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Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
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Llywodraeth Cymru  
Welsh Government

Chairs of Legislation, Justice and Constitution and Climate Change,  
Environment and Rural Affairs Committees  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1SN

22 December 2020

Dear Mick and Mike

## **UK Agriculture Bill – Third Reading and “ping pong” amendments**

On 28 September, I laid the Supplementary Legislative Consent Memorandum (Memorandum No.4) on the Agriculture Bill. The Senedd gave its consent to the Bill the following day. However, during Third Reading in the House of Lords the UK Government tabled a number of technical amendments which now form part of the Agriculture Act 2020.

The UK Government also tabled a new provision relating to reports on free trade agreements during the consideration of amendments in Parliament (“ping pong”), which now forms part of the Act. These provisions are summarised below:

### **Section 17 (Continuing EU programmes: power to provide financial assistance)**

Section 17 permits an “appropriate national authority” to give financial assistance to a specific list of people/individuals. The amendment made in Third Reading extends the definition of “appropriate authority” to include the Scottish Ministers in the cases of agreement or operational programmes approved in relation to Scotland.

### **Section 18 (retained direct EU legislation)**

Section 18 provides the listed legislation relating to support for rural development, fruit and vegetable producer organisations and apiculture has direct effect under the Withdrawal Agreement in relation to existing programmes and activities will become retained direct EU legislation so as to have effect for other purposes.

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

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

This amendment includes a new category of EU legislation within the list. The new category of legislation relates to promotion measures, and the amendments have effect on a UK-wide basis.

### **Section 42 (Reports relating to free trade agreements)**

This new provision requires the Secretary of State to lay before Parliament a report explaining whether, or to what extent, measures applicable to trade in certain agricultural products in certain free trade agreements are consistent with the maintenance of UK levels of statutory protection in relation to human, animal or plant life or health, animal welfare, and the environment. "UK levels of statutory protection" is defined to mean levels of protection which, at the time the report is made, are provided for by or under any legislation which has effect in, or in any part of, the United Kingdom.

A free trade agreement which includes measures applicable to trade in agricultural products may not be laid before Parliament under Part 2 of the Constitutional Reform and Governance Act 2010 unless the Secretary of State has first laid such a report. When the Secretary of State lays the report before Parliament the Secretary of State must also provide a copy of it to certain persons, including the Welsh Ministers and the other devolved administrations.

### **Section 56 (extent)**

The amendment made to section 56 is consequential on the inclusion of the Scottish Ministers within section 17 (detailed above). This amendment provides section 17 extends to England, Wales, Northern Ireland and Scotland.

### **Schedule 5 (provision relating to Wales: Apiculture)**

The amendment applies the negative resolution procedure to any regulations made under paragraph 5 of Schedule 5 (apiculture), unless section 50(5) applies. If section 50(5) applies, the regulations would be subject to the affirmative resolution procedure.

### **Schedule 6 (provision relating to Northern Ireland: Apiculture)**

The amendment applies the negative resolution procedure to any regulations made under paragraph 6, unless section 50(5) applies. If section 50(5) applies, the regulations would be subject to the affirmative resolution procedure.

The Bill has now received Royal Assent but I wanted to bring these amendments to the attention of Members.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

**Lesley Griffiths AS/MS**

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