

The Agriculture and Communities (Scotland) Bill 2024

The Agriculture and Communities (Scotland) Bill 2024 (hereafter referred to as ‘the Bill’) completed its final stage in the Scottish Parliament on 19th June 2024 and will now go forward for Royal Assent. The Bill will then become an Act.

The Bill was introduced as a framework bill, which means that it is designed to confer powers, and place some duties upon Scottish Ministers. The Bill enables changes to be made but does not include the detail of a future agriculture policy for Scotland, which is still being developed and is largely being shaped in the agricultural reform route map.

Purpose of the Bill

To enable the support of agriculture, rural communities and the rural economy through the creation of a support framework. The framework will make provision for continuing professional development for those involved in agriculture and related industries, make provision in relation to the welfare and identification of animals, and repeal spent and superseded agricultural legislation.

Context of the wider rural agenda for Scotland

The Scottish government has created its own **Vision for Agriculture** which will transform how it supports farming and food production to become a global leader in sustainable and regenerative agriculture. This commitment sits at the heart of a robust and coherent framework to underpin Scotland's future agriculture support regime. Scotland will have a system, supported by Scottish government, that delivers high quality food production, climate mitigation and adaptation, nature restoration, and thriving rural and island communities. High quality, nutritious food locally and sustainably produced is key to wellbeing – in economic, environmental, social and health terms. The objectives of the Bill have been set out to ensure the use of powers that the Bill provides will deliver this vision.

The Bill will further support the **Agricultural Reform Route Map** which sets out the transition from legacy EU Common Agricultural Policy (CAP) schemes into the new four tier framework. The route map, which is being regularly updated, provides indicative dates and information on what will change and when. Scottish Ministers will use the powers of the Bill to steer this legislation forwards.

Part 1 – Objectives & planning

The Bill aims to help farmers and crofters to produce more of what we eat with greater sustainability and support their essential role in climate mitigation and nature restoration. It will also create a framework of payments that is responsive to the sector's needs and incentivises low carbon approaches.

The Bill sets out the five objectives of Scottish agricultural policy as;

- the adoption and use of sustainable and regenerative agricultural practices
- the production of high-quality food
- the promotion and support of agricultural practices that protect and improve animal health and welfare
- the facilitation of on-farm nature restoration, climate mitigation and adaptation
- enabling rural communities to thrive.

The rural support plan

The Bill states that Scottish Ministers must prepare a ‘rural support plan’, which should set out the Scottish government's priorities for providing support for a five-year period, the first of which will run from 2026-2030. The Bill obliges that the rural support plan must give consideration to proposals and policies in the climate change plan which relate to agriculture, forestry, rural land use and any other environmental statutory duty and developments being made at EU level and that it must fully consult with farmers, land managers as well as people who live and work in rural communities.

Part 2 – Support for agriculture, rural development and related matters

Power to provide support

The Bill confers power to Scottish Ministers to provide support to numerous purposes including general support for agriculture, food and drink production, environment, forestry and animal health and welfare. This includes the power to limit, or ‘cap’, support provided to a single person within a payment period, or enforce that the amount of support progressively reduces once a certain threshold is exceeded, and the power to make regulations regarding refusal or recovery of support where this is in the public interest.

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Part 3 – Power to modify existing legislation relating to support

Powers in relation to CAP legislation

This section amends the existing powers in the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 to amend retained CAP legislation, and removes the time-limit for using these powers. Subsequently, part 3 of the Bill sets out which elements of legislation will require affirmative procedure for making changes. This will provide parliament with clear scrutiny of any proposed amendments to; overarching objectives of agricultural policy, the rural support plan and regulations about support.

Part 4 – Miscellaneous

Code of Practice on Sustainable and Regenerative Agriculture

The Bill requires Scottish Ministers to produce a Code of Practice on Sustainable and Regenerative Agriculture and confers power upon them to make regulations in relation to this code.

Timescales

Secondary legislation for support mechanisms (schemes) will need to be in force on 1 January of the year the support is being introduced. There would need to be sufficient time in advance of this to prepare for any delivery changes and to ensure guidance and communication of any proposed change was undertaken. In the first instance secondary legislation will use the powers of the Agriculture (EU Law and Data) (Scotland) Act 2020 - this will be the case for the changes in September 2024, thereafter any changes to introduce support within the four-tier framework will use the powers of the Bill. This will commence with the launch of Tiers 1 (base) and 2 (enhanced) from 2025 and the launch of Tiers 3 (elective) and 4 (complementary) from 2027.

Conclusion

The passing of the Bill into an Act, is the first piece of a large jigsaw of Scotland's rural land policy. Policy reform, which is being driven by declining biodiversity, escalating climate change effects, and ensuring a just transition to net zero emissions, is happening in many aspects of Scotland's land, creating a large amount of flux throughout the sector. We can expect to see the new Land Reform Bill, Natural Environment Bill, a revision to the Climate Change Plan and a new Biodiversity Strategy before the existing parliamentary session ends in 2026.

The passing of the Bill provides a clear signal to Scotland's rural sector that sustainable and regenerative agriculture is the direction of travel and will be supported. Whilst the finer detail on many new policies is being decided, the government will need to give clear guidance on what to expect, and when. The government has been criticised previously that its communication to the sector on future support has been insufficient. Acknowledgement that extensive consultation will be required for the secondary legislation associated with the Bill has been well received. Government will need to ensure this happens in order to truly co-design the policy that this Bill requires. SLE (Scottish Land & Estates) has warned that the 'real work starts now' as it appealed to government to follow through on its commitment to work with stakeholders to ensure that the new legislation can be built on to maximise benefits to farming and rural Scotland.

It is now crucial that stakeholders hold the Scottish government to account when using the powers conferred by the Bill to overcome any challenges holding back the development of the future policy and support framework in Scotland.

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