning with Amendment 236A. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this, or any other amendment in this group, to a Division should make that clear in debate.

Amendment 236A
Moved by Baroness Worthington

236A: After Clause 34, insert the following new Clause—

"Agriculture carbon levy and carbon sequestration reward scheme

Within six months of the day on which this Act is passed, the Secretary of State must conduct a consultation on—

(a) the introduction of a carbon levy for greenhouse gas emissions resulting from agricultural and land use activities in the United Kingdom;

(b) the implementation of a payment scheme for farmers and connected persons with the objective of reducing and sequestering greenhouse gas emissions; and

(c) the application of a carbon levy to imported agricultural products."

Member’s explanatory statement

This amendment requires public consultation on: the introduction of an agricultural carbon levy, applied to greenhouse gases for which the agricultural and land use sector is responsible; introducing incentive payments that reward actions to mitigate and sequester carbon emissions; and the application of the levy to imported products.

Baroness Worthington [V]: My Lords, I am conscious that we are into our sixth session of debate on this Bill. I do not wish to detain the House unnecessarily, so I will be very brief. I am also very conscious that the remaining amendments in this group pertain to marketing standards in organic products, while my amendment relates to the climate change impacts of agriculture. We had a very good debate last week when we looked at a group of amendments focused on climate change, and I certainly felt that there was strong cross-party support for a strengthening of the references to climate change in the Bill.

Agriculture makes up a significant proportion of the UK’s greenhouse gases, and I am sad to say that over the last 30 years that contribution to our greenhouse gas emissions has remained relatively unchanged. In 1990 agriculture was responsible for 58.9 million tonnes of greenhouse gases, and in 2017, the latest figures, the figure was 45.6 million tonnes. That accounts for 10% of the UK’s greenhouse gas emissions.

The two most prominent gases for which UK agriculture is responsible are nitrous oxide and methane. Some 70% of the UK’s nitrous oxide emissions and 50% of our methane emissions arise from agricultural practices. These are both powerful gases in the short term, and we have seen very little change in the contribution that we have been making to the global climate risk from these sources.

My amendment would require the Government to start to consult on the introduction of a comprehensive policy to address these climate change causing emissions from agriculture. As I tried to convey last week, this should be seen as an opportunity for the sector. By implementing a very low-level carbon price in the sector, the Government would be able to implement a polluter pays principle, but, more importantly, through the gathering of revenues from those sources of pollution they would then be able to make payments, grants and rewards to farmers who took actions to reduce their emissions.

I believe that there is an interest in the Government in extending the use of carbon pricing, since it has had such a beneficial and successful effect in other parts of the economy. We have used a succession of different ways of carbon pricing in the power sector to unleash huge sums of investment into novel solutions. I have no doubt that the ingenuity of our farmers and land managers would be unleashed if we implemented a similar system of levying a small charge and then rewarding innovation in the sector.

The time is late and I will be brief. The consultation that we would require the Government to undertake would also look at the protection of UK practices by levying a similar carbon price on equivalent imported products. I am very grateful for being given this opportunity to speak again about the important subject of climate change. Agriculture, as we have debated previously—

The Deputy Chairman of Committees (Lord Alderdice) (LD): I think the noble Baroness has frozen. I call the noble Lord, Lord Carrington.

Lord Carrington [V]: I tabled Amendment 247, which relates to marketing standards, after discussion with the National Farmers’ Union. It is important and appropriate to be clear about why we should have marketing standards for agricultural products. This is something that the European Union has undertaken, with our full support. It therefore follows that, on leaving the European Union, we too should ensure that the provisions for establishing marketing standards in the UK are clearly set out in the Bill.

The precise wording of the amendment is taken from the purposes in the common market organisation EU regulation 1308/2013. If the purpose of marketing standards is clearly defined then subsequent regulations could be brought in only for legitimate purposes, as defined in Clause 35. I would therefore be grateful if the Minister could give his reasons for departing from this previously agreed and acceptable wording, as set out in the CMO.

Baroness Jones of Moulsecoomb [V]: My Lords, I will speak to Amendments 248, 250, 251, 252, 254 and 266 in my name, some of which are supported by my noble friend Lord Holmes. I will speak also to Amendment 256 in the name of the noble Baroness, Lady McIntosh of Pickering.

Agricultural products, especially animal products, should all be raised to and maintained at the highest possible standards. While the Government prefer to leave so much to consumer choice, good and informative product labelling on foods is absolutely essential. People deserve to have reliable information about the food
they are eating that is rigorously tested and independently verified, and there should also be appropriate fines for misleading labelling.

Too much greenwashing and misleading information is put out by big companies and trade bodies, which trick consumers into thinking that things are healthier, happier or fairer than they actually are. This needs to be sorted out so that truly great producers thrive without false competition.

Lord Holmes of Richmond [V]: My Lords, I will speak to Amendments 250, 251 and 252 in the name of the noble Baroness, Lady Jones of Moulsecoomb, and Amendment 253 in my name.

As the noble Baroness said, there is tremendous and as yet largely untapped potential in labelling, not least in the use of QR codes. With technological advances, such codes contain so much information and have such positive uses for producers, consumers and indeed everybody in the chain. This takes me to the purpose behind my Amendment 253. It is in the marketing section of the Bill but is about more than that. It is about what we can do in agriculture and horticulture for all the products in this Bill, and speaks to products way beyond it in terms of the digital opportunity to drive efficiency and information for all in the chain.

When I speak of digitisation, I do not mean what is all too often the case, where a form gets put on to a database and that is called a digital transformation. That is doing nothing different; it is merely taking something on paper and putting it into electronic form. We need to consider what data is required, whether on welfare, provenance, ingredients, or the type of soil where the product was grown. What do we need, how can we then best collect it and at what stage of the production or supply chain can it be best provided?

Amendment 253 relates specifically to VI-1 forms for wine products to give a specific example but also to underscore the point that this is about all agricultural and horticultural produce. Indeed, it is about all goods and services. It could not have more resonance for the autumn and winter that we are about to go into. Currently, wines coming into the UK from Europe do not have to go through the VI-1 process or have lab tests. Given that 55% of the wine coming into this country comes from Europe, come 1 January, this is absolutely what will be required.

I am grateful for the background notes from the Wine and Spirit Trade Association, which makes these points extremely clearly. It should be noted that the British wine trade is worth some £19 billion and provides 130,000 jobs. In fact, wine is the UK’s sixth-biggest export in the food and drink classification. We are a world hub for wine import and export. With this amendment, rather than just going for a form that would impose extreme levels of friction on the process, we have the opportunity for a digital solution: digital passports for wine coming into the country, leaving it and going anywhere in the world.

9.15 pm

I point the Minister to the Chainvine project, which has amply demonstrated that this is not a theoretical possibility but a tried and tested reality. The project used new technologies, including distributed ledger technology, the internet of things and tracking and tracing products in real time—in this case wine from Australia all the way to the UK—to show us how digitisation can transform the way we do business and the collaborations with the producers, government departments, the FSA and HMRC. Would he agree that this possibility should be seriously considered by the Government?

In a Written Answer, the Government said that the cost to industry of VI-1 forms being introduced in January was negligible or nil. The reality is more like £70 million in costs for business, and over 600,000 forms. I know that the Minister is absolutely against red tape. Does he agree that in no sense do we want to introduce this cost and ridiculous red-tape bureaucracy on to this fabulous industry?

If this amendment is not accepted, we will be effectively increasing the price of wine and lowering the choice for consumers, and missing the opportunity of taking positive steps in a specific area to demonstrate how digitisation can transform how we do things, not just in agriculture but as a nation state. Will the Minister seriously consider Amendment 253 and the wider issues that it sets out?

The Earl of Caithness [V]: My Lords, I am very pleased to support Amendment 236A in the name of the noble Baroness, Lady Worthington, with whom I agree that there is an appetite within the House to put climate change more to the front and centre of this Bill, although it is in Clause 1. She picks up on the point that I tried to make last time we discussed climate change, about making a payment scheme for the farmers, so that climate mitigation is what they are aiming for when they are farming. That is well covered in subsection (b) of her proposed new clause.

Turning to Amendment 253A in my name, I am grateful for the support of the noble Baroness, Lady Jones of Moulsecoomb. She has already underlined the importance of accurate food labelling, which I so agree with. My amendment makes provision for information on the greenhouse gases emitted during the lifecycle of agricultural products to be available to consumers at the point of sale, such as on packaging, and offers financial assistance for producers and accreditation bodies to compile this information.

There are three key points to bear in mind. About a quarter of all greenhouse gas emissions come from food. On average, each person in the world causes six kilos of emissions every day because of the food that they eat. By 2030, only 10 years from now, we will need to halve our emissions. That will correspond to the average person causing three kilos of emissions every day for food. In assessing how the greenhouse gas figure is calculated, we must add up the greenhouse gas emissions from all parts of the food chain, including growing, clearing the land, processing, manufacturing, packaging and transportation, as well as cooking the food at home and disposing of any waste. That is not an impractical proposition. Some food is already labelled for greenhouse gas emissions, but this gives us all a role that we can play in tackling climate change. For most people climate change is too big a subject, and they feel they cannot actively contribute themselves. However, they can by changing their diet.
[THE EARL OF CAITHNESS]

On labelling, I draw my noble friend’s and the Committee’s attention to our recommendation in our Hungry for Change report. In paragraph 324, we recommend that “the Government should conduct a review of labelling on food and drinks products.”

We go on to say: “The new regulations should be compulsory for all food manufacturers and retailers.”

It was for that reason that I included in my amendment the paragraph relating to provision of financial assistance for businesses towards the cost of providing that information. A lot of work has to be done on this, but it is a market for the future, and one in which everybody in this country can play their part.

The Minister has not warmly accepted any of my amendments, but I hope he will accept my recommendation that he and his officials read a book that is about to be published, called Food and Climate Change Without the Hot Air, by Professor Bridle of Manchester University. It will be published on 3 September, but advance copies can be obtained in August. It would be extremely useful if my noble friend, and particularly his officials, could read that book before Report, because I hope it will influence their thinking.

I commend my amendment on greenhouse gas labelling to the Government.

Lord Hope of Craighead [V]: My Lords, it is a pleasure to follow the noble Earl, Lord Caithness. I wish to speak to Amendment 255, to which the noble Lord, Lady Jones of Whitchurch and the noble Baronesses, Lady McIntosh of Pickering, and the noble Lord, Lord Caithness.

We are told that Clause 52 extends to England and Wales only. It is odd, then, that the power does not cover agricultural products that are to be marketed in Wales as well as England. The Minister may be able to explain why that is so. If, as I suspect, the reason is that the standards to be applied to the marketing of agricultural products in Wales is a matter to be determined by Welsh Ministers, one wonders why Clause 52 does not say that Clause 35 applies to England only. But that is not the point that concerns me.

I am concerned that Clause 35 appears to overlook the fact that agricultural products marketed in England, listed in Schedule 4, may include things that have been produced in Wales, Scotland and Northern Ireland. I do not have figures at my disposal, but we know that “Northern Ireland sells more to the rest of the UK than to all EU member states combined” and that “Scotland sells more to the rest of the UK than to the rest of the world put together.”

My source for that is the Business Secretary’s foreword to the UK Internal Market White Paper, published on 16 July. What is said there about Scotland must be true for Wales too.

Much of what comes to England from those other parts of the UK consists of agricultural products. To take just one example, it is common for farmers in Scotland who grow seasonal crops such as peas and raspberries to do so under contract to the supermarkets, which distribute them to serve the needs of markets throughout the UK, including England. There must be many farmers in Wales and Scotland, especially those close to the borders, who look to England as the place to take their goods to market. Because their business is agriculture, which is devolved, they must look to the Governments in Wales and Scotland to set the standards with which they must comply. The same is true for farmers in Northern Ireland. It cannot be assumed, then, that the standards set by the devolved Governments as regards species and farming methods will be the same as those the Secretary of State will think appropriate for markets in England.

This raises the crucial question of how Clause 35 is intended to fit in with the concept of a UK internal market. I appreciate that the White Paper to which I have referred seeks to meet the needs of marketing across the whole range of products that move around between our nations and that it was not produced by Defra. But the whole must include the sum of its parts, so I read its comments as applying to products for food as well as everything else.

We are told that under the plans in the White Paper, the UK will continue to operate as a coherent internal market, with a guarantee that UK companies—this must include farmers—can trade unhindered in every part of the United Kingdom. The White Paper states: “If a baker sells bread in both Glasgow and Carlisle, they will not need to create different packaging because they are selling between Scotland and England.”

The principle of mutual recognition is explained further in paragraph 48 of the White Paper, which states:

“The fundamental aim of all mutual recognition systems is to ensure that compliance with regulation in any one territory is recognised as compliance in the other(s). For example, if a good
produced in Scotland, and adhering to the Scottish labelling regulations, can be placed on the Scottish market, it can ... be placed on the English and Welsh markets without the additional need to comply with English or Welsh requirements.”

With respect, it seems that Clause 35 as drafted does not address itself at all to the concept of a UK internal market, as explained in that paragraph. I suggest that it could do that in one or other of two ways. It could include a requirement that the Secretary of State consult with the devolved Governments when exercising the regulation-making power, which is what my amendment seeks to do. That would at least ensure that barriers were not erected to trade in agricultural products coming from elsewhere in the UK by accident or through a misunderstanding. Alternatively, exemptions could be written into the regulations for the English market to serve the needs of growers in Wales, Scotland and Northern Ireland.

The other way might be to write into the clause a provision, such as that in the White Paper from which I have been quoting, stating that products grown there that comply with standards laid down by the devolved Governments could be marketed in England without having to comply with the English requirements.

I add that my amendment was conceived by me and not prompted by what I have read in the White Paper. It was drafted several weeks before the White Paper was published, but I am encouraged by what the White Paper says to suggest to the Minister that there is a real issue here, about the structure of the internal market in agricultural products, that needs to be thought through very carefully before the Bill leaves this House. Of course, I will listen carefully to what he has to say, but the issue seems so important to the working of the internal market that, depending on what he says, I may have to come back to it on Report.

9.30 pm

Baroness McIntosh of Pickering: My Lords, it is a great pleasure to follow the noble and learned Lord, Lord Hope of Craighead. I am delighted to support Amendment 255 and I entirely endorse his comments. Subject to his decision, I would be willing to support a similar amendment on Report, if that is helpful at this stage.

I shall confine my remarks to the amendments in this group that relate to labelling and marketing, particularly Amendment 256 in my name. I am delighted to have the support of the noble Baronesses, Lady Henig, Lady Jones of Moulsecoomb and Lady Ritchie of Downpatrick. I am very grateful to them for their support.

If this wording is familiar to the House and to my noble friend the Minister, indeed it should be. It is the form of words that was adopted by my noble friend Lady Fairhead during the Trade Bill, which I think was technically the rollover Trade Bill, that we debated a year ago but which then did not pass because of the general election. I was delighted that after some toing and froing and lots of debate in Committee, on Report my noble friend Lady Fairhead literally adopted this wording, so I therefore take it to be government policy. Obviously I have adapted it, taking advice, to make sure that it fits the remit of the Bill before us today.

I take great heart from the fact that my noble friend said again, in winding up a previous debate, that the Government will keep and raise our own environmental standards. What concerns me here is that we seem to be disadvantaging our own farmers and producers in two ways. One is that while we are keeping the same high standards that we currently have and possibly raising them even higher, we seem to be contemplating importing produce of lower standards in marketing, environmental health, animal welfare and hygiene. That to me is just not a Conservative thing to do; I cannot believe we are even contemplating it. That is why the thrust of my Amendment 256 is that the regulations within this clause cannot be used to make provisions that will have the effect of lowering animal health, hygiene or welfare standards for agricultural products below those established in the EU or the UK.

This is something that we are already familiar with, having been members of the European Union since 1973. I remember that in my days briefly in practice as a European lawyer we relied very heavily on the original Article 36 of the Treaty of Rome, which basically set out a limited number of exceptions to the free movement of goods, specifying that if it was deemed necessary on the grounds of the protection of the health and life of humans, animals or plants then under Article 36 an exemption could be applied for to prevent those products from coming into another European country from a neighbouring country or another member state. I see that that is now increasingly coming into trade deals that are negotiated multilaterally or bilaterally under the auspices of the World Trade Organization, so I am hoping that my noble friend will say that when it comes to the end of the transition period, this is where we will be.

I caution against something that Minister Prentis said in the other place: that the Government are considering consulting on mandatory labelling at the end of the transition period. Labelling seems very attractive. It is something that we looked at after the horsemeat scandal, because I am afraid that supermarkets were caught a little on the hop; they had not conducted a full test of the probity of the supply chain, and that is why we had the case of fraud and the passing off as beef, lamb and other products what was effectively horsemeat.

The difficulty is that labelling does not encourage people to eat home-produced meat, which is something we have discussed in the context of other clauses in the Bill. Another example I would give in this regard is what happened when we unilaterally banned the use of sow stalls and tethers. Technically, the Red Tractor label is meant to advise people that the pork, lamb and beef that we produce in this country—particularly, in this instance, the pork—is produced to those high standards. But that is not the basis on which people buy their food; they buy on price. It can have as pretty a red label as you like, but people will often still buy the cheapest cut of meat.

The other issue with labelling is this. How am I, as a consumer eating out in a restaurant or other catering establishment, to know that what I am eating is from this country and meets the high standards that the Government have asked our own producers to meet?
[Baroness McIntosh of Pickering] This could create a two-tier system and mean that only those who can afford the higher prices of our home-produced food would be able to buy it.

As for what we are being told, I shall repeat again what the Minister, Victoria Prentis, said in Committee on the Agriculture Bill in the other place. She said that "we are retaining existing UK legislation, and at the end of the transition period, the European Union (Withdrawal) Act 2018 will convert on to the UK statute book all EU food safety, animal welfare and environmental standards. That will ensure that our high standards, including import requirements, continue to apply."—[Official Report, Commons, Agriculture Bill Committee, 5/3/20; col. 372.]

As was helpfully pointed out to us by a letter from the Food Standards Agency, the difficulty with that—I will take as long as it takes here, because this is the crux of the Bill—is that those standards are enshrined in statutory instruments, so primary legislation is not needed to amend them; only a subsequent statutory instrument would be needed.

I hope that we can learn from previous mistakes and will seek to maintain the high standards that we have and ensure that we refuse to accept any standards lower than those that our own producers meet.

Baroness Malalieu [V]: My Lords, I share some of the concerns that the noble Baroness has just raised, but I take a different view about the need for mandatory labelling of animal products. I shall speak just to Amendment 258, in my name and those of the noble Lords, Lord Trees and Lord De Mauley, and the noble Baroness, Lady Bennett of Manor Castle, who will speak shortly.

On 29 June, Peers received an open letter from the Minister, the noble Lord, Lord Gardiner, which said:

"The Government has committed to a rapid review and consultation on the role of labelling to promote high standards and animal welfare, and remains committed to delivering informative food and drink labelling and marketing standards to protect consumer interests, ensuring that consumers can have confidence in the food and drink they buy."

I welcome that, and I thank the noble Lord, but I would like the Minister to tell us, first, what the word “rapid” means to Defra. Will he give us the proposed timetable for the initial consultation and the review, and then for publishing the proposals that follow, and for making the necessary regulations? My amendment suggests six months from the passing of this Act—which I hope will mean March 2021—for the earlier steps, and 12 months for the regulations to come into force, in about September 2021. I hope that he will agree with that.

The regulations on labelling are urgent because, as a result of the new trade deals we are, we hope, about to receive—they are being negotiated—we shall shortly see new products coming on to our markets from overseas. People will, as the letter says, need to have “confidence in the food and drink they buy.”

That means they need to be confident that those meet the high standards that we were promised, but which the Government would not, apparently, put into the Bill.

The Government say that they are concerned about tackling obesity, encouraging healthy food choices, making more use of local produce, reducing food miles, limiting carbon outputs and improving animal welfare—and I am sure they are. But if consumers are not given the information on the packet, how are they to know where it comes from, how it was produced or whether it complies with any of those objectives?

I am also afraid that if you do not give sufficient information then, as the noble Baroness, Lady McIntosh, has just suggested, consumers will simply select on price—some will do that anyway—and highest animal welfare standards considerations will simply not feature. The result will be that producers who meet high standards, which are usually more expensive, will simply go to the wall.

Consumers surely need to know the country of origin, particularly in these times. Amendment 254 from the noble Baroness, Lady Jones of Moulsecoomb, makes that point, as did the noble Lord, Lord Rooker, with great force in our debates on Tuesday. That does not mean simply where the chicken was processed, but where it was reared. They need to know the method of production. We already do it for eggs: we have free-range, barn-reared, organic and so on, but we do not do it routinely for milk, meat or egg products. We should.

The consumer needs to know whether his meat comes from a feedlot, was intensively reared or was pasture-fed. Some people will not care—they will just go for the cheapest—but more and more people do care and are looking. They could be told simply in words or, with enough publicity as to what they mean, through symbols.

The method of slaughter matters too, and to some members of the public it matters a great deal. I accept that this Bill is not the place to argue for the abolition of non-stun slaughter, which I very much want to see. However, it is the place to argue that consumer choice matters. Whether you require meat slaughtered in accordance with the requirements of your religion or meat which has been pre-stunned before slaughter because you have animal welfare concerns, you want to know, one way or the other, from the label of the joint you pick up at the supermarket. You want “confidence”, to use the Minister’s word, that you have picked the one you want and are getting the type of meat you selected. Will the Minister share his timetable and plans for doing what Amendment 258 suggests?

Lord Tyler (LD) [V]: My Lords, I confine my remarks to Amendment 263 in my name and those of my noble and learned friend Lord Wallace, my noble friend Lord Bruce and the noble Lord, Lord Holmes.

This new clause seeks to secure exactly equal protection for traditional speciality food and drink products, for which the UK is famous and which have such economic benefits for particular areas, as is currently enjoyed under the EU geographical indications scheme. I am sure that there is shared enthusiasm in every part of the Committee for the success of this excellent scheme, not least since it was extended as a result of the initiative of British Ministers during the coalition Government.

I know that the Minister will be able to assure us that the protection of these products can continue within the UK. However, that is not the issue in question. I asked the then Minister for International Trade during Committee stage of the Trade Bill on 23 January 2019 for an explicit assurance that the GI protection would continue on exactly the same
terms—that is, outside the UK—and was told that an amendment was unnecessary because this would be secured. In view of the vagueness of that promise, I repeated an amendment on Report on 6 March 2019 and withdrew it only when a firmer assurance was given.

Now it would seem that there may be another broken Brexit promise. According to newspaper reports:

“Cornish pasties could soon be made in France and still be called ‘Cornish’ after British Brexit negotiators failed to secure the same guarantees for British products in the EU ... British officials argue that the Withdrawal Agreement calls for the current arrangement for existing GIs to be superseded by a free trade agreement.”

This threat becomes ever more alarming if, as the latest news of failing negotiations makes all too likely, we end up with the disaster of a no-deal outcome in just five months’ time. The dogmatic insistence of No. 10 to row back on even their very limited withdrawal agreement puts yet another obstacle in the path of British food and drink producers. The failure of the UK negotiators could result in a ludicrous situation in which proper Cornish pasties cannot be marketed from Cardiff, Cumbernauld or Cambridge but can be sold as Cornish by manufacturers in Cologn or Calais. Indeed, without any protection from the EU scheme and with no involvement in EU trade agreements in future, they could be passed off as Cornish in Canberra, Calgary or Cambridge, Massachusetts or in Truro in that same state.

9.45 pm

I am, of course, especially exercised by the threat to genuine Cornish pasties, clotted cream and sparkling wine but my noble friends will be examining the effect on world-famous Scottish products. Others will argue for Melton Mowbray pies or Stilton cheese. This is a major issue. To add injury to insult, we are told that the Trump trade deal that No. 10 is so desperate for will require abandoning origin labelling. From the point of view of consumers, that will make matters worse. As other Peers have indicated, the whole labelling issue is contentious. While Champagne and Parma ham will continue to enjoy protection in Britain, failure to secure exactly the same reciprocal arrangements for our equally important speciality products in the EU and beyond would be completely unacceptable. I hope that Ministers will agree.

Baroness Finlay of Llandaff V: My Lords, I commend the Minister for his role as honest broker, as he described himself earlier today, with the devolved Governments. He must take full credit for the working relationship that he has established. Sadly, though, he will not always be there. The history of what went before his time has influence, and the Government’s White Paper on the internal market raises a level of concern, hence my Amendment 263A.

I endorse many of the points made by my noble and learned friend Lord Hope of Craighead, who it is a pleasure to follow. For 20 years, the devolved legislatures have exercised legislative and executive responsibilities for environmental and public health standards relating to agricultural products produced and marketed in Wales, Scotland and Northern Ireland. Like the UK Government, they had to work within the framework of EU law, but this did not prevent them taking their own positions, for example, on GM crops or animal welfare. The Welsh Government and, indeed, the other devolved Administrations, have worked hard with the UK Government to develop common frameworks for the UK after transition ends to ensure that a level playing field is maintained while protecting devolved competencies. They have also urged the UK Government to engage fully with them on international trade negotiations, including the vital talks with the EU, to ensure that what emerges with regard to devolved issues such as agriculture is acceptable to them, since they have a responsibility and duty to implement international agreements.

As I understand it, these new internal market proposals are likely to disrupt, if not destroy, these efforts to develop a mature, respectful relationship between the four Governments within the UK. Thus, products that can be legally marketed in one part of the UK, whether they are produced locally or imported, can automatically be placed on the market in the other nations. In a no-deal scenario with Europe, despite opposition, new trade deals will be struck, but at what cost? The problem is far wider than hormone-injected beef or chlorinated chicken. Say, for example, the UK agrees to pork fed with ractopamine, which artificially increases muscle mass but can make animals aggressive, collapse and suffer organ failure. It is banned in Europe and China because it has been linked to heart problems and even poisoning in humans. The US allows double the somatic cell count in milk compared with the UK, thereby signalling lower quality and nutritional value, and it can indicate poor animal welfare.

In 2015, the data showed that 88% of the land area in Wales was utilised for agriculture, with 51% focused on livestock and 35% on livestock products. Some 29% of the UK’s sheep are within Wales, and 11% of the UK’s cattle, of which 60% in Wales are dairy. The Welsh Government have been updating their food legislation to ensure that the legislative framework in this area remains operable if the UK leaves the EU in a no-deal scenario. However, if US food regulations were allowed, this could price out Welsh farmers by flooding the market with lower-quality meat and milk, including school milk. This is a public health concern, quite apart from the threat to livelihoods.

We can expect strong and vocal opposition if Parliament legislates to allow such foods, because if these products are on the market in England, that will automatically mean that they can also be marketed and sold in Wales, even if Welsh legislation bans them. If my understanding of this is right, this will undermine the ability of the Welsh parliament—the Senedd—to exercise its given powers. Such a retrograde and centralising measure might appear to be designed to get the UK Government off the hook of having to listen to the devolved Administrations as they go about negotiating trade agreements and deregulating their own market, but any such approach will seriously undermine the union. This amendment is designed to prevent that. More immediately, I seek clarification of whether that really is the Government’s intention. I look forward to the reply.
Lord Wigley [V]: My Lords, I am delighted to follow the noble Baroness, Lady Finlay of Llandaff, and I agree very much with the points that she has made. They underpin the reason I added my name to Amendment 255, in the name of the noble and learned Lord, Lord Hope, who spoke earlier. The points made by the noble and learned Lord and the noble Baroness, Lady Finlay, very much come together in the context of this amendment and this part of the Bill.

Earlier today, we started with a debate that was carried over from late on Tuesday evening. We discussed the relationship between the Governments of these islands, the way to secure a harmonious relationship within the UK single market and the need to get a framework for that purpose. The response that we got from the Minister to that debate, and particularly to the points that I raised at some length on Tuesday evening, was, quite frankly, non-existent. It is not good enough to say that we can have a semi-ad hoc working relationship between Ministers and that they will come together and sort things out. There has to be a formal framework.

I accept that the Minister, who replied to the earlier debate, might not be in a position to bring forward those proposals at this point, but in the light of points made by the noble and learned Lord, Lord Hope, the noble Baroness, Lady Finlay, and others, I press him very strongly to give a commitment at the end of this debate that, between now and Report, the Government will seriously look at some practical working framework arrangement that can be agreed between the four Governments and that meets the sort of practical difficulties that have been pinpointed in this series of debates.

I believe it is important to get that sorted out now and not to find further down the road that we are in an almighty mess and that unnecessary tensions have built up which threaten to undermine the structures that we are currently so keen to construct for a harmonious working of the agricultural market within these islands.

Baroness Henig: I am very pleased indeed to speak after the noble Baroness, Lady Finlay of Llandaff, and the noble Lord, Lord Wigley. This is a very wide-ranging set of amendments in this group: it covers food labelling, climate change and greenhouse gas labelling, marketing standards—including the importing of wine—and a geographical indications scheme. That is pretty wide-ranging, it seems to me.

However, I only wish to speak to Amendment 256 on standards. I have added my name to it and was happy to be able to support the noble Baroness, Lady McIntosh, on it because, as she said earlier, she and I—together with the noble Baroness, Lady Jones—pursued the issues of high-quality food and high standards of animal health, welfare and hygiene in the context of the Government’s Trade Bill last year. We were very pleased eventually to get a form of words agreed with the then Minister, which were included in the Bill. Amendment 256 is very much based on that amendment that was agreed last year.

Therefore, I am rather disappointed that we now seem to be back to square one, with the Government once again talking about the importance of high standards in these important areas but refusing to turn these words into any form of legislative commitment. We know how widespread and strong public support is across the United Kingdom for our existing high standards of animal hygiene, health and welfare and for high-quality foodstuffs. I could cite any number of public surveys on these issues, and they all show strong public support for the existing United Kingdom regime and high levels of opposition to cheap food imports from abroad reared without regard for animal health or hygiene and often, as we know, in extremely insanitary conditions.

It is not often that I have to tell the House that I have found myself in full sympathy with both the National Farmers’ Union and the Mail on Sunday. However, on this issue, I am at one with their campaigning and, clearly, so are well over a million of my fellow citizens, who have signed their petitions.

It is very clear to me—that I am sure the Minister will deny it—that the Government are pursuing two incompatible goals. They are expressing their national and global support for high food and animal hygiene and welfare standards, but at the same time they are pursuing trade deals with the United States and potentially other countries whose farm lobbies are working aggressively to open up new markets in the United Kingdom for their inferior but cheaper products.

I thought that the issues this raised were put extremely well by a Conservative former Cabinet Minister in the other place—again, I do not often agree with former Conservative Cabinet Ministers but, on this occasion, she said something that rang absolutely true. She said: “Exposing our farmers to uncontrolled competition from lower-cost, lower-welfare imports would not only undermine our commitments on protecting the environment and on the compassionate treatment of animals, it would have a huge impact on the rural economy. There is a great risk that many livestock businesses could go bust across the country.

I could not agree more and, in fact, the noble Baroness, Lady Finlay, said something very similar about Wales. Is this risk something that the Minister is prepared to countenance as the new agricultural framework takes shape?

A further serious issue for the Government in relation to standards has also just been raised. Northern Ireland, as we know, will remain in the EU’s single market and customs union, so its standards will be protected. However, Scotland is not in this position, much as it would like to be. There is no way that the Scottish Government will agree to any trade deal that allows for the reduction of existing food and animal welfare standards. The United Kingdom Government have the power to negotiate treaties, but they have to work with the devolved Administrations to implement those provisions, and I can see serious differences developing here, which would inevitably drag the devolved Administrations further away from London. Hence, I very much support Amendment 263A.

I fully understand and respect the Government’s determination to ensure that their ability and flexibility to negotiate trade treaties in the best interests of the United Kingdom is not undermined by legislative provisions. The noble Lord made that point in his letter to noble Lords after the Second Reading debate. Of course, the problem is that the great majority of people in England and the devolved Administrations do not believe that lower food and animal welfare
Baroness Ritchie of Downpatrick [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Henig, whose speech was imbued with such enthusiasm—an enthusiasm and a content with which I agree. I support Amendment 256, which is in my name and those of the noble Baronesses, Lady McIntosh of Pickering, Lady Henig and Lady Jones of Moulsecoomb. I hope that there will be a deal and that we will not have a no-deal Brexit. I am concerned about what Michel Barnier said today: that the UK and the EU were quite far apart on achieving that deal. In order to maintain our high standards of welfare, labelling and marketing, and animal health and hygiene, it is vital that there is a trade deal. Like the noble Baronesses, Lady Henig and Lady McIntosh, I do not want to see a situation where our imports are undermined by cheaper and inferior products from other countries, such as chlorinated chicken from the United States—which there are some suggestions about—or hormone-infused beef. I therefore ask the Minister to accept this amendment, to ensure that our high standards can be maintained and that that is replicated throughout the regions of the UK.

As I come from Northern Ireland, I refer to the Northern Ireland protocol, mentioned by the noble Baroness, Lady Henig, which means that Northern Ireland will remain in the EU for agricultural products. It is, therefore, important that it adheres to the EU standards. It will be exporting to other regions of the UK and other parts of Europe. I agree with the noble Lord, Lord Hope of Craighead, that Northern Ireland’s exports go, in the main, to Britain. Evidence-based research is available that that is the case. It is, therefore, vital that standards are maintained, that there is equality in those standards and that there is good-quality welfare and labelling.

The noble Earl, Lord Caithness, referred to our Select Committee’s report Hungry for Change: fixing the failures in food. I will reiterate what he said, because it is interesting. The findings of the review into labelling should form the basis of regulations to address both date labelling and the standardisation and simplification of front-of-pack traffic-light labels. The new regulations should be compulsory for all food manufacturers and retailers. I cast noble Lords’ minds back to the horsemeat scandal referred to by the noble Baroness, Lady McIntosh of Pickering. Labelling was part of that problem and members of the EFRA Select Committee in the other place dealt with it. This proves the point that the highest possible standards of labelling and marketing, with due reference to animal health, hygiene and welfare standards in the quality of food that we produce are vital and must be adhered to. There should be no diminution or lessening of existing EU or UK standards.

Lord Trees (CB) [V]: My Lords, it is a pleasure to have added my name to and support Amendment 258, tabled by and introduced so superbly by the noble Baroness, Lady Mallalieu. I draw attention to my interests as previously declared in this Committee.

In 2018, the House of Commons EFRA Committee recommended that the Government should introduce mandatory methods of production labelling, which is the aim of the amendment. It is based on similar amendments introduced earlier in the other place by Conservative Members of Parliament and I know that this is a matter of much interest to the Government. Indeed, after the Second Reading of the Bill the noble Lord, Lord Gardiner, noted: “The Government has committed to a rapid review … of the role of labelling to promote high standards and animal welfare”. I welcome that statement very much and I look forward to progress.

Previous amendments and subsection (2) of this proposed new clause refer to methods of production labelling. While that is an important step, it is not always as easy to do in practice as it appears in theory. The term “free range”, for example, has been hugely influential in terms of boosting the sale of eggs from chickens kept free range, but it is not always easy to encapsulate complex rearing, feeding and husbandry systems in such concise and easily understood terms. That becomes particularly challenging with cattle rearing and maintenance. Currently in the UK, “grass fed” just means predominantly grass fed; that is, as little as 51% of the diet is grass based. Interestingly, I note that in the USA, it is mandatory for the term “grass fed” to be supported by an independently audited labelling system to indicate the actual percentage.

Another important consideration is that while input measures such as methods of production will influence welfare, the connection is not always as it may seem. For example, outdoor rearing sounds lovely, but there can be negative aspects to it such as exposure to certain parasitic diseases, just as there can be negative aspects associated with indoor rearing. I say that to emphasise that this issue is nuanced and complex. The amendment recognises that by referring not only to methods of production but also to welfare outcomes, which are increasingly being recognised as the ultimate and ideal way to categorise the welfare impact of different production systems. Of importance too in the amendment is the inclusion of method of slaughter, which has been called for by, among others, the RSPCA.

Labelling is not as easy or simple a goal as it may seem, but it is a goal worth achieving, and it is achievable with effort. After all, it is about giving the consumer choice. If the statutory protection of our high animal welfare, environmental and food standards is not to be put in place for imported food, labelling is potentially a very important means of ensuring that the consumer can determine whether the imported food they buy is produced to equivalent standards to our own. In this respect, I note with interest that Clauses 35 and 36 make provision for the certification of organic food products in the UK and overseas with the drawing up of regulations with respect to, among other things, the mitigation of climate change and the protection of the health and welfare of livestock. Imported products, in order to be designated organic, must comply with these standards.

Interestingly, of course, we do not have equivalent legislation for non-organic food products. The establishment of a similar certification scheme for non-organic products that is backed by statute for ethically
produced food products that might be called, say, “UK quality assured” that would be available to UK and imported food products would be a major step forward. It could be developed in collaboration with existing food assurance schemes using labelling along the lines suggested in the amendment or revisions of it. That would not be as ideal as a blanket legal requirement that all imported food should meet certain standards, but it would comply with WTO rules and complement the proposed trade and agriculture commission. Are the Government considering such developments, and if not, will they do so?

Our consumers are increasingly knowledgeable and discerning about food matters, and we know that issues such as animal welfare and the environment are of huge importance to the public. There is very considerable demand for further information on these issues to be available with the food we buy or consume, when we buy or consume it. There is also an opportunity to develop a voluntary system of certified minimum standards recognised internationally, which I have mentioned above, and which would complement this amendment.

As outlined in this amendment, statutory labelling to describe the method of production, slaughter and/or welfare outcomes associated with all food products—of whatever origin—would help consumers make their own choice and would help to maintain high welfare and environmental standards.

Lord De Mauley (Con) [V]: My Lords, like the noble Lord, Lord Trees, I would like to speak to Amendment 258. On 25 June, the Government announced that they would consult on mandatory labelling provisions by December this year. This amendment builds on that verbal commitment, to mandate in legislation that the Government must report to Parliament, on mainly small and struggling rural businesses. It would be under growing pressure and at risk of unemployment.

As she likes on this one. I hope that the Minister will give her all the encouragement to be as unreasonable as she likes on this one. I hope that the Minister will take away the need for it by agreeing to make sure that standards are kept. If they are not, I am afraid that we are going to have to readdress this issue at every available opportunity.

10.15 pm

Baroness Neville-Rolfe (Con) [V]: My Lords, Clause 35 on marketing standards is an extremely important part of the Bill. It is odd at this late stage to add a lead amendment slotted in ahead of it containing a new clause on a carbon levy and a carbon sequestration reward scheme. I am against both new suggestions, particularly as part of this Bill. Adding some new idea without costing or analysis, albeit with the excuse that it is just a consultation, sets an unfortunate precedent without costing or analysis, albeit with the excuse that it is just a consultation, sets an unfortunate precedent and reflects badly on this House’s role as scrutineers of legislation. I am disappointed to see the suggestion coming from the Cross Benches, especially in the wake of Covid-19, as it would impose huge burdens on mainly small and struggling rural businesses. It also suggests a carbon levy on imports, which would put up consumer prices at a time when households are going to have to readdress this issue at every available opportunity.
The lead amendment should be that in the name of my noble friend Lord Carrington. Amendment 247 tries to focus the extremely wide powers in Part 5 so that they are used to improve the economic conditions of production, marketing and quality of agricultural products, taking account of the expectations of consumers. This seems very sensible and I support him.

I will not delay the House at this late hour with my doubts about various amendments on labelling, except to say that in my long experience in the industry, here and overseas, politicians and other interests are much more interested in labelling than is the consumer whom we are meant to serve, and that there is not nearly enough evidence-gathering and research into the effectiveness of food labelling.

Finally, I agree that standards are important and help to support UK production, as we will discuss in the next group. However, the horsemeat scandal dates back to 2013. Lessons have been learned, and it should not be a driver for the wrong kind of new regulation.

**Lord Wallace of Tankerness [V]:** My Lords, I support the new clause in Amendment 263, which has already been spoken to by my noble friend Lord Tyler and to which I have added my name.

Before addressing the issue of geographical indication schemes, I will say a word about the related issue of countries-of-origin labelling and express support for the relevant provisions in Amendment 254 in the names of the noble Baroness, Lady Jones of Moulsecoomb, and the noble Lord, Lord Holmes of Richmond. My right honourable friend Alistair Carmichael, MP for Orkney and Shetland, recently raised this issue at Prime Minister’s Questions and received what might be interpreted as an encouraging response. Having drawn the Prime Minister’s attention to the fact that Orkney beef producers have their efforts to market a quality product undermined by the labelling legislation in this country, which allows beef from anywhere in the world to be labelled as “British beef” as long as it is packaged in this country, he asked whether in light of any future trade arrangements the Prime Minister would do something to close that loophole. In reply, the Prime Minister said that

> “we intend to take advantage of the freedoms that we have— the freedoms that the British people have decided to take back—to make sure that Scottish beef farmers have the protections that they need.”  

— [Official Report, Commons, 17/6/20; col. 805.]

So this evening the Minister has the opportunity to indicate that the Government will indeed give Scottish beef farmers the protections that they need and to signal a willingness to use this legislation to close a loophole in country-of-origin labelling, thus giving confidence and reassurance to producers and consumers alike.

I would have thought there was common ground that geographical indication schemes bring market benefits to a considerable number of products. Scotland has 14 protected geographical indications. The NFUS describes some—the Scotch beef PGI and the Scotch lamb PGI—as being of strategic importance to Scottish agriculture’s output.

I assume that in future the starting point will be Article 54.2 of the European Union/UK withdrawal agreement of 19 October 2019. It provides that persons who under EU law are entitled to use the geographical indication or the designation of origin

> “shall be entitled, as from the end of the transition period ... to use the geographical indication, the designation of origin”

concerned in the UK, and that they

> “shall be granted at least the same level of protection under the law of the United Kingdom as under the ... provisions of Union law”.

Can the Minister confirm how, with less than six months to go, that binding treaty obligation is to be implemented? Is there yet a United Kingdom register?

Of course, this ensures protection in the United Kingdom for a number of geographical indication products that are of importance to European Union countries and for UK produce currently given protection by these EU schemes. The object of this proposed new clause is to probe what continuing protection will be given to the United Kingdom’s geographical indications in the European Union and further afield after the end of the transition period. That is important, not least given the somewhat alarming reports referred to by my noble friend Lord Tyler.

In the Government’s response to a consultation paper on GIs published last year, Defra claimed that

> “we anticipate that existing UK GIs will continue to be protected by the EU’s GI schemes after we leave the EU. This is because UK GIs are already protected by virtue of being on the EU’s various GI registers. That protection will continue automatically in the EU unless relevant entries are removed, which would require additional EU legislation.”

Can the Minister confirm that that remains the Government’s expectation, or are the kind of newspaper reports referred to by my noble friend founded and do they give rise to a matter for concern?

Moreover, GI protection has hitherto been afforded to UK products by way of free trade agreements with a large number of non-EU countries. In replying to the debate, can the Minister tell us how many rollover agreements have now been reached, what proportion of UK trade agreements with these countries represent and whether GI provisions have been agreed in each case?

That leaves the question of countries with which we have not yet managed to reach a rollover agreement or where there has yet been no EU free trade agreement to roll over. The USA springs to mind, where there is believed to be some scepticism of GIs in trade agreements. Will the Minister indicate whether the incorporation of GI protection for UK products will be a negotiating objective in any trade agreement with the United States?

Then, of course, there is the proviso of Article 54.2, which states:

> “This paragraph shall apply unless and until an agreement as referred to in Article 184 that supersedes this paragraph enters into force or becomes applicable.”

On 2 April, the Financial Times reported:

> “The UK is pushing to water down its obligation to recognise valuable EU regional food trademarks for products like Parma ham and Champagne”.

Is that the case? Can the Minister confirm that, in the absence of any agreement by the end of the transition period or if the agreement does not amend the provisions
of Article 54.2, the United Kingdom continues to be bound by those provisions as a matter of international law?

I am currently within six or seven miles of two distilleries—Highland Park and Scapa—and my son-in-law works for the Tullibardine distillery in Perthshire, so before concluding I wish to say a word about one of the most valuable protected geographic indications, namely Scotch whisky. It has been defined in United Kingdom law since 1933 and has been protected in a US federal code as whisky “manufactured in Scotland in compliance with the laws of the United Kingdom” since the 1960s. Nevertheless, GI schemes have been of enormous benefit to the Scotch whisky industry. It is believed that the protection enjoyed in the United Kingdom as an EU GI is stronger than that provided under our domestic law. The provisions of the EU withdrawal agreement are therefore particularly important in that respect. It is therefore vital that the Minister makes it clear that the protection currently offered to UK GIs will be maintained through the EU withdrawal agreement or any further treaty agreement with the European Union and that, in seeking rollover agreements and other free trade agreements, GI protection, not least for Scotch, will be a negotiating objective. Sláinte.

Lord Lilley [V]: My Lords, it is a pleasure to follow the noble and learned Lord, Lord Wallace. I support what he said about ending the absurdity of allowing beef to be labelled as British or Scottish if it is merely packaged in this country. I cannot understand why that has ever been permitted. If it was something to do with EU law, we should change it as soon as we are free to do so. I also agree with him on the importance of Scotch labelling. He mentioned that it began in 1933. I am old enough to remember that in the post-war period Japan started producing its own, supposedly Scotch whisky. One brand sold under the label, “Genuine Scottish whisky made from genuine Scottish grapes”. I do not know how successful it was. I will focus on the issue of labelling, which is behind a number of these amendments. In principle, giving information to consumers is a good thing, but the proposals in the amendments raise several issues. First, why does labelling need to be compulsory? If food producers have adopted high standards, it is in their interest to publicise this if they believe the public would be more attracted to their product if they knew it was produced to high standards. Of course, they often do so, as another noble Lord mentioned in the case of free-range eggs; some two-thirds of our eggs are now labelled “free range”. I suspect, however, that what is actually sought by some noble Lords is not positive labelling about the virtues of a product but negative or pejorative labelling, or simply labelling it as coming from a country of which they disapprove—usually America.

The second issue is: will voluntary labelling work? Will people choose products which are produced to a high standard rather than the less expensive variety? The sad truth is that less than 2% of the poultry that people buy is labelled as organic; for pigs, the figure is less than 1%, and for cattle, it is less than 3%. In general, people seem to prefer the least expensive product as long as it is safe for them to eat, and that is perfectly reasonable. It is all right for Members of your Lordships’ House to sneer at people buying on the basis of price, but a lot of people have to. Food is one of the biggest items of their budget and they want it to be available to them as cheaply as possible.

The third issue is: would compulsory labelling be compliant with WTO rules? Very probably not, although there are some doubts about that. Historically, under the GATT rules, there were cases which suggested that it would not. Some think that under the rules on non-tariff barriers there might be arguments for introducing some labelling. It seems to me rather unlikely that compulsory labelling would be permitted, particularly relating to imports.

Fourthly, if there is a health risk, as the noble Baroness, Lady Finlay, suggested, we should not deal with it through labelling or banning imports. If a certain type of product is a risk to the health of the consumer, it should be banned. The health regulations rather than the measures in this Bill are the appropriate way of dealing with it.

Fifthly, will labelling protect UK farmers, particularly from US products—which is clearly what a lot of noble Lords want to achieve? That clearly depends on what the label says. If the label simply gives the facts and says, for example, in respect of poultry that if it comes from the UK, the maximum density under which it may be produced is 39 kilograms per square metre, and if, for the US, the label says that its rules are that, for young poultry, it has to be less than 31 kilograms per square metre, which is significantly less dense than ours, and, for larger birds, a maximum of 43 kilograms per square meter, which is not very different from ours, I do not know that that will convince people that American standards are so different or so much worse than ours.

According to Compassion in World Farming, the UK has some 800 US-style mega farms, as it calls them—for example, warehousing 40,000 birds or 2,000 pigs. The largest UK farm houses 1.7 million birds and the biggest pig factory houses 23,000 pigs. We have large-scale farming in this country; we have smaller-scale farms too, and they compete successfully with the bigger farms.

10.30 pm

We also import from countries in eastern Europe which have higher densities and less good standards than we do, and we compete successfully with them without tariff barriers or non-tariff barriers. And, of course, we allow imports from Brazil, Thailand and other countries, which I suspect have standards that are just as questionable as anything that people fear may come from the United States.

Looking closely at some of these suggestions, I have a feeling that they are motivated by protectionism. There are two kinds of protectionism: one is to protect the position of British farms, and it is perfectly natural that British farmers should seek to protect themselves; the other is simply an anti-American hostility that has pervaded many of the debates we have had on this Bill and on the Trade Bill, and I find that very regrettable.
At the end of the day, we ought to be protecting British consumers on health grounds, enabling British producers—

Baroness Bloomfield of Hinton Waldrist: I remind the noble Lord of the pressure on time. This is the Government Whipping speaking.

Lord Lilley [V]: Sorry—I shall finish in one second. And allowing consumers to buy on the basis of cost.

The Deputy Chairman of Committees (Lord McNicol of West Kilbride) (Lab): I call the noble Lord, Lord Bruce of Bennachie. No? I call the noble and learned Lord, Lord Thomas of Cwmgiedd, after which we will return to the noble Lord, Lord Bruce.

Lord Thomas of Cwmgiedd [V]: My Lords, I wish I had the privilege of following the noble Lord, Lord Bruce, but I will be brief, in view of the lateness of the hour. I support Amendments 255, in the name of the noble and learned Lord, Lord Hope of Craighead, and 263A, in the name the noble Baroness, Lady Finlay of Llandaff. The noble and learned Lord has clearly analysed the issues that need to be addressed in relation to the interrelationship of the Bill with the internal market proposals. The noble Baroness has eloquently spelled out the consequences of our failing to deal with that properly. Both amendments, therefore, are examples of what needs to be done if we are to respect the devolution schemes or change them to make them work better. Again, I pay tribute to the Minister’s efforts in this respect in relation to agriculture.

We must now concentrate on two matters. One is the way in which the internal market is to operate in relation to agriculture; the second is the structures needed. It is too late to begin on the internal market tonight, but I urge that when we return in September to consider the Bill on Report, we are in a position to look at the interrelationship of the Bill with the provisions to be put forward on the internal market. Also, as the noble Lord, Lord Wigley, spelled out so clearly earlier, we must have something to look at on the structures that are necessary to make this work. If we fail to do so, even at the eleventh hour, the consequences for the union will be dire indeed.

Lord Bruce of Bennachie (LD) [V]: I am not sure what happened there, but I am glad noble Lords can now hear me. I shall speak to Amendment 255, in the name of the noble and learned Lord, Lord Hope, which I would have signed had there been space to do so, and Amendment 263, in the name of my noble friend Lord Tyler, which I have signed, along with my noble and learned friend Lord Wallace of Tankerness and the noble Lord, Lord Holmes of Richmond. We have already had an important debate on devolution with specific reference to devolved issues throughout the Bill, and I very much appreciate the clear and valuable case made by the noble and learned Lord, Lord Hope, in Amendment 267, which I have also signed.

Amendment 255 requires the Secretary of State, when making regulations for England, to consult the Scottish, Welsh and Northern Ireland Administrations and bodies that represent the UK farming industry. The scope of these regulations is a extensive and detailed, covering every aspect of agricultural production, processing, packaging, standards and distribution. Any significant changes could be very disruptive to the UK single market if it means divergence from practices in parts of the United Kingdom outside England.

Livestock production is more prominent in the devolved areas, especially in the more prevalent and less favoured upland farms. As I have pointed out in previous contributions, England is the main market for much of the produce from farms in Scotland and Northern Ireland. It matters, therefore, to Scottish and Northern Irish producers, that any changes to established practice and procedure do not interfere with farming methods and costs for non-English producers.

It also matters to English consumers if it disrupts or increases the costs of supply for markets to England. It would be invidious to single out individual companies, but I can think of a number in my part of Scotland whose main markets are in the south. The products are high-quality and well-received; indeed, the fact that the ingredients are sourced from quality Scottish farms is a key part of the branding. I hope that English Ministers would resist any measures deliberately designed to disadvantage farmers in the devolved areas, but lack of consultation could do damage unintentionally, to the detriment of producers and consumers throughout the UK.

Turning to Amendment 263, which I was pleased to sign, there can be no doubt that the protection of traditional speciality food and drink products delivers comparative advantage, which is of huge importance to our terms of trade. There are many parts of the world where the only visible expression of UK brands is Scotch whisky—where that is all you would know about the United Kingdom. It is one of our leading exports, if not the leading one. But there are many products that are distinctly British and that benefit from GI protection; so, are the Government resisting maintaining reciprocal GI arrangements, and if so, can the Minister explain why? The suggestion that EU GIs can be replaced by a domestic regime puts exports in an invidious position. Are there products from the EU 27 that the UK Government want to deny GI to? Do we want the freedom to designate English sparkling wine as champagne?

Over the years, battles have been fought to secure GI designation. Why should we now throw it to the winds? If we refuse to recognise established EU GIs, and it creates a conflict between our brands and theirs, it will sour the entire trade relationship. I support my noble and learned friend Lord Wallace of Tankerness and his powerful analysis of what the consequences would be. I urge the Government to accept this amendment.

Lord Palmer of Childs Hill (LD) [V]: My Lords, I am speaking against Amendments 254 and 258.

What concerns me is not the labelling of meat products, as it is right that, as far as possible, purchasers should know how an animal was killed. There is an increasing number of people who are against the slaughter of animals for food. I respect these views; however, what is being addressed in these amendments is an acceptance of people eating meat, but a desire to label as to the method of slaughter. I must say, a visit to an abattoir could easily make one a vegetarian.
[LORD PALMER OF CHILDS HILL]

What concerns me is that when the supporters of labelling make their case, there is often a concentration on whether the animal was or was not pre-stunned—in other words, a preoccupation with describing meat killed by kosher or halal methods. I have no problem with this labelling as long as it describes all methods of slaughter. I draw your Lordships’ attention to FarmWell’s proposal: a method-of-slaughter label with 12 categories. Three are electrical methods and two are gas methods; then, there is halal, halal pre-stunned, the Jewish shechita method, the non-penetrative captive bolt, the penetrative captive bolt, and, of course, lastly, being shot—the animal, that is, not your Lordships.

Where the bolt method is used, it should say whether it takes more than one attempt to kill or sedate the animal. If meat is to be labelled as humane religious slaughter, why not label when it is shot? Why not label that a captive bolt gun to the skull was used for cows and sheep? Why not label where chickens were shackled by their ankles and dipped in a water bath with an electric current running through it, which your Lordships should know does not always work, depending on the size of the chicken? Should labels also say whether pigs are herded into a room and gassed? A previous speaker has told the Committee about the numbers so killed. Then there is trapping and clubbing, but that is mostly by hunters. Here are reputable reports on the failure rate of mis-stunning for the penetrative captive bolt for cattle as being 6.6% to 8%. The failure rates at the first attempt for non-penetrative captive bolt stunning and electric stunning could be as high as a fantastic 31%.

Some 2 million cattle, 8 million pigs and 9 million sheep and lambs are killed each year. The Jewish community slaughters only 90,000 red meat animals. Rounded to the nearest percentage point, I get 0%. Some 750 million birds are killed. The Jewish community kills a mere 500,000—that is a lot of chickens, but still not a lot.

Previous speakers—particularly the noble Baroness, Lady Mallalieu—spoke very eloquently about labelling. She made an important point about labelling the country of origin. I certainly subscribe to labelling the country of origin for whisky. I like to think I can tell the country of origin, but maybe it should be labelled for others who cannot. When she went on to say that the method of production she mentioned, as far as I am aware, was whether it was pre-stunned or not. What I am trying to make clear is that I am against Amendments 254 and 258. It is a pleasure to follow the noble Lord, Lord Palmer. I refer in particular to the animal slaughter elements of those amendments and express my view that these elements—although perhaps well intentioned—could be damaging to the agriculture sector and, as my noble friend Lady Neville-Rolfe said, they are not generally desired by consumers.

I declare an interest as an observant Jew. Great care needs to be taken with labelling about animal slaughter. In my view, further regulation is unnecessary. All kosher meat is labelled as such. The UK religious Jewish authorities have always fully supported the idea that consumers have every right to know what they are eating, but I believe it is also important to make a distinction between even-handed, non-discriminatory labelling and proposals that may mislead consumers with a false impression that animals killed in one way or another will somehow not experience discomfort or that there is a readily agreed hierarchical structure for assessing the feelings of animals about to be killed.

10.45 pm

Consumers can already access information, should they really want it, via existing labelling. With kosher or halal meat clearly marked as such, while meat from mechanically stunned animals is covered by labelling schemes such as Red Tractor. If true consumer information and disclosure is the aim—and I understand such aims—there would need to be a comprehensive labelling system to explain how each type of animal had been killed to provide the meat. I do not believe that there would be public support for this, but ensuring transparency would mean giving consumers the kind of proper information that was so vividly described by the noble Lord, Lord Palmer. All the mechanical methods of slaughter cause injuries of some kind to animals and birds before they are killed.

It is also well documented that stunning does not always work. With shechita, the knife cuts through in one go, causing a massive and immediate drop in blood pressure in the brain. That stops the blood flow to the brain and causes the animal to lose all awareness. Therefore, the blade effectively provides an immediate and irreversible stun and can also be described as a humane method of killing.

Most meat-eaters do not want to think of the animal being killed for the meat they are eating. I believe that we are fortunate to have a Government who do not discriminate against religious meat requirements, and I hope that my noble friend will agree that the animal slaughter elements of Amendments 254 and 258 are unnecessary and potentially discriminatory.

Baroness Altmann (Con) [V]: My Lords, I support the aims of Amendment 256 in the name of my noble friend Lady McIntosh of Pickering, which was spoken to by so many noble Lords. I share the desire to ensure that our current food and animal product standards are not debased by our leaving the EU. I believe the Minister, who is one of our most outstanding and popular Ministers, may also have some sympathy with its intentions. I hope he will express that later.

However, my main remarks relate to Amendments 254 and 258. It is a pleasure to follow the noble Lord, Lord Palmer. I refer in particular to the animal slaughter elements of those amendments and express my view that these elements—although perhaps well intentioned—could be damaging to the agriculture sector and, as my noble friend Lady Neville-Rolfe said, they are not generally desired by consumers.

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Baroness Deech (CB) [V]: My Lords, I, too, address myself to Amendments 254 and 258 and the issue of slaughter. Across the animal world, killing is done in
ways that we do not like to think about. These amendments are a deliberate targeting of methods of slaughter of meat in the expectation that the consumer will read the label, understand it and be affected by it. No doubt there would be a campaign to persuade consumers not to buy certain products if regulations were made under these amendments. I want to draw attention to the selectivity in them.

This is a country in which fishing is a national pastime. It has recently been reported that even fish that are approved by eco-labelling schemes and sold in leading supermarkets have lived in grossly overcrowded cages and died slowly and painfully. Wild-caught fish are gutted or have their gills cut while fully conscious. Farmed fish are starved for a fortnight before they are killed. I have never understood how a kind person who enjoys fishing for himself can leave the fish to suffocate on the ground next to him. Trillions of fish not covered by these amendments suffer globally as a result of these methods of slaughter. In the UK, we shoot stags and pheasants for pleasure. Rabbits are killed for food by decapitation, breaking the neck and blows to the head. Millions of lobsters are killed every year by being semi-frozen and then thrown into boiling water, where they are left to thrash around for several minutes. Secret videos of horrors within UK slaughterhouses abound.

No doubt we will be told that stunning is humane and that non-stunning is not, but, as the noble Lord, Lord Palmer, has pointed out, it does not always work. Poultry slaughter is highly mechanised for speed rather than for the minimising of suffering, and it frequently goes wrong. According to the European Food Safety Authority, 180 million chickens and other poultry were killed in the most recent count using an insufficient electric charge. According to Compassion in World Farming, 1 billion chickens are ineffectively stunned in the EU each year, and millions of pigs that are stunned before slaughter with CO₂ gas suffer.

My point is that our concerns should extend to all; they should not be cruelly divided into stunning and non-stunning. The kosher requirement in this country is so tiny it is likely that many times more cattle were inadequately stunned, and therefore suffered, than were non-stunned and killed according to the kosher method. Consumers have every right to know what they are eating, but there should be honest, non-discriminatory labelling which should not deceive the consumer they are eating, but there should be honest, non-

Viscount Trenchard: My Lords, Amendment 247, in the name of the noble Lord, Lord Carrington, seems sensible and I applaud his attention to economic conditions and to the expectations of consumers, as specified in the common market organisation regulation. I support his purpose, that regulations are only brought in for legitimate purposes.

I sympathise with my noble friend Lord Lucas in his Amendment 249, which seeks to explore the reasons why live poultry, poultry meat and spreadable fats are excluded from subsection 2(j).

I am sympathetic, to a point, towards the amendments in the name of the noble Baroness, Lady Jones of Moulsecoomb, which seek to increase the amount of information available to consumers by labelling and QR codes, but I expect that my noble friend will not want to go beyond what is proportionate and justified in terms of cost. For that reason, I prefer Amendment 258, in the name of the noble Baroness, Lady Mallalieu, which is the right way forward to deal with the animal welfare concerns which are often, misleadingly, confused with food standards.

I trust that the Minister will reject Amendment 256, in the name of my noble friend Lady McIntosh of Pickering, which would bind the UK to dynamic alignment with EU animal health, hygiene or welfare standards over which, even in this current implementation period, we have no influence whatever. As my noble friend knows, she and I are on opposite sides on EU alignment. I point out that these standards are not necessarily higher or lower—they are multidimensional. Her perceptions of standards do not take sufficient account of equivalence of outcomes.

Besides, we need to take up the opportunity that Brexit offers to improve our domestic regulatory environment. At present, the playing field for British cattle and sheep farmers is very uneven. Their French competitors receive €1 billion of voluntary coupled support payments every year. In the UK, the equivalent is a mere €39 million available to Scottish crofters. The threat to British beef is highly subsidised French and Irish beef, not American beef. Amendment 256 would make it much more difficult for the UK to enter into a good free trade agreement with the US and other third countries.

The noble Baroness, Lady Jones of Moulsecoomb, is a tireless campaigner for higher animal welfare standards. However, Amendment 266 in her name would directly conflict with the aim of Clause 40, which is to ensure that the UK, exercising its rights as an independent member of the WTO for the first time since 1973, must be compliant with the Agreement on Agriculture. The UK now has a chance to establish itself as a global campaigner for free trade and it is important not to deny British farmers the opportunity to export high-quality products to markets such as the US, Australia and New Zealand. Does the Minister agree that the amendment would put the UK in violation of WTO rules in these and other areas where we do not have an EU protected sector, such as olive oil?
Almost 50 countries have made a submission complaining about the EU's SPS rules, including many poor, developing countries as well as the major agricultural exporting countries. Those who argue that the UK should maintain its illogical ban on the import of chlorinated or even peracetic acid-rinsed chicken should answer three questions. First, would they not think it a good idea if the incidence of campylobacter in the UK could be lowered to the average level of occurrence in the US, a little over one-fifth of the level here? Secondly, are they aware that the American maximum stocking density for poultry, as my noble friend Lord Lilley explained, is broadly equivalent to our own? Thirdly, are they aware that the UK imports chicken from Poland—an EU member state—Thailand and Brazil, in all of which poultry stocking densities are higher than those found in the US or the UK?

Finally, I turn to Amendment 263, in the name of the noble Lord, Lord Tyler, which requires the Government to seek an agreement for the continued protection of UK speciality foods and drink products. The Government announced in February last year that they will set up their own geographical indications. Does my noble friend think this amendment would help him achieve his objectives?

Baroness Northover [V]: My Lords, this group of amendments covers a wide range of areas that relate to standards, labelling and speciality foods, and to how the market will operate after transition, not least in the different parts of the United Kingdom. There are some very important amendments here.

This section of the Bill is full of words such as “may”, not “must”, and in some places noble Lords are seeking to rectify this. This is extremely important if we are to maintain the standards that the Minister says we will have now that we have left the EU and will not compromise to do trade deals.

Amendment 236A in the name of the noble Baroness, Lady Worthington, the first amendment here, is slightly different from others in this group, most of which seek to maintain standards. The noble Baroness is seeking to move standards forward to address climate change. The noble Earl, Lord Caithness, in Amendment 253A also takes up climate change issues.

The noble Lord, Lord Carrington, wishes to ensure in Amendment 247 that reasons for regulations should be, as now in the EU, clearly defined as necessary—as one would certainly hope they would be.

The noble Baroness, Lady Jones of Moulsecoomb, was commendably brief, emphasising the importance of labelling for full transparency and proposing smart labelling, animal welfare and traceability. The noble Lord, Lord Holmes of Richmond, adds wine in his Amendment 253.

Crucial in this group is Amendment 254 in the names of the noble Baroness, Lady Jones of Moulsecoomb, and the noble Lord, Lord Holmes of Richmond. Here they have scooped up key points in this permissive section to make it into a provision which says that Ministers “must” take action. So much in this Bill is permissive and does not specify what “must” happen. They seek to specify here that origin, transportation and method of slaughter should be transparent to consumers, but I note that my noble friend Lord Palmer and the noble Baronesses, Lady Altmann and Lady Deech, are concerned about this.

Then there are the amendments ranged around the country. Amendment 255 in the name of the noble and learned Lord, Lord Hope, and the noble Lord, Lord Wigley, supported by the noble and learned Lord, Lord Thomas, and my noble friend Lord Bruce, would ensure that the Secretary of State consults the devolved Administrations and other bodies on regulations relating to marketing standards and the nature of the potential internal market in the UK. Amendment 263A from the noble Baroness, Lady Finlay, also explores the balance in devolution and the risks of trade deals agreed by the UK Government which might be unacceptable and destructive, for example in Wales, damaging the union itself. The Minister was going back to think about devolution. He will need to examine this as well.

11 pm

We now come to an extremely important amendment. It is because we are dealing with “may” clauses that we need Amendment 256 from the noble Baroness, Lady McIntosh, which specifies that these provisions should not have the effect of reducing animal health, hygiene or welfare standards below those currently of the UK or the EU. I note that she has adapted this extremely important amendment from the Trade Bill. I know that the noble Lord keeps reiterating that standards will not fall. In which case, putting this provision into the Bill will be, and must be, totally straightforward. The noble Baroness, and the noble Baronesses, Lady Henig and Lady Ritchie, made completely unanswerable cases. The noble Baroness, Lady Henig, is right to say that the issue of standards will not go away.

In Amendment 258, the noble Baronesses, Lady Mallalieu and Lady Bennett, and the noble Lords, Lord Trees and Lord De Mauley, are seeking more specification in labelling, including mandatory labelling for meat, milk and eggs, including those produced using intensive farming methods and slaughter. They lay down a timetable for this. The noble Baroness, Lady Mallalieu, is especially concerned whether products coming in as a result of trade deals will indeed be at the standard that the Government claim, and that there should be transparency for consumers, including those for whom religion dictates that meat, for example, fulfils various requirements. Nevertheless, Amendment 256 is stronger than Amendment 258.

Amendment 263, in the names of my noble friends Lord Tyler and Lord Bruce, my noble and learned friend Lord Wallace of Tankerness, and the noble Lord, Lord Holmes, took us in another important direction. That amendment requires the Government “to seek an agreement for continued protection of UK speciality foods and drink products.”

This is yet another area where we seriously risk losing out from leaving the EU. We have granted this protection to EU speciality foods but seem to have failed to secure the same guarantee for British regional products on the continent, including Scotch whisky, Cornish pasties, clotted cream and so on. Those guarantees strengthen
their market position. Is this really the case? My noble friend Lord Tyler and my noble and learned friend Lord Wallace certainly made their case powerfully. However, given the quote from the Prime Minister, the noble Lord, Lord Gardiner, must find it easy to grant this amendment.

What will happen in new trade agreements? In all these amendments, a common theme runs: British agriculture is at risk in this new environment where the identity of its products and high standards may be undermined and undercut as we seek trade deals with countries beyond the major market of the EU. Those standards matter. I therefore look forward to the Minister’s response to this variety of amendments.

### Lord Grantchester:
I thank all noble Lords for their amendments in this group on marketing standards. The large number of amendments reflects many thoughtful contributions around the scope of the provisions in Part 3, Clauses 35 to 37. As previously, I declare my agricultural interests as recorded on the register. I congratulate my previous colleague and noble friend Lady Worthington on leading the group with her late amendment, Amendment 236A, on a consultation regarding the climate change impacts of agriculture. It is forward-looking and under proposed subsection (a), agriculture needs to be aware of its emissions if it is to become subject to a carbon levy on greenhouse gas emissions. However, a lot of analysis needs to be provided beforehand.

Agriculture takes its responsibilities seriously. As a member of the Tesco supply group, my carbon footprint of business operations is measured and assessed annually. I was happy to encourage and explore how accurate measurements from the initial development of the Dairy Roadmap many years ago could tackle this challenge. However, it will take many years of analysis to fully understand what is happening behind the statistics and how robust they may be. It is easy to overemphasise the role of agriculture in climate change, but that does not lessen the recognition of the need for agriculture to play its part in reaching net zero by 2050, mitigate its carbon footprint in its energy use and mitigate GHG emissions from the livestock sector with innovative schemes to redirect them to more positive outcomes.

Similarly importantly, agriculture can fulfil the desire to mitigate climate change through payments for schemes to reduce other industries’ and general impacts, as well as providing carbon sinks and upland water storage to reduce flood risk. The noble Baroness also makes a good point in the last aspect of her amendment, concerning drawing attention to the effect of food purchases from overseas and the need to recognise the impacts of their agricultural systems and production methods.

The noble Baroness’s amendment is echoed by Amendment 253A in the names of the noble Earl, Lord Cathcart, and the noble Baroness, Lady Jones of Moulsecoomb. This amendment and Amendments 248, 250, 254 and 258 concern labelling and providing information to the consumer. Matching on a label the food contained within with an accurate description that does not mislead the consumer is heavily prescribed in legislation. Consumers are arguably the most well informed about food that they have ever been.

I congratulate the noble Baroness, Lady Jones of Moulsecoomb, and the noble Lord, Lord Holmes, on their Amendment 250, which suggested the use of quick-response QR codes as a way of supplementing physical labelling with additional digital content. This is perhaps something that Defra could look at as a way of bringing in the extra subject matter these amendments would provide to the consumer, be that carbon footprints, welfare standards, transportation methods, or methods of production and slaughter.

Traceability is already part of the food chain operations concerning livestock products. Labels are already challenged for space. On the regulatory side, it is important that we have clear rules that can continue to evolve as the information required becomes more sophisticated. To answer these demands fundamentally, altering existing requirements should proceed only on the basis of proper and widespread consultation with producers, the supply chain and the consumer to ensure an appropriate balance.

Consultations form the basis of Amendment 236A, as discussed, as well as Amendments 263A—in the name the noble Baroness, Lady Finlay—and 255, to which my noble friend Lady Jones of Whitchurch has added her name. The latter two are concerned with proper consultation with the devolved Administrations. I appreciate and thank the Minister for constantly reminding the House that his department has developed the Bill’s proposals in full consultation with the nations of the UK. However, we remain concerned about the quality of that dialogue. The areas of devolved competence also remain the concern of the noble Baroness, Lady Finlay, and were expressed by my noble friend Lady Wilcox of Newport in the debate on an earlier grouping of amendments concerning provisions with regard to Wales.

The noble and learned Lord, Lord Hope, asked questions about the operation of the internal market in food across the UK. Amendment 256 in the name of the noble Baroness, Lady McIntosh of Pickering, my noble friend Lady Henig and others is concerned that regulations and provisions may have the effect of lowering production standards below those already established in the EU and UK. We agree with this, and this is why we will be introducing amendments later to enshrine production standards in law around Amendment 271. The immediate priority is to ensure that the Government do not use their suite of delegated powers to water down the EU-derived provisions that consumers have demanded over so many years.

Amendment 247, in the name of the noble Lord, Lord Carrington, seeks to enshrine the wording of the CMO regulation—EU Regulation 1308/2013—into the legislation. The Explanatory Note to the Bill signifies that the European Union (Withdrawal) Act 2018 does that. The pertinent EU Council regulations are listed. But may I ask the Minister whether food information to consumers directives—FICs—notably Regulation 1169/2011, on labelling, are included in the list provided, and therefore also covered by the withdrawal Act?

The list of EU Commission-delegated acts covers the various product sectors, including wine, the subject of Amendment 253, in the name of the noble Lord, Lord Holmes. I thank him for highlighting the importance
[LORD GRANTCHESTER]

of the wine trade. These Commission-delegated regulations under the withdrawal Agreement also include country of origin, protection of designation of origin, geographical indicators and traditional terms—the subject matter of Amendment 263, in the name of the noble Lord, Lord Tyler. He and I had independently tabled similar amendments to the Trade Bill last year, when the noble Baroness, Lady Fairhead, confirmed the Government’s commitment to continue implementation of these PDO and PGI schemes.

Can the Minister reconfirm that, and also confirm that this will be a key part of the future trading relationship that the UK seeks with the EU? Producers in this country will be keen to understand whether this will be an agreement with the EU covering mutual recognition of brands that will require only one application to apply in both the UK and the EU. The adding of value to local specialisms is a crucial element in encouraging niche products to be protected by branding IP. This encourages skills, pride and prestige in rural entrepreneurship.

Finally, I commend the diligence of the noble Baroness, Lady Jones of Moulsecoomb, in her examination of Clause 32, inserting traceability of animal produce into the context of the devolved Administrations in the Natural Environment and Rural Communities Act 2006, in her Amendment 248. Cross-referencing to other pieces of legislation can be very confusing. I thank her also for Amendment 266, which returns us again to the key concern of animal welfare standards, this time under the WTO provisions of the Bill. Under WTO rules, this will be very difficult.

The noble Baroness’s Amendment 248 seems potentially to contradict the noble Lord, Lord Lucas, in his Amendment 249, concerning poultry. I await the Minister’s resolution of this, and his many responses to all the issues that have been mentioned under this group. I wish him good luck.

Lord Gardiner of Kimble: My Lords, what an interesting discussion we have had. I will start with Amendment 236A. We have already debated the topic of climate change extensively. Robust measures to address climate change are already in place through other legislation. The Government recognise the importance of reducing emissions. The clean growth strategy and the 25-year environment plan set out a range of specific commitments further to reduce emissions from agriculture, including through environmental land management, strengthening biosecurity, controlling endemic diseases in livestock and encouraging the use of low-emissions fertilisers. Defra is exploring a number of policy mechanisms to contribute to achieving net zero by 2050 from its sectors, including by reducing emissions from farming practices.

Clause 21 of the Environment Bill will also establish the Office for Environmental Protection, which will be responsible for matters relating to climate change where these are included in the environmental improvement plan—currently the 25-year environment plan—and in environmental law. The Government agree wholeheartedly with the aim of implementing a payment scheme for farmers and land managers, with an objective of reducing greenhouse gas emissions and sequestering carbon.

Turning to Amendment 247, Clause 35(1) has been drafted to provide more flexibility to update the marketing standards than the existing EU rules, which allow for amendments to be made only in prescribed circumstances, such as improving the economic conditions for the production, marketing and quality of agricultural products, taking into account the expectations of consumers.

11.15 pm

Keeping these restrictions would not give us the flexibility needed to tailor the standards to meet the demands of our domestic farmers, retailers and consumers, and would limit significantly our ability to improve and modernise the standards and to ensure that they are appropriate for the domestic agriculture sector. Before any changes are made to the marketing standards, we will engage with stakeholders and consult publicly to ensure that the needs of farmers, retailers and consumers are met. Marketing standards form part of food law and are covered by the duty to consult contained in Article 9 of EU Regulation 178/2002.

Turning to Amendments 248, 251, 252, 254 and 256, all food is subject to the general food law contained in Regulation 178/2002, and all food destined to be placed on the market must comply with Regulation 1169/2011 on food information to consumers—a point that was raised by the noble Lord, Lord Gardiner of Kimble. Traceability of all products of animal origin is already required under existing legislation. This can be found in Article 18 of Regulation 178/2002 of the European Parliament and of the Council of 28 January 2002, which lays down the general principles and requirements of food law. This will become retained EU law via the powers in the EU (Withdrawal) Act 2018. There is no intention for these requirements to be reduced at all.

Clause 35(1) already allows the introduction of marketing standards for animal identification and traceability labelling. The Clause 35(2)(d) power in relation to labelling can be used to make rules on origin for marketing standards. There are more extensive labelling rules on origin in the food information regulations, which require the origin of meat to be indicated on the label.

All animals, whichever system they are kept in, are already protected by comprehensive and robust animal health, welfare and environmental legislation. The Animal Welfare Act 2006 makes it an offence to cause any captive animal unnecessary suffering or to fail to meet the welfare needs of the animal. The Welfare of Farmed Animals (England) Regulations 2007 set down more detailed rules for farmed livestock, further supported by species-specific welfare codes.

At the end of the transition period, all EU food safety, animal welfare, and environmental standards will be retained and form part of our domestic law, including all existing import requirements. Any changes to existing legislative standards would require new legislation to be brought before Parliament. The Government have absolutely no intention of watering down welfare standards and will continue to take action to improve these standards. We will not lower standards or put the UK’s biosecurity at risk as we negotiate new trade deals. The Government are committed
to improving animal welfare standards and will be consulting on improvements to the regulations on animal transportation later this year.

Turning to Amendment 253A, general food labelling rules are set by the 1169/2011 regulations on the provision of food information to consumers. These already require, for example, nutrition information to be provided in specific formats and allergen and ingredients information to be provided to consumers. Following the transition period, and in accordance with the National Food Strategy, we have the opportunity to review these labelling rules to ensure that they best meet the needs of UK consumers and producers. When more reliable metrics on greenhouse gas emissions and climate change impacts become available, which can be shown to drive better decisions by consumers, or more effectively drive the costs of negative externalities up the supply chain, we will certainly look at including them in the review.

I turn to Amendment 258. At the end of the transition period we can look at options for voluntary as well as mandatory approaches to labelling. They could include defining commonly used voluntary terms where they would be preferable and ensuring that they are used consistently in protecting consumers who seek to make those choices. Clause 35(2)(g) allows us to define new marketing terms covering method of farming, including slaughter. The Government have committed to a serious and rapid examination of the role of labelling, to which the noble Baroness, Lady Mallalieu, referred—I nearly said “my noble friend Lady Mallalieu”. Defra is currently writing the consultation and will launch it by December this year.

The noble Lord, Lord Trees, asked about a UK ethical standard. We are not currently looking at an ethical standard that would compete with well-established ethical standards such as the RSPCA Red Tractor on organic standards with which we believe consumers are already familiar. Consumers are already protected in relation to these standards because any food with such labels must be produced to the stated standard.

The noble and learned Lord, Lord Wallace of Tankerness, asked about a loophole relating to beef that is packaged in the UK being labelled as “British beef”. That loophole has been closed since the application of the beef marketing regulations. Regulation 1337/2013 provides for other meats as well. The origin of the meat has to be declared and has to relate to at least where it was raised and slaughtered. If it claims an origin, it has to be born, raised and slaughtered in that country.

I now turn to Amendment 250. Quick response codes can be a useful way of communicating information to consumers, and this is something that we can consider when amending the marketing standards in the future, after appropriate stakeholder engagement and consultation. Should it be deemed appropriate to introduce QR code labelling for marketing standards products, the Clause 35(1) power will allow for that.

On Amendment 253, the administration of maintaining marketing standards of imported wine products, including the digitisation of wine importation data and documentation, is included in the current scope of Clause 35(1). The scope to replace VI-1 forms with an electronic document is also covered under retained EU law, specifically Article 27 of the retained EU delegated EU Regulation 2018/273.

Turning to Amendment 255, I have to say that with three noble and learned Lords posing questions on this, I hope they will forgive me if I first study Hansard and look at the point carefully. The point I want to make is that the powers in Clause 35 have been extended at their request to Welsh Ministers and to the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and are set out in Schedules 5 and 6. The noble and learned Lord, Lord Hope, talked about the White Paper and mutual recognition across the United Kingdom. On 16 July, the Government published a White Paper setting out how the UK internal market could operate following the transition period and launched a consultation on key aspects of our proposed approach. This will run for four weeks. We will be engaging closely with our devolved Administration colleagues and other stakeholders over the coming months and we will listen carefully to their views. The UK Government are fully committed to the Sewel convention and the associated practices for seeking consent set out in devolution guidance notes.

On the Government keeping the devolved Administrations informed about any early thinking on possible policy changes to marketing standards through discussions on the common agricultural policy framework, I can confirm absolutely that the aim is to ensure effective co-ordination and dialogue between all the Administrations on how any changes to legislation in one part of the UK may affect other parts. I do not have the time, but I would absolutely endorse not only as a unionist but as a practical person that an internal market within the United Kingdom is imperative and is in the mutual interests of everyone who lives in the United Kingdom.

Turning to the noble and learned Lord’s concern about consulting interested stakeholders, there is a duty to consult in existing legislation, Article 9 of Regulation 178/2002 of the European Parliament and of the Council of 28 January 2002, which lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety. It will be retained EU law via the powers of the EU withdrawal Act.

I have an issue—and at this time of night I hope it is not me—but it transpires that I have already replied to Amendment 263A in the name of the noble Baroness, Lady Finlay of Llandaff, because it was put down as being in the first group today as well as in this one. I have looked at this and it is most extraordinary: Amendment 263A is down in both. So I hope the noble Baroness will look again at my comments. The best thing I can say is that we absolutely recognise the importance of working with the devolved Administrations. A framework will focus on consensus-based decision-making but will also include dispute prevention and resolution mechanisms. This was with particular reference to the development of food information for consumers, fish labelling and a food compositional standards common UK framework.
I have received one request to speak after the noble Lord, Lord Wallace of Tankerness, asked about agreements. As of 31 January 2020, when the UK left the EU, we had successfully concluded and signed trade continuity agreements with 48 countries. This accounts for £110 billion of UK trade in 2018, which represents 74% of the trade with countries with which we were seeking continuity before the withdrawal agreement was signed. The UK Government are setting up new domestic schemes that will provide protection for GIs after the transition period.

I should say, in referring to Amendment 263, that we fully expect all 88 geographical indications from the UK to remain protected in the EU after 31 December this year. GIs are very important to the UK and the Government, and we will establish robust GI schemes at the end of the transition period. What the UK is doing in negotiations with the EU is preserving its right to set its own GI rules in future. The noble and learned Lord, Lord Wallace, also asked about GIs in a US deal. The UK mandate for a US trade deal on GIs is to “maintain effective protection of food and drink names in a way that reflects their geographical origins, getting the balance right for consumers to ensure they are not confused or misled about the origins of goods, and have access to a competitive range of products.”

I am being reminded of the time. I will look at all the questions that have been asked. I know there have been quite a number; it has been a varied debate. I hope, given the points that I have made, that the noble Baroness, Lady Worthington, will feel able to withdraw her amendment tonight.

The Deputy Chairman of Committees (Lord Alderdice) (LD): I have received one request to speak after the Minister. I call Lord Holmes of Richmond.

Lord Holmes of Richmond [V]: My Lords, I have two quick points for clarification, if I may. First, could the Minister confirm from the Dispatch Box that GI schemes have not already been wittingly or unwittingly traded away in the EU deal? Secondly, on the VI-1 forms, it seemed to me that he was saying that we will not be looking to impose a VI-1 paper-based regime come 31 December. Is it right that we will not be seeking to have such a scheme when we leave?

Lord Gardiner of Kimble: My Lords, I have been very clear that the Government are determined to work in support of all the 88 geographical indications from the UK, which will remain protected after the end of the transition period. I will have to let my noble friend know about VI-1 forms, but there is scope to replace them and that is covered under retained EU law. I am afraid I do not know the timing of that matter.

Baroness Worthington [V]: My Lords, I thank the Minister for his characteristically thorough and detailed response, and for his patience despite the late hour. This has been a fantastically varied and wonderful debate from which I have learned a huge amount. I echo the words of the noble Baronesses, Lady McIntosh of Pickering and Lady Mallalieu, that ultimately, although labelling is hugely important, consumers tend to purchase on price. When we think about how to tackle environmental standards and the huge risk of climate change, internalising a carbon price into this sector will unleash investment and help consumers to make the right choices. However, I am happy to beg leave to withdraw the amendment.

Amendment 236A withdrawn.

Schedule 3: Agricultural tenancies

Amendments 237 to 246 not moved.

Schedule 3 agreed.

Clause 35: Marketing standards

Amendments 247 to 256 not moved.

11.30 pm

The Deputy Chairman of Committees: My Lords, we now come to Amendment 257. I remind noble Lords that anybody wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this amendment to a Division should make that clear in the debate.

Amendment 257

Moved by Baroness Neville-Rolfe

257: Clause 35, page 33, line 9, at end insert—

“( ) Before making regulations under this section, the Secretary of State must consult anyone reasonably likely to be affected by the regulations and lay a report summarising the responses to that consultation before Parliament.”

Baroness Neville-Rolfe [V]: In moving this amendment, I remind the Committee again of my interest as chair of Assured Food Standards, commonly known as Red Tractor—a world-leading food chain assurance scheme used, in some form, by every major retailer and food service operator in the UK. It is owned by the entire farming community and generates consumer awareness and support for improving standards, farm and factory inspection, and generating consumer awareness and support for British produce—we cover everything except eggs and fish, for historical reasons—I would like to hear much more from the Minister on his intentions. All assurance...
schemes, such as the RSPCA, Soil Association, LEAF and any devolved variants, have an interest in such plans. However, as the largest such scheme, assuring over £14 billion of British food and drink, and with regular inspections by UKAS-accredited bodies underpinning safety, traceability, animal welfare and environmental protection, we have the biggest interest.

We can also contribute most to future success directly and as agents of government bodies such as the Environment Agency. We can help to promote export success, and I know from operating around the world that, especially in Asia, certified standards are very important after decades of food safety problems in certain markets. We can be the flagship of British food and farming. Without EU country of origin labelling here too, given the scale and breadth of the powers proposed, which could make or break many rural food companies. That is helpful, but many of us, coming at these provisions from different angles, as we do, would like to see a provision here too, given the scale and breadth of the powers proposed, which could make or break many rural food or drink operators.

I would also like confirmation that impact assessments will be made and published on such draft regulations. This seemed to be the helpful response that the Minister gave to the noble Lord, Lord Curry of Kirkharle, and my noble friend Lord Lindsay at Second Reading.

Baroness McIntosh of Pickering: My Lords, I congratulate my noble friend on moving this amendment. The Red Tractor has much to commend it; I expressed one or two reservations about it but I fully endorse the call for a consultation on the regulations. I hope that my noble friend the Minister will look favourably on the amendment.

Baroness Bakewell of Hardington Mandeville [V]: My Lords, I spoke too soon about the fact that we may reach our target tonight, but we are nearly there. The noble Baroness, Lady Neville-Rolfe, explained her reason for tabling her amendment, which is about assured schemes. They are extremely important in improving food standards but, as she said, this measure could make or break small food companies.

I have looked at the amendment and where it comes in the Bill, and I find it unnecessarily restrictive. It is important that the Secretary of State should consult those likely to be affected by the regulations in Part 5 on marketing standards, organic products and carcass classifications, but there is a limit. In previous debates, we heard that the UK lags far behind other European Union states in the incidence of organic farming. Most supermarkets have sections where organic produce is properly labelled and displayed, enabling shoppers to make an informed choice. It is important that we promote organic food.

In her amendment, the noble Baroness, Lady Neville-Rolfe, wants the Secretary of State to “consult anyone reasonably likely to be affected by the regulations”. I find “anyone reasonably likely to be affected” difficult. “Anyone” seems unreasonable. It is a catch-all that I am not sure can be delivered. I remember a case when a child regularly complained to a crisp manufacturer that he was not completely satisfied with the packet of crisps he had purchased. The packet stated that anyone “not completely satisfied” could have a replacement. The dialogue between this enterprising child and the manufacturer went on for some time until the manufacturer realised that it was dealing with a child and called a halt to it. I give this as an example of why we should be very careful about exactly what wording we have in Bill. The Secretary of State should consult but the question of with whom needs to be more tightly worded, otherwise he or she could consult the whole population.

Baroness Wilcox of Newport [V]: My Lords, we know that the vast majority of marketing regulations have been set by the EU in recent decades. As part of that process, there has been a healthy level of engagement with producers and consumers. The expertise on the subject demonstrated by noble Lords this evening is extremely incisive, as evidenced in the opening proposal of the noble Baroness, Lady Neville-Rolfe.

In future, when we are outside the European Community, although the rules will be retained immediately after the end of the transition period, there will be scope for the United Kingdom to depart from that way of working either incrementally or wholesale. Whatever the scale of that change may be, it will be most important to understand what information consumers will want from producers and what the cost and bureaucracy of such requirements will be in the short, medium and longer term. A Government would not change any other major areas of regulation without first consulting and before laying a summary report on responses before Parliament, so it is curious and somewhat remiss that no requirement to consult is built into the Bill as drafted. We therefore support Amendment 257.

Lord Gardiner of Kimble: My Lords, I thank my noble friend for her amendment. Before any changes are made to the marketing standards, stakeholder engagement and public consultation will need to take place. Any organisation which represents the interests of the UK agriculture industry will be given the opportunity to put forward their views.

I say in response to the noble Baroness, Lady Wilcox of Newport, that marketing standards are covered by food law and a duty to consult is contained in Article 9 of Regulation 178/2002. This regulation will become retained EU law via the powers in the EU withdrawal Act. The regulation states: “There shall be open and transparent public consultation, directly or through representative bodies, during the preparation, evaluation and revision of food law, except where the urgency of the matter does not allow it.” It is the procedure that a summary of the responses to the consultation will be published on GOV.UK within 12 weeks of the consultation closing.
Amendments 261 and 262

Moved by Lord Gardiner of Kimble

Amendment 261

Clause 37, page 35, line 20, leave out “, in any case”

Member’s explanatory statement

This amendment is consequential on the other amendment to clause 37 in Lord Gardiner’s name.

Amendment 262

Clause 37, page 35, line 31, at end insert—

“(1A) The Secretary of State may only make regulations under section 36 containing provision which could be made under that section by an authority referred to in subsection (1)(b) to (d) with the consent of that authority.”

Member’s explanatory statement

This amendment secures that before making cross-border regulations under clause 36 that are also within the competence of the Scottish Ministers, the Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to make, the Secretary of State must obtain the consent of the authority concerned.

Amendments 261 and 262 agreed.

Clause 37, as amended, agreed.

Clauses 38 and 39 agreed.

Amendments 263 and 263A not moved.
government official—maybe they are thinking of a special adviser—or for functions to be conferred or delegated for a particular purpose, an explanation should be provided of the intended use of the powers. The relevant individuals and organisations or the particular circumstances for which the powers are required should be set out in detail in the Bill to ensure that the powers are necessary and appropriate, and to ensure that the exercise of those powers may be properly scrutinised and that those to whom the powers are given may also be held to account. I beg to move Amendment 264.

Lord Hain [V]: My Lords, I wish to speak to Amendment 269 standing in my name and that of my noble friend Lord Wigley.

Brexit has returned significant powers to the UK Government to negotiate and agree international trade agreements with other nations. As a reserved power, it is the responsibility of the UK Government to represent the interests of the agriculture sectors throughout the UK, including those within the political boundaries of devolved Administrations.

To ensure that agriculture businesses in Wales have access to equal opportunities in relation to trade as counterparts in England, it is reasonable to assume that any devolved Administration, responsible as they are for their own agriculture policy, support and monitoring, would share any information necessary with the UK Government in relation to trade. Enabling, where reasonable, the sharing of information to support trade policy and enable the free flow of tradable commodities within and beyond the UK should surely be considered a common-sense matter.

Large areas of rural Wales are heavily dependent on the agriculture sector as their primary economic industry. The symbiosis of agriculture and trade should be a priority; these policy areas must work together to ease the short-term economic shock and longer-term adaptation to new markets that will arise from the UK’s new trading arrangements. It is not an area where political wrangling should overrule what is most beneficial to the people and livelihoods of those affected on the ground.

As food has become a global commodity, the UK does not have the land area to compete on a volume basis with larger developing nations where agricultural production is increasing year on year. However, due in no small part to the structure of the CAP, the agriculture sector in the UK, and Wales in particular, produces agricultural outputs at a commodity scale where the amount of land available would indicate that a focus on higher-quality outputs rather than quantity would be more beneficial.

Generally within the UK, but more specifically in Wales, where legislation such as the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act (2016) are steering the nation to deliver against every aspect of sustainable food production and the sustainable management of natural resources, businesses in Wales are already starting to look at the potential such a USP could deliver.

To deliver a trade policy that complements Welsh farmers and food businesses, it is essential that the UK Government not only adheres to our existing high standards when negotiating trade deals involving agricultural produce but opens wider avenues for those within the UK whose ambition reaches beyond our current understanding of food standards, to open new and exciting markets. I hope, therefore, that the Minister will indicate the Government’s acceptance of the substance of this amendment.

Baroness McIntosh of Pickering: My Lords, it gives me great pleasure to follow the noble Lord, Lord Hain, and I endorse the comments of the noble Lord, Lord Foulkes of Cumnock, on his Amendments 264 and 265, which I was delighted to sign. I endorse his sentiments and hope my noble friend will look favourably on his amendments, particularly Amendment 264, in much the same vein as I support my noble friend Lady Neville-Rolfe’s Amendment 257. I think it is essential there should be proper consultation with the relevant interested parties before regulations are adopted, as I will set out. For the same reason, I support Amendment 265, in the name of the noble Lord, Lord Foulkes. I am sure my noble friend will agree that this is a genuine oversight and I hope she will look favourably at approving these or similar provisions before the Bill leaves the House. I also associate myself with Amendment 269, which is incredibly similar to the provisions in my Amendment 256, which was supported by other noble Lords: I would like to see the same apply in Wales as in England and other parts of the United Kingdom.

Lord Wigley [V]: My Lords, it is a delight, even at this late hour of the night, to follow the noble Baroness, Lady McIntosh. I very much agree with the points made by the noble Lord, Lord Foulkes, and particularly, of course, with the points made by the noble Lord, Lord Hain, on Amendment 269, which also carries my name.

There are many threats facing agriculture in Wales and in the other parts of the United Kingdom at this time, but there are also opportunities, and to grasp those opportunities to the full we have to build on the reality and the understanding of the standard of food we produce. Therefore, we need whatever co-operation mechanisms that have to be brought forward to ensure that agriculture in Wales, as in other parts of the United Kingdom, is working to that agenda, and that the world knows that we are working to that agenda, and that food and food products from Wales and the UK will be seen in that light, and equally that those food products coming into the UK from agricultural regimes that are of a lower standard will be seen as unacceptable.

This is relevant not only in terms of the food itself—the content and the way it is manufactured—but also in terms of the impact that the process has on the
environment. That will be an increasing consideration in all parts of the world when people come to judge the products of these islands. The policies we have in Wales, putting an emphasis on the needs of future generations, is particularly relevant in this context, and this group of amendments gives the Government the opportunity to respond on this issue and to give some certainty as to how they see these important elements being safeguarded.

Lord Purvis of Tweed (LD) [V]: My Lords, it is a pleasure to follow the noble Lord and to agree with his remarks, and to agree with the noble Lord, Lord Foulkes. I support the need for consultation, for the good reasons outlined at the very beginning of today’s proceedings by my noble and learned friend Lord Wallace and the noble and learned Lord, Lord Hope, who is also taking part in this group.

Can the Minister clarify the status of the legislative consent Motion from the Scottish Parliament with regard to this part of the Bill? If he can give information about that, I would be grateful. Formal consultations are vital in this part of the Bill, given that the regulations made under this clause could have significant impacts on the design and implementation of support schemes in Wales and Scotland. What is the policy framework for the limits on the regulations?

The Government have said that the regulations are concerned with maintaining WTO compliance under the agriculture agreement; however, they can also allow for regulations made by a Minister serving in a capacity as an English Minister, but impacting Scottish and Welsh schemes for the benefit of English farmers. Given the need for a resolution of disputes between the appropriate authorities regarding the classification of domestic support, with the Secretary of State in effect acting as a final arbiter, clarification from the Minister on this point will be important.

As well as proposing individual limits on the amount of domestic support that may be given in England, Wales, Scotland and Northern Ireland, the Government will set the effective aggregate ceiling, which is more in line with the relevant national budget, to meet the AMS ceiling under the agriculture agreement.

I understand that the EU has successfully transformed its agricultural support under the CAP from the amber box to the green box under the agreement. It has been argued that this change has not been challenged by other WTO members to date because of the scale of the EU. We may not necessarily have that in future as a standalone, individual country, so what is the Government’s policy intent? How will we engage in negotiations with other countries, which may take a different view from the one they took with regard to classification and interpretation while we were a member of the EU?

Given that this could be very relevant in our trade negotiations, can the Minister confirm that these regulations will not be used as part of any trade deal with the US? Given that the US has a more relaxed interpretation of the schemes under the WTO box classifications, there is not a level playing field between the UK and the US. That provides the US with a competitive advantage. We operate a number of quality schemes that it does not, but the US insists that the WTO agreement is the ceiling; we do not. Under its recent agreement with China on poultry, for example, neither country will go beyond what the WTO has agreed. We do not take that position. Will the Government allay some concerns and state that we would not reduce any of the support schemes with regard to the viability, standards and quality of our markets—not necessarily changing primary legislation but the support schemes that ensure our market is of the highest standard? I would like reassurances from the Minister in that regard.

The Minister is a sincere man. We have had these discussions during the Trade Bill and no doubt we will in September. He has said there will be no changes to primary legislation. When I asked the Trade Minister recently whether any trade agreements going forward—not continuity agreements but new trade agreements—will not change any of the support schemes or statutory instruments regarding standards, he could not give that assurance. I would be grateful if the Minister could allay my concerns and state that these regulations will not be used to make a meaningful change to any of the existing standards and qualities that the Americans might see as uncompetitive.

Lord Hope of Craighead [V]: My Lords, I support Amendment 264, moved by the noble Lord, Lord Foulkes of Cumnock. By a curious chance, I spoke to Amendment 267, a mirror image of this one, shortly before midnight on Tuesday evening. I do not need to repeat what I said then, because I am sure that the Minister knows very well the points that I wanted to make. The amendment moved this evening is almost exactly the same, except that in my case, instead of using the phrase, “the relevant stakeholders”, I set out who the relevant stakeholders were. For the reasons I mentioned at about this time two days ago, I absolutely support the amendment moved by the noble Lord, Lord Foulkes.

Baroness Bloomfield of Hinton Waldrist: My Lords, I beg to move that the debate on this amendment be adjourned.

Motion agreed.

House resumed.

House adjourned at Midnight.