

Scottish Food Coalition: Stage 2 Amendments to the Good Food Nation Bill

April 2022

**Amendment 1: Purpose of Act -**

The Bill should have a purpose clause. This should describe the purpose of the Act - all of its provisions, including the development of the plans, as well as their implementation. The purpose clause should set out a clear ‘vision’ of what the Government intends to be achieved by the passing, and implementation of, the Act.

The Bill has been described by the Scottish Government as ‘giving practical effect to the right to food’ as well as a means to ensure the food system contributes to improved social, economic, environmental and health outcomes. Such an objective should be on the face of the Bill – and relate to the Act as whole (not just the Plans). Such a statutory expression of purpose provides a clearer and more specific statement for purpose for those charged with implementation.

Before section 1, page 1, line 4, insert new section:

*A Good Food Nation*

**( ) Purpose of this Act**

1. The purpose of this Act, and any regulations made under this Act, is to require Scottish Ministers and relevant authorities to put in place procedures to ensure that their policies and activities, and future proposals for legislation, taken together, enable Scotland to move closer to being a Good Food Nation.

(2) A “Good Food Nation” in section ( )(1) means, a country where all legislation and policy, taken together, in relation to all food-related issues in Scotland, and in relation of Scotland's place in the world, seeks to ensure: -

(a) Improved social and economic well-being so people from every walk of life take pride and pleasure in, and benefit from the food they produce, buy, cook, serve and eat each day;

(b) Improved protection and enhancement of the environment and animal welfare;

(c) Improved public and individual health so diet-related illnesses are in decline;

(d) Practical effect is given to the right to food so everyone in Scotland has access to and the means to afford the healthy and nutritious food they need; and

(e) A transparent and accountable process for monitoring and reporting on progress towards (a) – (d)

**Amendment 2: Objectives of plans**

The Bill should set out a small number of high-level outcomes or objectives to be achieved, rather than leave these entirely to Ministers or public bodies to determine, unaided by anything in the Bill.

These should be aligned to the UN Sustainable Development Goals and the National Performance Framework, in a similar way to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the Procurement Reform (Scotland) Act 2014. . Ideally, such targets/outcomes should be measurable – both because this is intrinsically preferable, but also to improve the effect of reporting and scrutiny provisions.

“Must include” means that these objectives must be included, but it is open to Ministers/public bodies to add any others as they wish. This is, therefore, a starting list, or minimum.

In section 1, page 1, line 18, insert new subsection

( ) The main outcomes referred to in subsection (3)(a) must include —

(a) encouraging sustainable food harvesting, production and consumption (including minimising food waste) that contributes to achieving climate and biodiversity targets, and improved animal welfare;

(b) improving health and wellbeing, including through nutritious and other food related matters;

(c) ensuring universal and dignified access to high quality, culturally-appropriate, nutritious and sustainable food;

(d) building resilient local food economies in rural, island and urban areas, and fair and resilient food supply chains, including fair work standards; and

(e) reducing Scotland’s international footprint including by seeking to ensure that the food and animal feed that is imported meets the same standards as food produced in Scotland.

Note: This amendment relates to the national good food nation plan. An additional (virtually identical) amendment should also be considered for the good food nation plans of public bodies (section 7). This would need such an amendment inserted at Page 4, line 2 with its first line reading: “The main outcomes referred to in subsection (4)(a) must include —” followed by (a) to (e) as above.

**Amendment 3: Indicators**

The Bill should set out a number of indicators, linked to the outcomes, to enable the measuring, monitoring and reporting of progress. Like the outcomes, these should be aligned to the UN Sustainable Development Goals and the National Performance Framework, in a similar way to the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.

Ideally, such targets/outcomes should be measurable – both because this is intrinsically preferable, but also to improve the effect of reporting/scrutiny provisions. “Must include” means that these objectives must be included, but it is open to Ministers/public bodies to add any others as they wish. This is, therefore, a starting list, or minimum.

The indicators or other measures referred to in subsection (3)(b) must include—

1. Scotland has halved the environmental impact of the food system including halving food waste by 2030,
2. Halving of childhood obesity by 2030,
3. The Scottish Dietary Goals are achieved by 2035,
4. No households are experiencing severe household food insecurity by 2030,
5. By 2030, 60% of food served on the premises of public bodies is from Scotland, and a minimum of 25% is organic,
6. Food workers employed by public bodies or through public sector contracts, covered by collective bargaining and paid at least the real living wage by 2025, and
7. End the use of crates and cages with farmed animals by 2027

Note: In section ( )(e), “from Scotland” means grown, reared or harvested in Scotland, or processed in Scotland with the majority of ingredients so grown, reared or harvested.

**Amendment 4: Additional detail and reporting on consultation**

The Bill must provide for active participation by stakeholders – including children and young people – in developing food plans at national and local level. There should be a duty on relevant authorities that how they seek input and views on good food nation plans should be both intersectional and fully accessible. Relevant authorities should use accessible and inclusive communication to work with people with lived experience in the design of good food nation plans and implementation, including formats such as Community Languages, BSL, Braille, Moon, Easy Read, clear and large print, and paper formats. Relevant authorities should ensure that participation opportunities are not stigmatising - to be mindful of language used to avoid stigmatisation and victim blaming (as weight stigma is often a barrier to both participation and access to services).

Participation opportunities in relation to the production of the good food plans should be mindful of this and take steps to ensure this is eliminated from production of the good food plans, both nationally and locally.

In section 2, page 2, line 6, insert new subsections:

( ) The persons consulted in subsection (2) shall include organisations, and civil society organisations representative of-

1. farming, crofting, growing, fishing and aquaculture interests;
2. food retailing, serving, processing, catering and distribution businesses;
3. those concerned with food education and wider agri-food skills and training;
4. those concerned with, and with lived experience of, individual and public health issues, including diet-related poor health outcomes;
5. those concerned with, and with lived experience of, social care and  health inequalities, including communities whose right to food and health outcomes are most likely to be at risk, including people with no recourse to public funds;
6. those concerned with environmental protection and enhancement, and with animal welfare;
7. those concerned with local economies and food supply chains, including fair work standards;
8. those concerned with human rights, especially the right to food; and
9. those concerned with Scotland’s international footprint including the food and animal feed that is imported.

( ) A national good food plan, laid before Parliament under section 1, must be accompanied by a statement setting out-

1. details of the consultations conducted under this section, including the efforts made to ensure the consultation was accessible and inclusive;
2. the representations received; and
3. the means by which those representations have been taken account of, or the reasons why they have not been taken account of.

**Amendment 5 & 6: Parliamentary scrutiny of draft plan and progress reports**

Parliament should have a greater role in relation to the good food nation plans, parliamentary approval should be required to give Parliament its place in the process, providing accountability of the Scottish Government in achieving its good food nation aims.

The Climate Change Act 2019 provides a helpful example of enabling a greater level of Parliamentary scrutiny and transparency, placing a duty on Ministers to lay a draft plan before parliament for a period of 120 days, and to have regard to any representations on the draft plan.

After section 3, page 2, line 27, insert new section:

**( ) National good food plan: further procedure**

1. The Scottish Ministers must, before laying a good food plan under section 1, before the Scottish Parliament—
2. lay a draft of the plan before the Parliament for a period of 120 days, of which no fewer than 60 must be days on which the Parliament is not dissolved or in recess, and
3. have regard to—
4. any representations on the draft plan made to them,
5. any resolution relating to the draft plan passed by the Parliament, and
6. any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of standing orders.
7. The Scottish Ministers must, when laying a good food plan under section 1 before the Parliament, lay a statement setting out—
8. details of any representations, views, resolutions or reports mentioned in subsection (1)(b),
9. the changes (if any) they have made to the plan in response to such representations, views, resolutions or reports and the reasons for those changes.

In section 5, page 2, line 38, insert new subsections:

( ) Where a report, laid under subsection (1), states, by reference to the indicators or other measures contained in the plan, that progress towards any outcome set by section 1(3)(a) is slower than necessary to achieve that outcome by the stated date, the Scottish Ministers must lay a report before the Scottish Parliament setting out proposals and policies to address the lack of progress in future years.

**Amendment 7: Inclusion of Integrated Joint Boards**

The Scottish Food Coalition warmly welcome the proposal, in section 7, to require local authorities and health boards to develop good food nation plans. However, the Public Authorities (Joint Working) (Scotland) Act 2014 permits the establishment of ‘separate bodies’ known as “integration joint boards” that may take on responsibility for a number of local authority or health board functions. Such arrangements are especially commonplace in the social care sector – where food, diet and nutrition are especially important.

The Integrated Joint Boards, which will become Community Health and Social Care Boards, should also be required to produce good food nation plans as they oversee the delivery of all community health and social care services and support within their local area, monitoring and improving impact, performance, and outcomes for people. The provision of food is integral to care, hospital discharge, food security, whether this is early years provision, at-home care, crisis care, care at home, or residential care. The amendment ensures that such joint bodies do not “slip through the net” and either have to produce their own good food nation plans – or that the delegated functions are addressed by their ‘parent’ authority’s plan.

In section 7, page 3, line 27, add new subsection:

( ) A relevant authority also includes an “integration joint board”, established under the Public Authorities (Joint Working) (Scotland) Act 2014, unless the conditions of subsection ( ) are met.

( ) The conditions referred to in subsection ( ) are-

(a) that the plans of both the relevant local authority and relevant health board address food-related issues of functions delegated to the joint board;

(b) that the relevant joint board has been notified of the plans content in relation to the functions concerned; and

(c) that delegation of any function under the 2014 Act is considered to include delegation of the duty in section 10 of this Act to have regard to the plan of the authority from whom the function has been delegated.

**Amendment 8: Good food plans for universities and colleges**

The Scottish Food Coalition warmly welcomes the proposal, in section 7, to require local authorities and health boards to develop good food nation plans. Educational institutions should also produce good food nation plans, as a third of respondents to the call for views mentioned the importance of food education.

In section 7, page 3, line 27, add new subsection:

( ) The Scottish Ministers must include the Scottish Funding Council, established by the Further and Higher Education (Scotland) Act 2005, in their specification of public authorities under subsection (2)(c).

( ) The Scottish Funding Council must, in its good food nation plan, set out how its funding decisions, and associated conditions, will ensure that further and higher education institutions introduce and operate policies to work towards the outcomes set out in the national good food nation plan and that of the Council.

**Amendment 9: Establish a statutory Scottish Food Commission**

The Bill should also establish an independent Scottish Food Commission. Responsibility for food issues in Scotland (and the UK) is spread across many different portfolios, departments, and public bodies, in both local and national government. Ministerial Portfolios and Scottish Government Departments focus on their own agenda and budgets often creating tensions, conflicts and missed opportunities in policy development, coherence, and implementation.

The Commission will provide expert advice and scrutiny to the Government and help ensure Scotland’s journey to becoming a good food nation is fair for everyone. Advice and scrutiny will be critical to a just transition for the food system as Scotland’s economy shifts and changes in response to the climate, nature, and health crises.

The above amendments provide full legislative provision for the establishment of a new body (modelled on that for the Scottish Land Commission in s.4-38 of the Land Reform (Scotland) Act 2016[2]). The provisions for the strategic plan include a requirement for the new Commission to set out its relationship with Food Standards Scotland and any functions carried out by the Scottish Parliament. This is modelled on a duty of ESS set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Schedule 2, Paragraph 1(1)(d)(ii).

After section 12, page 5, line 12, insert new chapter:

**CHAPTER ( )**

The Commission

*Establishment*

**( ) The Scottish Food Commission**

1. The Scottish Food Commission (in Gaelic, Coimisean Bìdh na h-Alba[[1]](#footnote-1)) is established by this section.
2. In this Act, it is referred to as “the Commission”.
3. The Commission is a body corporate.
4. The Commission is to consist of no less than five and no more than nine Food Commissioners.
5. The Scottish Ministers may by regulations amend subsection (4)(a) so as to alter the number of Food Commissioner.
6. The Commission has the functions conferred by section ( ).
7. The Food Commissioners have the functions conferred by section ( ).

**( ) Status**

1. The Commission is not a servant or agent of the Crown.
2. It does not enjoy any status, immunity or privilege of the Crown.
3. Its property is not property of, or property held on behalf of, the Crown.
4. Its members and staff—
5. are not servants or agents of the Crown,
6. have no status, immunity or privilege of the Crown,
7. are not to be regarded as civil servants.

*Functions of the Commission and Commissioners*

**( ) Functions of the Commission and Commissioners**

1. The functions of the Commission are—

(a) to provide the Food Commissioners with the property, resources, staff and services needed to perform their respective functions, and

(b) to make such arrangements as are appropriate and practicable for the co-ordination of the performance of those respective functions.

1. The functions of the Food Commissioners are, on any food-related issue in Scotland—
2. to review the impact and effectiveness of any law or policy, including the degree of policy coherence,
3. to recommend changes to any law or policy,
4. to review the impact and effectiveness of national good food nation plans, prepared under section 3 or revised under section 6, and the good food nation plans of public bodies prepared under section 7 or revised under section 12, in relation to achieving outcomes and indicators,
5. to review the impact and effectiveness of good food nation plans in relation to achieving outcomes and indicators,
6. to gather evidence,
7. to carry out research,
8. to prepare reports,
9. to provide information and guidance.
10. The Food Commissioners must consider and advise on any such matter as the Scottish Ministers may refer to them.
11. In exercising their functions, the Food Commissioners must have regard to—
12. respecting, protecting and fulfilling the right to food
13. the national good food nation plans prepared under section 3 or revised under section 6,
14. the good food nation plans of public bodies prepared under section 7 or revised under section 12

*Food Commissioners: delegation of functions*

**( ) Food Commissioners: delegation of functions**

1. The Food Commissioners may authorise the following to exercise such of their functions, and to such extent, as they may determine—
2. any committee,
3. any employee of the Commission,
4. any other person.
5. Nothing in subsection (1) affects the responsibility of the Food Commissioners for the exercise of their functions.

**( ) General powers**

1. The Commission may do anything which it considers—
2. to be necessary or expedient for the purposes of, or in connection with, the exercise of—
3. its functions, and
4. the functions of the Food Commissioners,
5. to be conducive to the exercise of those respective functions.
6. In particular, the Commission may—
7. enter into contracts,
8. acquire and dispose of land,
9. co-operate with any person,
10. obtain advice or assistance from any person who is, in the Commission’s opinion, qualified to give it,
11. pay any such person such fees, remuneration and allowances as the Commission may determine.

*Strategic plan and programme of work*

**( ) Strategic plan**

1. The Commission must prepare a strategic plan setting out how the Commission and Food Commissioners propose to exercise their respective functions for the period to which the plan relates.
2. A strategic plan must, in particular, set out—
3. the objectives and priorities of—
4. the Commission, and
5. the Food Commissioners.
6. estimates of the costs of the exercise of their respective functions of—
7. the Commission, and
8. the Food Commissioners.
9. how it intends to exercise its functions in a way that respects and avoids any overlap with—
10. the exercise of functions by Food Standards Scotland and other public bodies with relevant food-related functions; and
11. the exercise of functions by any committee of the Scottish Parliament for the time being appointed by virtue of standing orders, whose responsibilities include considering food-related matters,
12. how it intends to exercise its functions so as to contribute to reviews of the impact and effectiveness of national good food nation plans, prepared under section 3 or revised under section 6, and the good food nation plans of public bodies prepared under section 7 or revised under section 12, in relation to achieving outcomes and indicators.
13. The Commission must submit the strategic plan to the Scottish Ministers—
14. in the case of the first plan, before the end of the period of 6 months beginning with the day on which this section comes into force,
15. in the case of each subsequent plan, before the end of the period of 3 years beginning with the day on which the Commission last submitted its strategic plan.
16. The Scottish Ministers may—
17. approve the strategic plan,
18. approve the strategic plan with such modifications as they consider appropriate in consultation with the Commission,
19. reject the strategic plan and direct the Commission to submit a revised plan before the end of such period as the Scottish Ministers may determine.
20. Where the Scottish Ministers approve the strategic plan under subsection (4)(a) or (4)(b), the Commission must as soon as practicable—
21. publish the plan in such form as it considers appropriate, and
22. lay a copy of the plan before the Scottish Parliament.
23. The Commission—
24. must comply with any direction to submit a revised strategic plan under subsection (4)(c),
25. may from time to time submit a revised strategic plan.
26. Subsections (4) and (5) apply to a revised strategic plan as they apply to a strategic plan.

**( ) Programme of work**

(1) The Food Commissioners must prepare a programme of work setting out—

(a) information on any proposed reviews under section ( )(2)(a) [Functions of the Commission and Commissioners],

(b) information on any other activities,

(c) timetables for the programme.

(2) The Commission must submit the Food Commissioners’ programme of work to the Scottish Ministers when it submits the strategic plan under section 8.

(3) The Commission must—

(a) publish the programme of work in such form as it considers appropriate, and

(b) lay a copy of the programme before the Scottish Parliament.

(4) The Commission may from time to time submit a revised programme of work.

(5) Subsection (3) applies to a revised programme of work as it applies to a programme of work.

*Membership*

**( ) Membership**

1. The Scottish Ministers are to appoint the members of the Commission.
2. The Scottish Ministers may appoint a person as a member only if the Scottish Parliament has approved the appointment.
3. Each member is to be appointed for such period, not exceeding 5 years, as the Scottish Ministers may determine.
4. Subject to sections ( ), ( ) and ( ) [Eligibility, disqualification and resignation], an appointed member holds and vacates office on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.
5. The Scottish Ministers may reappoint as a member a person who is or has been a member.
6. Subsections (2) and (3) apply to a reappointment under subsection (5) as they apply to an appointment under subsection (1).
7. The Scottish Ministers must select one of the Food Commissioners to chair the Commission.

**( ) Eligibility for appointment**

1. In appointing members to the Commission, the Scottish Ministers must—
2. have regard among other things to the desirability of the Commission (taken as a whole) having expertise or experience in food-related matters and, in particular—
   1. economic issues, associated with food harvesting, production, consumption, distribution or retailing, including building resilient local economies and food supply chains, including fair work standards,
   2. sustainable land, marine and aquaculture management for food harvesting or production, including animal welfare science,
   3. community and social issues associated with food, especially universal and dignified access to high quality, culturally-appropriate, nutritious and sustainable food,
   4. health and wellbeing matters, including issues related to healthy and nutritious food,
   5. environmental issues associated with food harvesting, production, consumption (including addressing food waste),
   6. human rights, especially issues of participation, accountability and empowerment,
   7. equal opportunities, and the reduction of inequalities of outcome which result from socio-economic disadvantage, and
   8. understanding Scotland’s international footprint including issues related to food and animal feed that is imported.
3. encourage equal opportunities and in particular the observance of the equal opportunity requirements.
4. In subsection (1) “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part 2 of schedule 5 of the Scotland Act 1998.

**( ) Disqualification from membership**

1. A person may not be appointed as a member of the Commission if that person is or has been at any time during the previous 12 months—
2. a member of the House of Commons,
3. a member of the Scottish Parliament,
4. an officer-holder of the Scottish Administration,
5. a councillor of any local authority.
6. A person’s appointment as a member ceases if, during the person’s period of appointment, any of subsection (1)(a) to (d) applies to that person.

**( ) Resignation and removal**

1. A member of the Commission may resign at any time by giving notice in writing to the Scottish Ministers.
2. The Scottish Ministers may by giving notice in writing revoke the appointment of a person as a member if satisfied that the person—
3. is insolvent,
4. has been convicted of a criminal offence in relation to which the member has been sentenced to imprisonment for a period of 3 months or more,
5. is incapacitated by physical illness or mental disorder,
6. has been absent from meetings of the Commission for a period exceeding 6 months without the permission of the Commission, or
7. is otherwise unable or unfit to exercise any of the functions of a member or is unsuitable to continue as a member.
8. For the purposes of subsection (2)(a) a person becomes insolvent when—
9. the person’s estate is sequestrated,
10. the person grants a trust deed for creditors or makes a composition or arrangement with creditors,
11. a voluntary arrangement proposed by the person is approved,
12. the person’s application for a debt payment programme is approved under section 2 of the Debt Arrangement and Attachment (Scotland) Act 2002, or
13. the person becomes subject to any other kind of order or arrangement analogous to those described in paragraphs (a) to (d) anywhere in the world.

*Remuneration and staff*

**( ) Remuneration, allowances and pensions**

1. The Commission may pay its members and employees—
2. such remuneration as the Commission may, with the approval of the Scottish Ministers, determine, and
3. such allowances in respect of expenses properly incurred in the exercise of the Commission’s functions as may be so determined.
4. The Commission may, with the approval of the Scottish Ministers—
5. pay (or make arrangements for the payment of),
6. make payments towards the provision of,
7. provide and maintain schemes (whether contributory or not) for the payment of,

such pensions, allowances or gratuities to any member or employee or former member or

employee of the Commission as the Commission may determine.

1. Those pensions, allowances or gratuities may include pensions, allowances or gratuities by way of compensation for loss of office.

**( ) Staff**

1. The Commission is to employ a person as chief executive.
2. The first chief executive is to be appointed by the Scottish Ministers on such terms as they may determine.
3. Each subsequent chief executive is to be appointed—
4. by the Commission with the approval of the Scottish Ministers,
5. on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.
6. The Commission may employ any other staff necessary for the exercise of its functions.
7. The Commission’s staff are to be employed on such terms and conditions as the Commission may, with the approval of the Scottish Ministers, determine.

*Operational matters*

**( ) Validity of things done**

The validity of anything done by the Commission is not affected by—

1. a vacancy in membership,
2. a defect in the appointment of a member,
3. a person’s membership having ended under section 13.

**( ) Committees**

1. The Commission may establish committees for any purpose relating to—
2. its functions,
3. the functions of the Food Commissioners,
4. The Commission may authorise any committee to exercise such of its functions, and to such extent, as it may determine.
5. Nothing in subsection (2) affects the responsibility of the Commission for the exercise of its functions.
6. The Commission may appoint a person who is not a member of the Commission to be a member of a committee.
7. The Commission may pay to a person who is not a member of the Commission and who is appointed to a committee—
8. such remuneration as the Commission may, with the approval of the Scottish Ministers, determine, and
9. such allowances in respect of expenses properly incurred in the exercise of the functions of the Commission, or of the Food Commissioners as may be so determined.
10. A committee must comply with any directions given to it by the Commission.

**( ) Regulation of procedure**

1. The Commission must establish and maintain a register of interests.
2. Otherwise, the Commission may regulate its own procedure and those of its committees, including the quorum at any meeting.

*Accounts and annual report*

**( ) Accounts**

1. The Commission must—
2. keep proper accounts and accounting records,
3. prepare in respect of each financial year a statement of accounts.
4. The Commission must send the statement of accounts to the Scottish Ministers by such date as the Scottish Ministers may direct.
5. The Commission must comply with any other directions which the Scottish Ministers may give them in relation to the matters mentioned in subsection (1).
6. The Commission must make its audited statement of accounts and accounting records available so that they may be inspected by any person.

**( ) Annual report**

1. As soon as practicable after the end of each financial year, the Commission must prepare a report setting out—
2. an assessment of its performance in carrying out its functions, including—
3. the functions of the Commission,
4. the functions of the Food Commissioners,
5. an assessment of the performance by the Commission and its members in achieving the main objectives set out in any strategic plan having effect during that year,
6. an assessment of the performance by the Food Commissioners in relation to any programme of work having effect during that year,
7. such other information as the Commission considers appropriate.
8. The Commission must—
9. publish each annual report in such form as the Commission considers appropriate,
10. provide a copy of each annual report to the Scottish Ministers, and
11. lay a copy of each annual report before the Scottish Parliament.
12. The Commission—
13. may publish such other reports and information on matters relevant to its functions as it considers appropriate,
14. where it does so, must lay a copy of each report before the Scottish Parliament.

*Application of public bodies legislation*

**( ) Application of legislation relating to public bodies**

1. In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies), at the appropriate place in alphabetical order insert—

“The Scottish Food Commission”.

1. In the Freedom of Information (Scotland) Act 2002, in Part 7 of schedule 1 (Scottish public authorities: others), after paragraph 85ZA insert—

“85ZAA The Scottish Food Commission.”.

1. In the Public Services Reform (Scotland) Act 2010—
2. in schedule 5 (improvement of public functions: listed public bodies), at the appropriate place in alphabetical order insert—

“Scottish Food Commission”,

1. in schedule 8 (information on exercise of public functions: listed public bodies), at the appropriate place in alphabetical order insert—

“Scottish Food Commission”.

**Amendment 10: Implementation duty**

The implementation of the National good food plan is secured by means of section 4 (“Effect of the Plan”). At present, this is limited to a duty for Ministers (in relation to functions to be specified) to “have regard to” the Plan. This might be strengthened in a number of ways, but include:

* Deleting the limitation to specified functions and replacing with “all functions” or “relevant functions” (if the latter, “relevant functions” might be defined as “related to or impacting on a food-related issue”).
* Strengthening “have regard to” to “act in accordance with”

Page 2, line 26, replace s.4 with

1. The Scottish Ministers must, in making relevant policies (including proposals for legislation), act in accordance with the national good food nation plan.
2. “Relevant policies” in this section means any policy related to or impacting on a food-related issue.

Note: if this amendment is agreed, it would be appropriate to make similar amendments to the implementation duty for relevant authorities in section 10.

**Amendment 11: Implementation duty and human rights**

These amendments to the implementation duty seek to ensure that Ministers (or, as appropriate, relevant authorities), when determining how to deliver the good food nation plans must consider how their actions enhance human rights and, in particular, the right to food.

The amendments are modelled on Section 1 of the Children and Young People (Scotland) Act 2014, and do not represent “legal incorporation” (which is likely to be a matter for the forthcoming Human Rights Bill). However, they do increase the recognition of this aspect of a good food nation and will improve the implementation of the plans. In particular, it will ensure that consideration of these matters, in preparing the plan (under section 3), is continued into the implementation phase.

In section 4, page 2, line 30, insert new subsection:

( ) The Scottish Ministers must, in exercising their duty under this section, -

1. keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the right to food requirements of the International Covenant on Economic Social and Cultural Rights; and other international human rights instruments,
2. if they consider it appropriate to do so, take any of the steps identified by that consideration.

In section 10, page 4, line 24, insert new subsection:

( ) A relevant Authority must, in exercising their duty under this section, -

1. keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the right to food requirements of the International Covenant on Economic Social and Cultural Rights; and
2. if they consider it appropriate to do so, take any of the steps identified by that consideration.

**Amendment 12: Requirement to consider good food plan when reviewing National Planning Framework**

This amendment adds the good food nation plan into the list of national policies/plans that are required to be considered in future reviews/revision of the National Planning Framework.

On page 6, line 36, insert new section:

( ) **Other amendments**

The Town and Country Planning (Scotland) Act 1997 is amended as follows:

In section 3AB(3)(a), add new paragraph after paragraph (x):

“(xi) the national good food plan prepared under section 1 of the Good Food Nation (Scotland) Act 2021.”

1. Translation is by non-Gaelic speaker – so should be checked. [↑](#footnote-ref-1)