

AGRICULTURE (WALES) ACT 2023

EXPLANATORY NOTES

GENERAL OVERVIEW OF THE ACT

4. The Act provides a new statutory framework for Sustainable Land Management (“SLM”) in Wales.
5. The Act establishes the SLM objectives as the overarching framework for agricultural policy, in that it imposes a duty on the Welsh Ministers to exercise certain functions in the way they consider best contributes to achieving the SLM objectives. Provision is made for detailed monitoring and reporting: the intention is to permit assessment of progress towards achieving the objectives, to provide an important evidence base, and to facilitate scrutiny and accountability.
6. The Act confers a power on the Welsh Ministers to provide support for agriculture, and in connection with agriculture. This Act lists specific purposes for which support may be provided (although it may also be provided for other purposes that are not listed). These purposes include purposes relating to food production, climate change, greenhouses gases, air and water quality and animal health. The Welsh Ministers must exercise the power of support in the way they consider best contributes to achieving the SLM objectives. The intention is that this integrated approach will enable the sustainable production of food and other goods alongside the delivery of actions in support of the other SLM objectives.
7. The power of support may also be exercised in respect of certain activities connected to agriculture. These are defined in the Act as “ancillary activities”.
8. The Act makes other provision relating to agriculture and agricultural products that replaces existing (time-limited) provision for Wales in Schedule 5 to the Agriculture Act 2020 (referred to in throughout this Explanatory Note as “the 2020 Act”). (It also repeals that Schedule and makes consequential amendments to the 2020 Act.)
9. The Act makes amendments to the Agricultural Holdings Act 1986 to expand the Welsh Ministers’ regulation-making powers under that Act, so as to enable them to make regulations permitting the tenant of an agricultural holding to access arbitration procedures, where a landlord has refused a request for the variation of a tenancy, or a request for consent, that was made for the purposes of the tenant accessing certain forms of support (including support provided under section 8).
10. The Act makes amendments to the Agricultural Tenancies Act 1995 to permit the tenant under a farm business tenancy to access arbitration procedures, where a landlord has refused a request for the variation of the tenancy, or a request for consent, where the request was made for specified purposes. Those purposes are: first, to enable the tenant to access certain forms of support (including support provided under section 8); and second, to comply with a statutory duty. Section 8A(7) of the Agricultural Tenancies Act 1995 also provides the Welsh Ministers with a regulation-making power to make provision in connection with such arbitration. Wording is also inserted into the 1995 Act setting out the procedural requirements for any regulations made under section 8A.

*These notes refer to the Agriculture (Wales) Act 2023
(c.4) which received Royal Assent on 17 August 2023*

11. The Act amends the Forestry Act 1967 to enable further conditions to be added to felling licences and to enable licences to be amended, suspended or revoked in certain circumstances.
12. The Act amends the Wildlife and Countryside Act 1981 to prohibit the use of snares (and other cable restraints) and glue traps.
13. The Act comprises 57 sections and 3 Schedules and is divided into 6 Parts as follows:

Part 1 – Sustainable Land Management

Part 2 – Support for agriculture etc

Part 3 – Matters relating to agriculture and agricultural products

Part 4 – Forestry

Part 5 – Wildlife

Part 6 – General

Schedule 1 - Agricultural products relevant to marketing standards provisions

Schedule 2 - Minor and consequential amendments etc. relating to Parts 1 to 3

Schedule 3 - Consequential amendments etc. to the CMO Regulation