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Peter Fox MS 

Date: 13 December 2022

Annwyl Paul,

Re:- The Food (Wales) Bill

Following the introduction of the Food (Wales) Bill into the Senedd on 12 December 2022, please find attached a copy of the Statement of Policy Intent for Subordinate Legislation to be made under the Bill. This document is provided to support the Committee's scrutiny of the Bill.

I look forward to providing evidence to the Committee during the scrutiny process.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee, and the Chair of the Finance Committee.

Yours Sincerely,



Peter Fox MS for Monmouth

Member-in-Charge, Food (Wales) Bill

Food (Wales) Bill

Statement of Policy Intent for Subordinate Legislation to be made under this Bill

December 2022

FOOD (WALES) BILL

STATEMENT OF POLICY INTENT FOR SUBORDINATE LEGISLATION TO BE MADE UNDER THIS BILL

Introduction

This document provides an indication of the current policy intention for the subordinate legislation that the Welsh Ministers are empowered or required to make under the provisions of the Food (Wales) Bill ('the Bill'), as introduced on 12 December 2022.

It has been prepared in order to assist Senedd Committees and Senedd Members during the scrutiny of the Bill and should be read in conjunction with the Bill and the Explanatory Memorandum and Explanatory Notes which accompany it.

Overview of the Bill

The Bill provides a framework that enables a coherent, consistent and strategic cross-governmental approach to policy and practice on all aspects of the food system.

The purpose of the Bill is to establish a more sustainable food system in Wales. This means strengthening our food security through a resilient supply chain, supporting the development of our food industry, improving Wales' socioeconomic well-being and enhancing consumer choice.

In summary, the Bill makes provision for:

Food goals: The Bill established 'food goals' and places a duty on specified public bodies to take reasonable steps to advance those food goals. The Bill sets out the food goals in two categories:

- **Primary Food Goal:** this is the overarching goal of providing affordable, healthy, and economically, environmentally and socially sustainable food for the people of Wales.
- **Secondary Food Goals:** these underpin the primary food goal and cover specific areas including: Economic well-being, Health and social, Education, Environment and Food waste.

The Bill also makes provision for setting 'targets' for each of the secondary food goals.

Welsh Food Commission: the Bill establishes the Welsh Food Commission with the primary objective to promote and facilitate:

- the advancement of the primary and secondary food goals by public bodies; and
- the achievement of the food targets.

National food strategy: The Bill requires the Welsh Ministers to publish a national food strategy setting out the overall strategy and individual policies that they intend to pursue in order to advance the primary and secondary food goals, and achieve the food targets. Specified ‘public bodies’ would then be required to have regard to the national food strategy in exercising any functions related to the primary food goal, the secondary food goals, and the food targets.

Local food plans: The Bill requires public bodies (other than the Welsh Ministers) to publish a local food plan setting out the policies that they intend to pursue in order to contribute to the advancement of the primary food goal and the secondary food goals, and the achievement of the food targets.

Subordinate legislation making powers in the Bill

The Bill contains regulation making powers in the following sections:

- Section 3(2)
- Section 4(1)
- Section 6(1)
- Section 22(2)

The information contained in this Statement on the subordinate legislation making powers in the Bill corresponds to the information provided in Chapter 6 of the Explanatory Memorandum (Power to make subordinate legislation).

Section 23 of the Bill (Regulations) sets out that any power in the Act to make regulations will be subject to the affirmative Senedd procedure – as set out in Standing Order 27.5).

Section 25 of the Bill (Commencement) specifies that the Act in its entirety will come into force at the end of the period of three months after the Bill receives Royal Assent.

Section	Description	Policy Intention
Food Goals		
<p>Section 3(2)</p> <p>Descriptions of Secondary Food Goals</p>	<p>Regulation-making powers to <u>enable</u> Welsh Ministers to amend the description of a secondary food goal.</p>	<p>The Table at Section 3(1) of the Bill contains a list of Secondary Food Goals, and a ‘description’ for each of those Goals (i.e. the actions / outcomes public bodies would be expected to work towards in advancing the Goal under Section 1 of the Bill).</p> <p>It is reasonable to expect that those descriptions may need to be amended over time to react to changing circumstances. The intention of the regulation making powers is therefore to allow the flexibility required for Ministers to make appropriate amendments to the descriptions without the need for further primary legislation.</p> <p>Regulations made under this section are to be made using the affirmative Senedd procedure, so will be brought to the Senedd’s attention and subject to debate and a vote. Before making regulations under this section, the Welsh Ministers must also consult with the Welsh Food Commission.</p>
<p>Section 4(1) & Section 6(1)</p> <p>Targets for Secondary Food Goals</p>	<p>Regulation-making powers to <u>require</u> Welsh Ministers to set one or more targets for each secondary food goal, and to require those regulations to specify a reporting date for any target set.</p>	<p>Section 4(1) of the Bill requires the Welsh Ministers, by regulation, to set one or more targets for each secondary food goal. Section 6(1) of the Bill requires any regulations made under Section 4(1) to specify a reporting date for any target set.</p> <p>It is reasonable to expect that those targets may need to change over time to react to changing circumstances, including any changes made to the secondary food goal descriptions set out above. Similarly any reporting deadline may need to change</p>

		<p>to reflect amended or newly set targets. The intention of the regulation making powers is therefore to allow the flexibility required for Ministers to set targets, and to change or set new targets without the need for further primary legislation.</p> <p>Regulations made under this section are to be made using the affirmative Senedd procedure, so will be brought to the Senedd’s attention and subject to debate and a vote. Before making regulations under this section the Welsh Ministers must also seek advice from—</p> <ul style="list-style-type: none"> (a) the Welsh Food Commission, and (b) other persons the Welsh Ministers consider to be independent and to have relevant expertise.
Section 22(2)	Regulation-making powers to <u>enable</u> Welsh Ministers to amend the list of those ‘persons’ who are deemed to be a public body for the purposes of this Bill.	<p>Section 22(1) of the Bill provides the list of persons deemed to be a ‘public body’ for the purposes of the Act. Section 22(2) of the Bill enables Welsh Ministers, by regulation, to amend that list of persons.</p> <p>The Welsh Ministers are themselves listed as persons deemed to be a ‘public body’, and Section 22(2) prohibits Welsh Ministers from removing themselves from the list of persons.</p> <p>It is reasonable to expect that changes to the list of persons deemed to be a public body could be required in the future. The intention of the regulation making powers is therefore to allow the flexibility required for Ministers to amend the list of persons in Section 22(1) without the need for further primary legislation.</p>

		<p>Regulations made under this section are to be made using the affirmative Senedd procedure, so will be brought to the Senedd's attention and subject to debate and a vote. Before making regulations under this section the Welsh Ministers must consult with—</p> <ul style="list-style-type: none">(a) the Welsh Food Commission;(b) if the regulations add a person, that person;(c) any other person the Welsh Ministers consider appropriate.
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