

Good Food Nation (Scotland) Act 2022

National good food nation plan

1 Requirement to produce plan

- (1) The Scottish Ministers must—
 - (a) publish, and
 - (b) lay before the Scottish Parliament,
 - a national good food nation plan.
- (2) Subsection (1) must be complied with before the end of the period of 3 months beginning with the expiry of the period mentioned in section 3(1)(a).
- (3) The national good food nation plan must set out—
 - (a) the main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved in relation to Scotland,
 - (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
 - (c) the policies which the Scottish Ministers intend to pursue in order to secure the achievement of the outcomes.
- (4) The national good food nation plan must also set out the Scottish Ministers' plans for ensuring that the implementation of the policies mentioned in subsection (3)(c) is informed by the views of the food business sector.
- (5) The national good food nation plan may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.
- (6) In determining the content of the national good food nation plan so far as required by subsection (3), the Scottish Ministers must have regard to the scope for food-related issues to affect outcomes in relation to, among other things—
 - (a) social and economic wellbeing,
 - (b) the environment, including in particular in relation to—
 - (i) climate change, and
 - (ii) wildlife and the natural environment,
 - (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),

- (d) economic development,
- (e) animal welfare,
- (f) education, and
- (g) child poverty.

Commencement Information

- I1 S. 1 not in force at Royal Assent, see s. 28(2)
- I2 S. 1 in force at 30.6.2023 by S.S.I. 2023/183, reg. 2(a)

2 Preparation of plan: principles

In preparing the national good food nation plan, the Scottish Ministers must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- (b) the role of a sustainable food system and supply chain in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,
- (e) the importance of the food business sector—
 - (i) continuing to be a thriving part of the Scottish economy,
 - (ii) having resilient supply chains,
 - (iii) operating with fair work standards, and
 - (iv) in contributing to resilient local economies across Scotland.

Commencement Information

- I3 S. 2 not in force at Royal Assent, see s. 28(2)
- I4 S. 2 in force at 30.6.2023 by S.S.I. 2023/183, reg. 2(b)

PROSPECTIVE

3 Requirement to lay proposed plan before the Parliament

- (1) Before complying with the requirement to lay a national good food nation plan in section 1(1), the Scottish Ministers must—
 - (a) lay the proposed plan before the Scottish Parliament for a period of 60 days, of which no fewer than 30 days must be days on which the Parliament is neither dissolved nor in recess, and
 - (b) before finalising the plan have regard to—
 - (i) any representations about the proposed plan that are made to them,

- (ii) any resolution relating to the proposed plan passed by the Parliament, and
- (iii) any report relating to the draft plan published by any committee of the Parliament for the time being appointed by virtue of the standing orders,

during that period.

- (2) The proposed plan must be laid before the Parliament under subsection (1)(a) not later than the end of the period of 12 months beginning with the day on which this section comes into force.
- (3) The Scottish Ministers must, when laying the national good food nation plan before the Parliament under section 1(1), lay a statement setting out—
 - (a) details of any representations, resolutions or reports mentioned in subsection (1)(b), and
 - (b) the changes (if any) they have made to the plan in response to such representations, resolutions or reports and the reasons for those changes.

Commencement Information

I5 S. 3 not in force at Royal Assent, see s. 28(2)

4 Preparation of plan: consultation

- (1) In preparing the national good food nation plan, the Scottish Ministers must—
 - (a) publish, and consult on, a draft of the plan, and
 - (b) have regard to any responses to the consultation.
- (2) The persons consulted under subsection (1)(a) are to be those who the Scottish Ministers consider appropriate.
- (3) In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.
- (4) In consulting under subsection (1)(a), the Scottish Ministers must have regard to the importance of communicating in a way that is effective in engaging children and young people.
- (5) The Scottish Ministers must, when laying the proposed national good food nation plan before the Scottish Parliament under section 3(1)(a), publish a statement—
 - (a) summarising—
 - (i) the consultation process undertaken in order to comply with subsection (1)(a), and
 - (ii) any responses to the consultation, and
 - (b) setting out how in preparing the plan they complied with subsection (1)(b) and (3).

Commencement Information

- I6 S. 4 not in force at Royal Assent, see s. 28(2)
- I7 S. 4 in force at 30.6.2023 by S.S.I. 2023/183, reg. 2(c)

5 Preparation of plan: consideration of international instruments

- (1) In preparing the national good food nation plan, the Scottish Ministers must have regard to the international instruments listed in subsection (2).
- (2) Those instruments are—
 - (a) Article 11 (so far as it concerns adequate food) of the International Covenant on Economic, Social and Cultural Rights,
 - (b) Article 24(2)(c) (so far as it concerns the provision of adequate nutritious foods) of the United Nations Convention on the Rights of the Child,
 - (c) Articles 27(1) and (3) (so far as they concern nutrition) of the United Nations Convention on the Rights of the Child,
 - (d) Article 12(2) (so far as it as concerns adequate nutrition during pregnancy and lactation) of the Convention on the Elimination of All Forms of Discrimination Against Women.
- (3) The Scottish Ministers may by regulations modify the list in subsection (2) so as to add, remove or vary a reference to an international instrument.
- (4) The provision which may be made by regulations under subsection (3) includes—
 - (a) limiting the extent of an international instrument to a particular matter,
 - (b) providing that a reference to an international instrument is a reference to that instrument as it has effect—
 - (i) at a particular time, or
 - (ii) as amended from time to time.

Commencement Information

- IS S. 5 not in force at Royal Assent, see s. 28(2)
- I9 S. 5 in force at 30.6.2023 by S.S.I. 2023/183, reg. 2(d)

PROSPECTIVE

6 Effect of plan

The Scottish Ministers must, when exercising a specified function or a function falling within a specified description, have regard to the national good food nation plan.

Commencement Information

I10 S. 6 not in force at Royal Assent, see s. 28(2)

PROSPECTIVE

7 Reporting

- (1) As soon as practicable after the end of each reporting period, the Scottish Ministers must—
 - (a) publish, and
 - (b) lay before the Scottish Parliament,
 - a report setting out progress made in the reporting period towards achieving the outcomes set out in the national good food nation plan, by reference to the indicators or other measures contained in the plan by virtue of section 1(3)(b).
- (2) In relation to any outcome that the report states is not being achieved at the end of the reporting period, the report must set out—
 - (a) the view of the Scottish Ministers as to whether the policies in the plan which are directed at the achievement of the outcome remain sufficient, and
 - (b) if—
- (i) the view is that the policies are sufficient, the reasons for the view,
- (ii) the view is that the policies are insufficient, what action the Scottish Ministers intend to take.
- (3) The report may include such other material in relation to food-related issues as the Scottish Ministers consider appropriate.
- (4) In this section, "reporting period" means—
 - (a) the period of 2 years beginning with the day on which section 1(1) is complied with, and
 - (b) each subsequent period of 2 years.

Commencement Information

III S. 7 not in force at Royal Assent, see s. 28(2)

PROSPECTIVE

8 Review and revision of plan

- (1) Before the end of—
 - (a) the period of 5 years beginning with the day on which section 1(1) is complied with, and
 - (b) each subsequent period of 5 years,

the Scottish Ministers must review the national good food nation plan.

- (2) In reviewing the plan, the Scottish Ministers must have regard to any recommendation made by virtue of section 20(3)(a) which was published—
 - (a) if this is the first review, since the plan was published,
 - (b) if this is a subsequent review, since the last review.

- (3) Following a review, the Scottish Ministers may revise the plan as they consider appropriate.
- (4) Sections 1(3) to (6), 2, 4(1) to (3) and 5(1) apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.
- (5) As soon as practicable after revising the plan, the Scottish Ministers must—
 - (a) publish, and
 - (b) lay before the Scottish Parliament,

the plan as so revised.

(6) Sections 3(1) and (3) and 4(4) apply in relation to a revised national good food nation plan as they apply in relation to the national good food nation plan in the first place.

Commencement Information

I12 S. 8 not in force at Royal Assent, see s. 28(2)

9 Publication of documents: inclusive communications

In publishing a document under any of sections 1 to 8, the Scottish Ministers must have regard to the importance of communicating in an inclusive way.

Commencement Information

I13 S. 9 not in force at Royal Assent, see s. 28(2)

I14 S. 9 in force at 30.6.2023 by S.S.I. 2023/183, reg. 2(e)

PROSPECTIVE

Good food nation plans of public bodies

10 Requirements to produce plans

- (1) Each relevant authority must publish a good food nation plan.
- (2) In this Act, a "relevant authority" is—
 - (a) a health board,
 - (b) a local authority,
 - (c) a specified public authority.
- (3) Subsection (1) must be complied with—
 - (a) in the case of a health board or local authority, before the end of the period of 12 months beginning with the day on which this section comes into force,
 - (b) otherwise, before the end of the period specified in relation to the authority concerned.
- (4) A relevant authority's good food nation plan must set out—

- (a) the main outcomes in relation to food-related issues which the relevant authority wants to be achieved within the relevant authority's areas of responsibility,
- (b) indicators or other measures by which progress in achieving the outcomes may be assessed, and
- (c) the policies which the relevant authority intends to pursue in order to secure the achievement of the outcomes.
- (5) A relevant authority's good food nation plan may include such other material in relation to food-related issues as the relevant authority considers appropriate.
- (6) In determining the content of its good food nation plan, a relevant authority must have regard to the scope for food-related issues to affect outcomes in relation to, among other things—
 - (a) social and economic wellbeing,
 - (b) the environment, including in particular in relation to—
 - (i) climate change, and
 - (ii) wildlife and the natural environment,
 - (c) health and physical and mental wellbeing (including in particular through the provision of health and social care services),
 - (d) economic development,
 - (e) animal welfare,
 - (f) education,
 - (g) child poverty, and
 - (h) any other matter specified by the Scottish Ministers.

Commencement Information

I15 S. 10 not in force at Royal Assent, see s. 28(2)

11 Preparation of plans: principles

In preparing a good food nation plan under section 10, a relevant authority must have regard to—

- (a) the fact that each part of the food system and supply chain plays an important role in the provision of food,
- (b) the role of a sustainable food system and supply chain in contributing to mitigation of climate change, halting and reversing of loss of biodiversity and improvement in animal welfare,
- (c) the ability of high quality, nutritious and culturally appropriate food to improve the health and physical and mental wellbeing of people,
- (d) the fact that adequate food is a human right (as part of the right to an adequate standard of living set out in Article 11 of the International Covenant on Economic, Social and Cultural Rights) and essential to the realisation of other human rights,
- (e) the importance of the food business sector—
 - (i) continuing to be a thriving part of the Scottish economy,
 - (ii) having resilient supply chains,
 - (iii) operating with fair work standards, and

(iv) contributing to resilient local economies across Scotland.

Commencement Information

I16 S. 11 not in force at Royal Assent, see s. 28(2)

12 Preparation of plans: consultation

- (1) In preparing a good food nation plan under section 10, a relevant authority must—
 - (a) publish, and consult on, a draft of the plan, and
 - (b) have regard to any responses to the consultation.
- (2) Those consulted under subsection (1)(a) are to be those who the relevant authority considers appropriate.
- (3) In consulting under subsection (1)(a), a relevant authority must have regard to the importance of communicating in an inclusive way.
- (4) In consulting under subsection (1)(a), a relevant authority must have regard to the importance of communicating in a way that is effective in engaging children and young people.

Commencement Information

I17 S. 12 not in force at Royal Assent, see s. 28(2)

13 Preparation of plans: consideration of national plan

In preparing a good food nation plan under section 10, a relevant authority must have regard to the national good food nation plan.

Commencement Information

I18 S. 13 not in force at Royal Assent, see s. 28(2)

14 Statement accompanying plan

A relevant authority must, when publishing its good food nation plan, publish a statement setting out how in preparing the plan it complied with sections 11 and 13.

Commencement Information

I19 S. 14 not in force at Royal Assent, see s. 28(2)

15 Effect of plans

A relevant authority must, when exercising a specified function or a function falling within a specified description, have regard to the relevant authority's good food nation plan.

Commencement Information

I20 S. 15 not in force at Royal Assent, see s. 28(2)

16 Reporting

- (1) As soon as practicable after the end of each reporting period, a relevant authority must publish a report setting out progress made in the reporting period towards achieving the outcomes set out in its good food nation plan, by reference to the indicators or other measures contained in its plan by virtue of section 10(4)(b).
- (2) The report may include such other material in relation to food-related issues as the relevant authority considers appropriate.
- (3) In this section, "reporting period" means—
 - (a) the period of 2 years beginning with the day on which section 10(1) is complied with by the relevant authority, and
 - (b) each subsequent period of 2 years.

Commencement Information

I21 S. 16 not in force at Royal Assent, see s. 28(2)

17 Review and revision of plans

- (1) Before the end of—
 - (a) the period of 5 years beginning with the day on which section 10(1) is complied with by it, and
 - (b) each subsequent period of 5 years,
 - a relevant authority must review its good food nation plan.
- (2) In reviewing its plan, a relevant authority must have regard to any recommendation made by virtue of section 20(3)(b) which was published—
 - (a) if this is the first review, since the plan was published,
 - (b) if this is a subsequent review, since the last review.
- (3) Following a review, the relevant authority may revise the plan as the relevant authority considers appropriate.
- (4) Sections 10(4) to (6), 11, 12 and 13 apply in relation to revising the plan as they apply in relation to the preparation of the plan in the first place.
- (5) A relevant authority must, when publishing a revised good food nation plan, publish a statement setting out how in revising the plan it complied with sections 11 and 13.
- (6) As soon as practicable after revising the plan, a relevant authority must publish the plan as so revised.

Commencement Information

I22 S. 17 not in force at Royal Assent, see s. 28(2)

18 Publication of documents: inclusive communications

In publishing a document under any of sections 10 to 17, a relevant authority must have regard to the importance of communicating in an inclusive way.

Commencement Information

I23 S. 18 not in force at Royal Assent, see s. 28(2)

Oversight by food commission

19 Establishment of Scottish Food Commission

- (1) The Scottish Food Commission (in Gaelic, Coimisean Bìdh na h-Alba) is established.
- (2) In this Act, the Scottish Food Commission is referred to as "the Commission".
- (3) Further provision about the constitution and operation of the Commission is made by the schedule.

Commencement Information

I24 S. 19 not in force at Royal Assent, see s. 28(2)

I25 S. 19 in force at 15.2.2024 for specified purposes by S.S.I. 2024/29, reg. 2(1)(2), sch. 1

PROSPECTIVE

20 Functions of the Commission

- (1) The functions of the Commission are—
 - (a) to keep under review—
 - (i) progress in achieving the outcomes in the national good food plan and the good food nation plans of relevant authorities, and
 - (ii) the effectiveness of those plans in addressing food-related issues, and
 - (b) to advise, inform and assist the Scottish Ministers and relevant authorities with a view to—
 - (i) promoting and supporting progress in achieving the outcomes in the national good food nation plan and the good food nation plans of relevant authorities, and
 - (ii) improving the effectiveness of those plans in addressing food-related issues.
- (2) The Commission must have regard to any request by the Scottish Ministers to assist them under subsection (1)(b) in a particular way (for example, by considering and then advising them on a particular matter).
- (3) In pursuance of subsection (1)(b), the Commission may make formal recommendations—

- (a) to the Scottish Ministers as to action which it considers should be taken in relation to the national good food nation plan,
- (b) to a relevant authority as to action which it considers should be taken in relation to the authority's good food nation plan.
- (4) The Commission must publish any formal recommendation it makes.
- (5) Without prejudice to Part 2 of the schedule, the Commission may, in particular, for the purpose of its functions—
 - (a) carry out, commission or support any research it considers appropriate,
 - (b) seek any independent and expert advice it considers appropriate,
 - (c) acquire, compile and keep under review information about food-related issues,
 - (d) keep under review implementation of any international obligation of the United Kingdom relating to a food-related issue,
 - (e) have regard to developments in, and information on the effectiveness of, legislation on food-related issues elsewhere in the world.
- (6) The Scottish Ministers may by regulations modify this section so as to—
 - (a) confer functions on the Commission,
 - (b) modify the functions of the Commission,
 - (c) remove functions from the Commission.
- (7) But the power conferred by subsection (6) may not be exercised in a way that would result in the Commission having a function which relates (wholly or partly) to something other than the national good food nation plan or the good food nation plans of relevant authorities.

Commencement Information

I26 S. 20 not in force at Royal Assent, see s. 28(2)

PROSPECTIVE

21 Independence of the Commission

- (1) In exercising its functions, the Commission is not subject to the direction or control of any member of the Scottish Government.
- (2) This section is subject to any contrary provision in this or any other enactment.

Commencement Information

I27 S. 21 not in force at Royal Assent, see s. 28(2)

PROSPECTIVE

Funding and financial assistance

- (1) The Scottish Ministers may provide financial assistance (including grants, loans, guarantees and indemnities) to the Commission.
- (2) The Scottish Ministers may attach conditions (including conditions as to repayment or the repayment of interest) in respect of any financial assistance provided.
- (3) The Scottish Ministers may, from time to time after financial assistance is provided, vary any conditions attached to it.

Commencement Information

I28 S. 22 not in force at Royal Assent, see s. 28(2)

PROSPECTIVE

23 Publication of documents by the Commission: inclusive communication

In publishing a document under section 20(4) or the schedule, the Commission must have regard to the importance of communicating in an inclusive way.

Commencement Information

I29 S. 23 not in force at Royal Assent, see s. 28(2)

Interpretation

24 Meaning of "food-related issue"

- (1) In this Act, "food-related issue" means—
 - (a) a food matter, or
 - (b) any other matter connected with—
 - (i) the availability of food,
 - (ii) the production, processing or distribution of food,
 - (iii) the preparation or service of food for consumers.
- (2) In subsection (1), "food" and "food matter" have the same meanings as in the Food (Scotland) Act 2015 (see, respectively, sections 53(1) and 54 of that Act).

Commencement Information

I30 S. 24 in force at 27.7.2022, see s. 28(1)(a)

25 Other defined expressions

(1) In this Act—

"communicating in an inclusive way" means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and expressthemselvesin waysthat best meet their needs,

"the Convention on the Elimination of All Forms of Discrimination Against Women" means the Convention on the Elimination of All Forms of Discrimination Against Women adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979,

"food business sector" means persons carrying out businesses involving—

- (a) any stage of the production, processing or distribution of food, or
- (b) the preparation or service of food for consumers,

"health board" means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

"the International Covenant on Economic, Social and Cultural Rights" means the International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966,

"international instrument"—

- (a) means—
 - (i) any treaty, convention or other international legislative instrument, or
 - (ii) any document issued by an international organisation for the purpose of giving guidance to states, and
- (b) includes any provision of such an instrument,

"international organisation" means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more states,

"public authority" means a person who is-

- (a) a part of the Scottish Administration, or
- (b) a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),

"relevant authority" has the meaning given in section 10(2),

"specified" means specified in regulations made by the Scottish Ministers,

"the United Nations Convention on the Rights of the Child" means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

(2) A reference in this Act to an international instrument is, unless the reference contains contrary provision, a reference to the instrument as it has effect when section 5 comes into force.

Commencement Information

I31 S. 25 in force at 27.7.2022, see s. 28(1)(b)

PROSPECTIVE

Ancillary provision

26 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).

Commencement Information

I32 S. 26 not in force at Royal Assent, see s. 28(2)

Regulation-making powers

27 Regulations

- (1) A power of the Scottish Ministers to make regulations conferred by any of the preceding provisions includes power to make—
 - (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) different provision for different purposes.
- (2) Before making regulations under section 6, 10(2)(c) or 15, the Scottish Ministers must—
 - (a) consult those persons who the Scottish Ministers consider appropriate, and
 - (b) have regard to any responses to the consultation.
- (3) In consulting under subsection (2), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.
- (4) Regulations under section 5(3) are subject to the affirmative procedure.
- (5) The first regulations under section 6 are subject to the affirmative procedure.
- (6) Subsequent regulations under section 6 are subject to the negative procedure.
- (7) Regulations under section 10(2)(c) are subject to the affirmative procedure.
- (8) Regulations under section 10(3)(b) or 15 are subject to the negative procedure.
- (9) Regulations under section 10(6) are subject to the affirmative procedure.
- (10) Regulations under section 20(6) are subject to the affirmative procedure.
- (11) Regulations under section 26(1)—
 - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,

- (b) otherwise, are subject to the negative procedure.
- (12) Regulations under Part 5 of the schedule are subject to the affirmative procedure.

Commencement Information

I33 S. 27 in force at 27.7.2022, see s. 28(1)(c)

Commencement and short title

28 Commencement

- (1) The following sections come into force on the day after Royal Assent—
 - (a) section 24,
 - (b) section 25,
 - (c) section 27,
 - (d) this section, and
 - (e) section 29.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
 - (a) include transitional, transitory or saving provision,
 - (b) make different provision for different purposes.

Commencement Information

I34 S. 28 in force at 27.7.2022, see s. 28(1)(d)

29 Short title

The short title of this Act is the Good Food Nation (Scotland) Act 2022.

Commencement Information

I35 S. 29 in force at 27.7.2022, see s. 28(1)(e)

Status:

Point in time view as at 15/02/2024. This version of this Act contains provisions that are prospective.

Changes to legislation:

Good Food Nation (Scotland) Act 2022 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.