



# Agriculture (Wales) Act 2023

2023 asc 4

An Act of Senedd Cymru to make provision about sustainable land management; to make provision for and in connection with support for agriculture; to amend the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995 in connection with resolution of disputes about agricultural tenancies; to make provision about matters relating to agriculture and agricultural products; to amend the Forestry Act 1967 in connection with tree felling licences; and to amend the Wildlife and Countryside Act 1981 in connection with prohibitions relating to snares and traps etc. [17 August 2023]

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## PART 1

### SUSTAINABLE LAND MANAGEMENT

#### *The objectives*

#### **1 The sustainable land management objectives**

- (1) The sustainable land management objectives are as follows.
- (2) The first objective is to produce food and other goods in a sustainable manner, and in doing so—
  - (a) to meet the needs of the present without compromising the ability of future generations to meet their own needs, and
  - (b) to contribute to achieving the well-being goals in section 4 of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#).
- (3) The second objective is to mitigate and adapt to climate change, and in doing so—
  - (a) to meet the needs of the present without compromising the ability of future generations to meet their own needs, and

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- (b) to contribute to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.
- (4) The third objective is to maintain and enhance the resilience of ecosystems and the benefits they provide, and in doing so—
  - (a) to meet the needs of the present without compromising the ability of future generations to meet their own needs, and
  - (b) to contribute to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.
- (5) The fourth objective is to conserve and enhance the countryside and cultural resources and promote public access to and engagement with them, and to sustain the Welsh language and promote and facilitate its use, and in doing so—
  - (a) to meet the needs of the present without compromising the ability of future generations to meet their own needs, and
  - (b) to contribute to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.
- (6) For the purposes of the first objective, factors relevant to whether food and other goods are produced in a sustainable manner include, among other things, the resilience of agricultural businesses within the communities in which they operate and their contribution to the local economy.
- (7) For the purposes of the third objective, factors relevant to the resilience of ecosystems include, among other things—
  - (a) diversity between and within ecosystems;
  - (b) the connections between and within ecosystems;
  - (c) the scale of ecosystems;
  - (d) the condition of ecosystems (including their structure and functioning);
  - (e) the adaptability of ecosystems.
- (8) For the purposes of the fourth objective, “cultural resources” include, among other things, cultural heritage and the historic environment.

### *The duty*

## **2 Welsh Ministers’ duty in relation to the objectives**

- (1) The Welsh Ministers must exercise each function referred to in this section in the way they consider best contributes to achieving the sustainable land management objectives, so far as consistent with the proper exercise of the function (but see section 3).
- (2) The functions referred to are—
  - (a) functions under this Act;
  - (b) functions under any other enactment that require or allow the Welsh Ministers to provide support for—
    - (i) agriculture (see section 51), or other activities carried out on land used for agriculture, or
    - (ii) ancillary activities (see section 52);
  - (c) functions under any other enactment that require or allow the Welsh Ministers to regulate—

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- (i) agriculture, or other activities carried out on land used for agriculture, or
  - (ii) ancillary activities.
- (3) Subsection (1) applies to the functions referred to in subsections (2)(b) and (2)(c) only to the extent that those functions are exercised to provide support for or to regulate—
  - (a) agriculture, or other activities carried out on land used for agriculture, or
  - (b) ancillary activities.

### **3 Exceptions from the duty in section 2**

The duty in section 2 does not apply to the following functions—

- (a) the function under section 16 (power to modify legislation governing the basic payment scheme);
- (b) the function under section 17 (power to modify legislation relating to the common agricultural policy), so far as the function is being exercised in a way that has an effect on the basic payment scheme;
- (c) the function under section 49 (power to make consequential, transitional etc. provision), so far as it is being exercised for the purposes of, in consequence of, or for giving full effect to, any provision made under section 16 (power to modify legislation governing the basic payment scheme);
- (d) the function under section 49 (power to make consequential, transitional etc. provision), so far as—
  - (i) it is being exercised for the purposes of, in consequence of, or for giving full effect to, any provision made under section 17 (power to modify legislation relating to the common agricultural policy), and
  - (ii) it is being exercised in a way that has an effect on the basic payment scheme;
- (e) a function under legislation governing the basic payment scheme (within the meaning given by section 16);
- (f) a function under legislation governing the financing, management and monitoring of the common agricultural policy (within the meaning given by section 17), so far as the function is being exercised in a way that has an effect on the basic payment scheme.

#### *Monitoring and reporting*

### **4 Sustainable land management indicators and targets**

- (1) The Welsh Ministers must prepare a statement setting out—
  - (a) indicators that are to be applied to measure progress towards achieving the sustainable land management objectives through the exercise of the functions to which the duty in section 2 applies, and
  - (b) targets in relation to those indicators.
- (2) The statement must contain—
  - (a) at least one distinct indicator for each sustainable land management objective, and
  - (b) at least one distinct target relating to at least one distinct indicator for each sustainable land management objective.

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- (3) The statement may in addition set out further indicators and further targets.
- (4) A further indicator set out under subsection (3) may be for one sustainable land management objective or more than one.
- (5) A further target set out under subsection (3) may relate to one indicator (whether an indicator set out under subsection (2) or a further indicator set out under subsection (3)) or more than one.
- (6) An indicator or target may relate to Wales or any part of Wales.
- (7) A target may be set by reference to any period that the Welsh Ministers consider appropriate.
- (8) The Welsh Ministers must, no later than 31 December 2025—
  - (a) publish the statement, and
  - (b) lay it before Senedd Cymru.
- (9) The Welsh Ministers may review and revise the statement at any time.
- (10) Subsections (2) to (8) apply in relation to a revised statement as they apply to the original statement.
- (11) Where the Welsh Ministers revise the statement, they must as soon as reasonably practicable—
  - (a) publish the revised statement, and
  - (b) lay it before Senedd Cymru.

## **5 Steps to be taken in preparing or revising indicators and targets**

- (1) In preparing or revising a statement under section 4, the Welsh Ministers must take the steps set out in subsections (2) and (3).
- (2) The Welsh Ministers must have regard to—
  - (a) any national indicators (as revised from time to time) published under section 10 of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) that they consider to be relevant,
  - (b) the most recent state of natural resources report published under section 8 of the [Environment \(Wales\) Act 2016 \(anaw 3\)](#), so far as it relates to agriculture, other activities carried out on land used for agriculture, or ancillary activities,
  - (c) the most recent national natural resources policy published under section 9 of the Environment (Wales) Act 2016, so far as it relates to agriculture, other activities carried out on land used for agriculture, or ancillary activities,
  - (d) the most recent Impact Report (if any) published under section 14, and
  - (e) any other matters (including, among other things, any statistics published by the Welsh Ministers on agricultural production or the income of agricultural businesses, deriving from surveys of the sector) the Welsh Ministers consider appropriate.
- (3) The Welsh Ministers must consult—
  - (a) the Future Generations Commissioner for Wales, and
  - (b) any other persons they consider appropriate.

## 6 Sustainable land management reports

- (1) The Welsh Ministers must prepare a report under this section, in relation to each reporting period, setting out their assessment of—
  - (a) the cumulative progress made, since section 2 came into force, towards achieving the sustainable land management objectives through the exercise of the functions to which the duty in section 2 applies, and
  - (b) the progress made, during the reporting period, towards achieving those objectives through the exercise of those functions.
- (2) The report must set out, in relation to each indicator in the statement (or revised statement) published under section 4—
  - (a) the progress made in relation to that indicator during the reporting period, and
  - (b) how that has contributed to achieving the sustainable land management objectives.
- (3) The report must also specify, in relation to each target in the statement (or revised statement), whether the target has been achieved during the reporting period.
- (4) If a target has been achieved during the reporting period, the report must explain how that has contributed to achieving one or more of the sustainable land management objectives.
- (5) If a target has not been achieved during the reporting period, the report must—
  - (a) explain why, and
  - (b) set out the steps the Welsh Ministers have taken, or intend to take—
    - (i) to achieve the target, or
    - (ii) to set an appropriate new target.
- (6) If the Welsh Ministers have not yet been able to determine whether a target has been achieved during the reporting period, the report must—
  - (a) explain why, and
  - (b) set out the steps that the Welsh Ministers have taken, or intend to take, in order to determine whether the target has been achieved.
- (7) The report may also assess and report on—
  - (a) any other matters that the Welsh Ministers consider relevant in assessing the progress made towards achieving the sustainable land management objectives;
  - (b) the key priorities, risks and opportunities in relation to achieving those objectives;
  - (c) the effect that the progress made towards achieving those objectives is having on achieving other goals and objectives.
- (8) The Welsh Ministers must, no later than 12 months after the end of each reporting period—
  - (a) publish the report that relates to the reporting period, and
  - (b) lay it before Senedd Cymru.
- (9) In this section, the “reporting period” means—
  - (a) in the case of the first report, the period beginning with the day on which section 2 comes into force and ending with 31 December 2025;
  - (b) in the case of subsequent reports, successive periods of five years.

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(10) The Welsh Ministers may by regulations amend subsection (9).

## 7 Steps to be taken in preparing reports

In preparing a report under section 6, the Welsh Ministers must have regard to—

- (a) the most recent state of natural resources report published under section 8 of the [Environment \(Wales\) Act 2016 \(anaw 3\)](#), so far as it relates to agriculture, other activities carried out on land used for agriculture, or ancillary activities,
- (b) the most recent national natural resources policy published under section 9 of the Environment (Wales) Act 2016, so far as it relates to agriculture, other activities carried out on land used for agriculture, or ancillary activities,
- (c) the most recent Impact Report (if any) published under section 14, and
- (d) any other matters (including, among other things, any statistics published by the Welsh Ministers on agricultural production or the income of agricultural businesses, deriving from surveys of the sector) the Welsh Ministers consider appropriate.

## PART 2

### SUPPORT FOR AGRICULTURE ETC.

#### CHAPTER 1

#### WELSH MINISTERS' POWER TO PROVIDE SUPPORT

## 8 Welsh Ministers' power to provide support

- (1) The Welsh Ministers may provide support for or in connection with agriculture in Wales and ancillary activities that take place in Wales.
- (2) That support may, in particular, include support for or in connection with any of the following purposes—
  - (a) encouraging the production of food in an environmentally sustainable manner;
  - (b) helping rural communities to thrive and strengthening links between agricultural businesses and their communities;
  - (c) improving the resilience of agricultural businesses;
  - (d) sustaining the Welsh language and promoting and facilitating its use;
  - (e) reducing emissions of greenhouse gases;
  - (f) maximising carbon sequestration and storage;
  - (g) maintaining and enhancing the resilience of ecosystems;
  - (h) conserving and enhancing landscapes and the historic environment;
  - (i) improving air quality;
  - (j) improving water quality;
  - (k) maintaining and enhancing public access to and engagement with the countryside and the historic environment;
  - (l) mitigating flood and drought risks;
  - (m) achieving and promoting high standards of animal health and welfare;

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- (n) maximising resource efficiency;
  - (o) encouraging agricultural businesses to manage energy effectively (including by adopting energy efficiency and energy saving practices, and generating renewable energy on their land).
- (3) Support under this section may be provided under a scheme or otherwise.
- (4) The Welsh Ministers may, by regulations, amend subsection (2) by—
- (a) adding a purpose to the list in that subsection;
  - (b) removing a purpose from the list;
  - (c) altering the description of a purpose in the list.
- (5) In this section, “greenhouse gas” has the same meaning as in Part 2 of the [Environment \(Wales\) Act 2016 \(anaw 3\)](#).
- (6) In this Chapter—
- (a) references to support (except in the case of references to the provision of support under a third party scheme within section 9(8)) are to support under this section;
  - (b) references to financial support are to support under this section that is provided financially.

## **9 Further provision about support under section 8**

- (1) Support may be provided financially or otherwise.
- (2) Financial support may be provided by way of grant, loan or guarantee, or in any other form.
- (3) Support may be provided subject to eligibility criteria being met.
- (4) Where support is provided in connection with the use of land, the eligibility criteria may (among other things) specify requirements relating to—
- (a) the hectarage or characteristics of the land;
  - (b) the extent to which the land must be used for or in connection with agriculture or ancillary activities;
  - (c) the person to whom support is provided (for example by reference to the person’s use or intended use of the land).
- (5) Support may be provided subject to any conditions the Welsh Ministers consider appropriate.
- (6) The conditions may (among other things) include provision for financial support to be repaid or otherwise made good (with or without interest).
- (7) Support may be provided to the maker or operator of a third party scheme in connection with the establishment or operation of that scheme (including in connection with the provision of support under that scheme).
- (8) A “third party scheme” for this purpose is a scheme for the provision of support (whether financially or otherwise) for or in connection with agriculture or ancillary activities (or both), but which is not made by the Welsh Ministers.
- (9) The Welsh Ministers may delegate to any other person functions relating to the provision of support.

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- (10) Functions delegated under subsection (9) may include—
- (a) giving guidance;
  - (b) exercising a discretion.

## **10 Power to make provision about publication of information about support**

- (1) The Welsh Ministers may by regulations make provision for, or in connection with, the publication of specified information about support that is or has been provided.
- (2) Regulations under subsection (1) may impose a requirement on any person (including on the Welsh Ministers).
- (3) The information that may be specified includes information about—
  - (a) the recipient of any support provided;
  - (b) the amount of any support provided;
  - (c) the purposes of any support provided.
- (4) In this section, “specified” means specified in regulations under subsection (1).

## **11 Multi-annual support plans**

- (1) The Welsh Ministers must prepare a plan, to be known as a “multi-annual support plan”, giving information about the expected use of the powers conferred on the Welsh Ministers by section 8 during the period to which the plan applies.
- (2) A multi-annual support plan must—
  - (a) specify the period in relation to which it applies;
  - (b) set out how the Welsh Ministers intend to provide support during the period so as to best contribute to achieving the sustainable land management objectives (in accordance with section 2);
  - (c) where support is intended to be provided during the period under a scheme as mentioned in section 8(3), describe each scheme that—
    - (i) is in operation, or
    - (ii) the Welsh Ministers expect to come into operation during the period;
  - (d) describe any support intended to be provided during the period other than under a scheme as mentioned in section 8(3).
- (3) The period in relation to which the first plan is to apply is the period of five years beginning with 1 January 2025.
- (4) The period in relation to which subsequent plans are to apply may not be shorter than five years.
- (5) The Welsh Ministers must ensure that a plan does not expire without a new plan being in place.
- (6) A plan prepared under this section must be laid before Senedd Cymru, and published, by the Welsh Ministers—
  - (a) in the case of the first plan, as soon as reasonably practicable before the beginning of the period in relation to which it applies, and
  - (b) in the case of each subsequent plan, at least 12 months before the beginning of the period in relation to which it applies.



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- (7) If, before the end of the period in relation to which a plan applies, any information set out or described in the plan in accordance with paragraphs (b), (c) or (d) of subsection (2) ceases to be accurate or complete, the Welsh Ministers must amend the plan as soon as is practicable to do so.
- (8) Where the Welsh Ministers amend the plan, they must as soon as reasonably practicable—
  - (a) publish the revised plan, and
  - (b) lay it before Senedd Cymru.

## **12 Power to make provision about checking eligibility for support, etc.**

- (1) The Welsh Ministers may by regulations make provision for, or in connection with—
  - (a) checking whether eligibility criteria for support are met;
  - (b) the consequences, where support has been provided without eligibility criteria having been met;
  - (c) enforcing compliance with any conditions subject to which support is or has been provided;
  - (d) monitoring the extent to which the purpose of support has been achieved;
  - (e) the investigation of suspected offences in connection with applications for, or the provision of, support.
- (2) Regulations under subsection (1) may, among other things, include provision—
  - (a) about the provision of information;
  - (b) conferring powers of entry;
  - (c) conferring powers of inspection, search and seizure;
  - (d) about the process for determining whether eligibility criteria or conditions in respect of the provision of support are met;
  - (e) about record keeping;
  - (f) about the recovery or making good of all or any part of financial support (with or without interest);
  - (g) about withholding support, in whole or in part;
  - (h) about steps to be taken, by a person to whom support is or has been provided, to rectify any breach of a condition applicable to that support;
  - (i) about monetary penalties (including penalties calculated by reference to the amount of any financial support);
  - (j) for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (k) prohibiting a person from receiving support, or support of a specified description, for a specified period or until specified conditions are satisfied;
  - (l) about appeals;
  - (m) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under subsection (1) may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (4) The provision that may be made under subsection (2)(i) includes provision for interest on any recoverable amount to be payable from whatever day (whether the day on

which the support in question was provided, or another day) may be provided for in, or determined under, the regulations.

- (5) In this section, “specified” means specified in, or determined under, regulations under subsection (1).

### **13 Annual report about support provided under section 8**

- (1) The Welsh Ministers must prepare a report under this section (an “annual report”), in relation to each reporting period, about the support provided during the period.
- (2) The annual report must include the following information—
- (a) the total amount of any financial support provided during the reporting period;
  - (b) where support has been provided during the period through a scheme as mentioned in section 8(3)—
    - (i) the total amount of any financial support provided under the scheme during the period;
    - (ii) a description of any other support provided under the scheme during the period;
  - (c) a description of any support other than financial support provided during the reporting period, but not under a scheme as mentioned in section 8(3).
- (3) The annual report may also include any other information the Welsh Ministers consider appropriate.
- (4) The Welsh Ministers must, no later than 12 months after the end of each reporting period—
- (a) publish the annual report that relates to that reporting period, and
  - (b) lay it before Senedd Cymru.
- (5) In this section the “reporting period” means—
- (a) in the case of the first annual report, the period beginning with the day on which section 8 comes into force and ending with 31 March 2025;
  - (b) in the case of subsequent annual reports, successive financial years.

### **14 Impact Report**

- (1) The Welsh Ministers must prepare a report under this section (an “Impact Report”) in relation to each reporting period.
- (2) The Impact Report must set out the purposes for which support has been provided during the reporting period.
- (3) The Impact Report must also set out the Welsh Ministers’ assessment of the impact and effectiveness of that support, including their assessment of—
- (a) the way in which, and the extent to which, the support has achieved the purposes for which it was provided, and
  - (b) the way in which, and the extent to which, the provision of the support has contributed to achieving the sustainable land management objectives.
- (4) The Impact Report may also assess and report on any other matters that the Welsh Ministers consider relevant for the purposes of assessing the impact and effectiveness of support provided during the reporting period.

- (5) The Welsh Ministers must, no later than 12 months after the end of each reporting period—
- (a) publish the Impact Report that relates to that reporting period, and
  - (b) lay it before Senedd Cymru.
- (6) In this section, the “reporting period” means —
- (a) in the case of the first Impact Report, the period beginning with the day on which section 8 comes into force and ending with 31 December 2029;
  - (b) in the case of subsequent Impact Reports, successive periods of five years.
- (7) The Welsh Ministers may by regulations amend subsection (6).

## **15 Steps to be taken in preparing report under section 14**

In preparing a report under section 14, the Welsh Ministers must have regard to—

- (a) the purposes specified in section 8(2);
- (b) each report published under section 13 in respect of the reporting period to which the report under section 14 relates;
- (c) the most recent report published under section 14;
- (d) any other matters the Welsh Ministers consider appropriate.

## **CHAPTER 2**

### **POWERS TO MODIFY LEGISLATION RELATING TO FINANCIAL AND OTHER SUPPORT**

## **16 Power to modify legislation governing the basic payment scheme**

- (1) The Welsh Ministers may by regulations modify legislation governing the basic payment scheme so far as it has effect in relation to Wales.
- (2) In this Act—
- (a) the basic payment scheme means the Basic Payment Scheme under [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (“the Direct Payments Regulation”);
  - (b) the “legislation governing the Basic Payment Scheme” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—
    - (i) the Direct Payments Regulation;
    - (ii) any Council Delegated Regulation, or Commission Delegated Regulation, made under the Direct Payments Regulation;
    - (iii) any other retained direct EU legislation which relates to the operation of the basic payment scheme.

### **17 Power to modify legislation relating to the common agricultural policy**

- (1) The Welsh Ministers may by regulations modify legislation relating to the financing, management and monitoring of the common agricultural policy so far as it has effect in relation to Wales.
- (2) In this Act “legislation relating to the financing, management and monitoring of the common agricultural policy” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—
  - (a) [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy;
  - (b) retained direct EU legislation made under that Regulation.

### **18 Power to modify legislation relating to support for apiculture**

- (1) The Welsh Ministers may by regulations modify legislation relating to support for apiculture so far as it has effect in relation to Wales.
- (2) In this Act “legislation relating to support for apiculture” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—
  - (a) Articles 55 to 57 of the CMO Regulation;
  - (b) retained direct EU legislation made under that legislation.

### **19 Power to modify legislation relating to support for rural development**

- (1) The Welsh Ministers may by regulations modify legislation relating to support for rural development so far as it has effect in relation to Wales.
- (2) In this Act “legislation relating to support for rural development” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—
  - (a) [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development;
  - (b) [Regulation \(EU\) No 1310/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development;
  - (c) [Council Regulation \(EC\) No 1698/2005](#) of 20 September 2005 on support for rural development;
  - (d) so far as it relates to support for rural development, [Regulation \(EU\) No 1303/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc.;
  - (e) [Council Regulation \(EC\) No 1257/99](#) of 17 May 1999 on support for rural development;
  - (f) [Council Regulation \(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture;
  - (g) [Council Regulation \(EEC\) No 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside;

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- (h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).

## **20 Relationship with other powers to modify legislation**

Nothing in this Chapter affects any other power under an enactment to modify provisions of—

- (a) legislation governing the basic payment scheme (see section 16(2)(b));
- (b) legislation relating to the financing, management and monitoring of the common agricultural policy (see section 17(2));
- (c) legislation relating to support for apiculture (see section 18(2));
- (d) legislation relating to support for rural development (see section 19(2)).

## **CHAPTER 3**

### **INTERVENTION IN AGRICULTURAL MARKETS**

## **21 Declaration relating to exceptional market conditions**

- (1) If the Welsh Ministers consider that there are exceptional market conditions, the Welsh Ministers may make and publish a declaration (“an exceptional market conditions declaration”) in accordance with this section.
- (2) There are “exceptional market conditions” if—
  - (a) there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and
  - (b) the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in Wales in terms of the prices achievable for one or more agricultural products.
- (3) An exceptional market conditions declaration must—
  - (a) state that the Welsh Ministers consider that there are exceptional market conditions;
  - (b) describe the exceptional market conditions in question by specifying—
    - (i) the disturbance or threatened disturbance in agricultural markets;
    - (ii) the grounds for considering that the disturbance is severe, or that there is a serious threat of a severe disturbance;
    - (iii) any agricultural product which is or is likely to be affected by the disturbance or threatened disturbance;
    - (iv) the grounds for considering that the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in terms of the prices achievable for the agricultural product in question;
  - (c) specify the date until which the powers conferred by or referred to in section 22 are available for use in relation to the exceptional market conditions.
- (4) The date specified under subsection (3)(c) may not be later than the last day of the period of three months beginning with the day on which the exceptional market conditions declaration is published.

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- (5) An exceptional market conditions declaration has effect from the beginning of the day on which it is published until the end of the day specified under subsection (3)(c).
- (6) The Welsh Ministers may revoke an exceptional market conditions declaration by making and publishing a declaration under this subsection stating that the exceptional market conditions declaration is revoked from the date specified in the declaration.
- (7) Subsection (8) applies if, at any time during the period of seven days ending with the day specified under subsection (3)(c) in an exceptional market conditions declaration that has effect under this section, the Welsh Ministers consider that there continue to be exceptional market conditions.
- (8) The Welsh Ministers may extend the exceptional market conditions declaration by making and publishing a declaration under this subsection specifying—
  - (a) that the exceptional market conditions declaration is extended for a period (not exceeding three months) specified in the declaration, and
  - (b) that the powers conferred by or referred to in section 22(2) are available for use during that period.
- (9) The fact that an exceptional market conditions declaration has expired or has been revoked does not prevent the Welsh Ministers from making and publishing another exceptional market conditions declaration relating in whole or part to the same exceptional market conditions.
- (10) A copy of any declaration made and published under this section must be laid before Senedd Cymru by the Welsh Ministers as soon as practicable after it is published.
- (11) References in this section to a declaration being published are to it being published electronically.

## **22 Exceptional market conditions: powers available to Welsh Ministers**

- (1) This section applies during the period for which an exceptional market conditions declaration has effect.
- (2) The Welsh Ministers may provide, or agree to provide, financial support to agricultural producers in Wales whose incomes have been, are being, or are likely to be, adversely affected by the exceptional market conditions described in the declaration.
- (3) Nothing in this section affects any other powers that are available to the Welsh Ministers (including under retained direct EU legislation) to provide financial support to agricultural producers.
- (4) Financial support under subsection (2) may be provided by way of grant, loan or guarantee or in any other form.
- (5) The financial support may be provided subject to such conditions as the Welsh Ministers consider appropriate.
- (6) The conditions may (among other things) include provision for financial support to be repaid or otherwise made good (with or without interest).
- (7) Nothing in subsection (1) or (2) prevents the Welsh Ministers from providing, or agreeing to provide, financial support under subsection (2) after the end of the period for which an exceptional market conditions declaration has effect, but in response to an application made during that period.

## **23 Power to modify retained direct EU legislation relating to public market intervention and private storage aid**

- (1) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, so far as it has effect in relation to Wales.
- (2) The power conferred by this section includes power to change the agricultural products that are eligible for public market intervention or aid for private storage.
- (3) In this section “retained direct EU legislation relating to public market intervention or aid for private storage” includes—
  - (a) Articles 8 to 18 of the CMO Regulation;
  - (b) [Council Regulation \(EU\) No 1370/2013](#) of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (so far as relating to public market intervention and aid for private storage);
  - (c) the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—
    - (i) [Commission Delegated Regulation \(EU\) 2016/1238](#) of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;
    - (ii) [Commission Implementing Regulation \(EU\) 2016/1240](#) of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;
    - (iii) [Commission Delegated Regulation \(EU\) 2017/1182](#) of 20 April 2017 supplementing the CMO Regulation in relation to the Union scales for the classification of bovine, pig and sheep carcasses and in relation to the reporting of market prices of certain categories of carcasses and live animals.
- (4) Until either paragraph 1 or paragraph 2 of Schedule 3 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this section to exceptional market conditions which are the subject of an exceptional market conditions declaration includes a reference to circumstances which are the subject of measures under any of those Articles.

## **CHAPTER 4**

### **AGRICULTURAL TENANCIES**

## **24 Agricultural Holdings: dispute resolution relating to financial support**

- (1) The [Agricultural Holdings Act 1986 \(c. 5\)](#) is amended as follows.
- (2) In section 19A (disputes relating to requests for landlord’s consent or variation of terms), in subsection (7), in the definition of “relevant financial assistance”—
  - (a) in paragraph (b) for “, or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers)” substitute “that Act (powers of Secretary of State”;
  - (b) omit the “or” after paragraph (b);
  - (c) after paragraph (c) insert—

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- “(d) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
- (e) a scheme of the sort mentioned in section 9(7) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
- (f) the basic payment scheme, as defined in section 16 of the 2023 Act (power to modify legislation governing the basic payment scheme),
- (g) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 17 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
- (h) legislation relating to support for apiculture, as defined in section 18 of the 2023 Act (power to modify legislation relating to support for apiculture),
- (i) legislation relating to support for rural development, as defined in section 19 of the 2023 Act (support for rural development), or
- (j) section 22 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);”.

(3) The [Agricultural Tenancies Act 1995 \(c. 8\)](#) is amended as follows.

(4) After section 8 insert—

**“8A Reference of certain requests for consent or variation to arbitration:  
 Wales**

- (1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.
- (2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where—
  - (a) the request falls within subsection (3), and
  - (b) no agreement has been reached with the landlord on the request.
- (3) A request falls within this subsection if—
  - (a) it is a request for—
    - (i) the landlord’s consent to a matter which under the terms of the tenancy requires such consent, or
    - (ii) a variation of the terms of the tenancy, and
  - (b) it is made for the purposes of—
    - (i) enabling the tenant to request or apply for relevant financial support, or
    - (ii) complying with a statutory duty applicable to the tenant.
- (4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.
- (5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.
- (6) An arbitrator, on a reference made under subsection (2), may—



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- (a) determine that the landlord must comply with the request (either in full or in part),
  - (b) determine that the landlord may refuse to comply with the request, or
  - (c) make any other award or determination permitted by regulations.
- (7) The Welsh Ministers may by regulations make provision—
- (a) about conditions to be met before a reference may be made under subsection (2);
  - (b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;
  - (c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
  - (d) restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.
- (8) In this section—
- “relevant financial support” means financial support under—
- (a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
  - (b) a scheme of the sort mentioned in section 9(7) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
  - (c) the basic payment scheme, as defined in section 16 of the 2023 Act (power to modify legislation governing the basic payment scheme),
  - (d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 17 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
  - (e) legislation relating to support for apiculture, as defined in section 18 of the 2023 Act (power to modify legislation relating to support for apiculture),
  - (f) legislation relating to support for rural development, as defined in section 19 of the 2023 Act (support for rural development), or
  - (g) section 22 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);
- “statutory duty” means a duty imposed by or under—
- (a) an Act of Parliament;
  - (b) an Act of Senedd Cymru or an Assembly Measure;
  - (c) retained direct EU legislation.”
- (5) In section 28(5), before paragraph (a), insert—
- “(za) a request made under section 8A(2) of this Act.”.
- (6) After section 36, insert—

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### “36A Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) The Welsh Ministers’ power to make regulations under section 8A(7) includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations made under section 8A(7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

## PART 3

### MATTERS RELATING TO AGRICULTURE AND AGRICULTURAL PRODUCTS

#### CHAPTER 1

##### COLLECTION AND SHARING OF DATA

### 25 Agri-food supply chains: requirement to provide information

- (1) The Welsh Ministers may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person’s activities connected with the supply chain so far as the activities take place in Wales.
- (2) The Welsh Ministers may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person’s activities connected with the supply chain so far as the activities take place in Wales.
- (3) See section 26 for provision about—
  - (a) the meaning of “agri-food supply chain”,
  - (b) who is in such a supply chain, and
  - (c) who is closely connected with such a supply chain.
- (4) A requirement under subsection (1) or (2) may not be imposed on an individual in a supply chain so far as they are in the supply chain because they, or members of their households, are the ultimate consumers (see section 26).
- (5) A requirement imposed on a person under subsection (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under subsection (1) must be in writing.

### 26 Meaning of “agri-food supply chain”

- (1) This section has effect for the purposes of this Chapter.
- (2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or

have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—

- (a) anything grown or otherwise produced in carrying on agriculture,
  - (b) any animal kept in carrying on agriculture, or
  - (c) any animal or other thing taken from the wild.
- (3) The persons in an agri-food supply chain are—
- (a) the individuals being provided with items of food and drink as described in subsection (2) (“the ultimate consumers”),
  - (b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and
  - (c) any person in the supply chain between those persons and the ultimate consumers.
- (4) The persons “closely connected” with an agri-food supply chain are—
- (a) any person supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within subsection (3)(b) for use in the agriculture or taking,
  - (b) any person providing, to persons within subsection (3)(b) or (c), services related to—
    - (i) the health of animals, or plants, involved in the supply chain, or
    - (ii) the safety or quality of the food or drink to be provided to the ultimate consumers,
  - (c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and
  - (d) bodies representing persons within any of paragraphs (b) and (c) of subsection (3) and paragraphs (a), (b) and (c) of this subsection.
- (5) Activities of the kind mentioned in subsection (4)(c) are to be treated for the purposes of section 25(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in section 25(1) and (2).
- (6) In this section, “seeds” includes bulbs and other things from which plants grow.

## **27 Relevant activity: requirement to provide information**

- (1) The Welsh Ministers may require a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) to provide information about matters connected with the activity so far as the activity takes place in Wales.
- (2) The Welsh Ministers may make regulations requiring a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) to provide information about matters connected with the activity so far as the activity takes place in Wales.
- (3) See section 28 for provision about the meaning of “relevant activity”.
- (4) A requirement under subsection (1) or (2) may not be imposed on a person in relation to a relevant activity so far as the activity is carried on otherwise than for profit or reward.

- (5) A requirement imposed on a person under subsection (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under subsection (1) must be in writing.

## **28 Meaning of “relevant activity”**

In this Chapter, “relevant activity” means—

- (a) an activity listed in section 51(1) (meaning of “agriculture”);
- (b) an ancillary activity.

## **29 Requirement to specify purposes for which information may be processed**

- (1) This section applies to a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) The requirement must specify the purposes for which the information may be processed.
- (3) Each purpose specified must be in, or covered by, the list of purposes in subsection (4).
- (4) The list of purposes is—
  - (a) helping persons in agri-food supply chains or persons carrying on relevant activities to—
    - (i) increase productivity,
    - (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or
    - (iii) manage market volatility;
  - (b) promoting transparency or fairness in agri-food supply chains or relevant activities;
  - (c) promoting the health, welfare or traceability of animals of a kind kept for the production of food, drink, fibres or leathers;
  - (d) promoting the health or quality of plants or soil;
  - (e) minimising adverse environmental effects of activities connected with agri-food supply chains or relevant activities;
  - (f) minimising waste arising from activities connected with agri-food supply chains or relevant activities;
  - (g) monitoring, or analysing, markets connected with agri-food supply chains or relevant activities;
  - (h) monitoring or analysing supply sources for food (including the availability to the public of food from those sources).
- (5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see section 26.
- (6) For the meaning of “relevant activity” see section 28.

**30 Duty to publish requirement under section 25(1) or 27(1) in draft**

- (1) Before a particular requirement is imposed under section 25(1) or 27(1), the Welsh Ministers must—
- (a) have published—
    - (i) a draft of the requirement,
    - (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and
    - (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and
  - (b) have decided, having had regard to the comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.
- (2) After the decision to impose a requirement has been made under subsection (1)(b), the Welsh Ministers may impose that requirement on a person (under section 25(1) or section 27(1), as the case may be) at any time when the person is within the description published under subsection (1)(a)(ii) in respect of the requirement.

**31 Provision of required information and limitations on its processing**

- (1) This section applies to a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) Information provided in response to the requirement may be processed only for purposes specified in the requirement (see section 29).
- (3) Subsection (2) applies—
- (a) to the person to whom the information is provided, and
  - (b) to a person to whom the information is disclosed,
- but, in the case of a person within paragraph (b), subsection (2) does not authorise processing contrary to the terms on which disclosure is made.
- (4) Subsections (2) and (3) are subject to subsections (7) to (10).
- (5) The requirement may specify how and when the required information is to be provided, including (among other things)—
- (a) the person to whom the information is to be provided (who may be a person other than the Welsh Ministers);
  - (b) the form in which the information is to be provided;
  - (c) the means by which it is to be provided;
  - (d) the time or times at which, or by when, it is to be provided.
- (6) The requirement must specify—
- (a) the types of processing to which the information may be subjected, and
  - (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.
- (7) Information provided in response to the requirement—
- (a) may not be subjected to types of processing other than those specified in the requirement, and
  - (b) may not be disclosed in any form other than those specified in the requirement,

except in circumstances specified in the requirement.

- (8) Subsection (9) applies if—
- (a) information is provided in response to the requirement, and
  - (b) a person (“P”) proposes to make a disclosure of the information in a form that is permitted by subsection (7).
- (9) Where P proposes that the information be disclosed otherwise than in an anonymised form—
- (a) P must consider whether disclosure of the information in that form would, or might, prejudice the commercial interests of any person, and
  - (b) if P considers that it would or might do so, the information (if disclosed) must, instead, be disclosed in an anonymised form.
- (10) But if the Welsh Ministers consider that it is in the public interest for the information to be disclosed otherwise than in an anonymised form—
- (a) the information may be disclosed otherwise than in an anonymised form, as long as the disclosure is in a form that is permitted by subsection (7), and
  - (b) subsection (9)(b) does not apply.
- (11) In this Chapter, “processing”, in relation to information, means an operation, or set of operations, which is performed on information, or on sets of information, such as—
- (a) collection, recording, organisation, structuring or storage,
  - (b) adaptation or alteration,
  - (c) retrieval, consultation or use,
  - (d) disclosure by transmission, dissemination or otherwise making available,
  - (e) alignment or combination, or
  - (f) restriction, erasure or destruction.

### **32 Enforcement of information requirements**

- (1) The Welsh Ministers may by regulations make provision for enforcement of a requirement imposed under section 25(1) or (2) or 27(1) or (2).
- (2) In the following provisions of this section, “specified” means specified in regulations under subsection (1).
- (3) The provision that may be made by regulations under subsection (1) includes (among other things)—
- (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
    - (i) of a specified amount,
    - (ii) of an amount calculated in a specified manner,
    - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
    - (iv) by way of suspending, or withholding, payment of any amounts;
  - (b) provision for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (c) provision about the giving of advice or warnings;

- (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
  - (e) provision conferring functions (including functions involving the exercise of a discretion) on a person;
  - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (4) In subsection (3)(a), “specified manner” includes (among other things) a manner framed by reference to a specified matter such as a person’s profits, income or turnover.

### **33 Review of operation and effect of sections 25 to 32**

- (1) The Welsh Ministers must prepare a report under this section, in relation to each reporting period, on the operation and effect of sections 25 to 32 during the period.
- (2) In preparing the report, the Welsh Ministers must consult any persons they consider appropriate.
- (3) The Welsh Ministers must, no later than 12 months after the end of each reporting period—
  - (a) publish the report that relates to the reporting period, and
  - (b) lay it before Senedd Cymru.
- (4) In this section, the “reporting period” means—
  - (a) in the case of the first report, the period of five years beginning with the day on which section 25 comes into force;
  - (b) in the case of subsequent reports, successive periods of five years.

## **CHAPTER 2**

### **MARKETING STANDARDS: AGRICULTURAL PRODUCTS**

### **34 Marketing standards**

- (1) The Welsh Ministers may, by regulations, make provision about the standards with which the agricultural products listed in Schedule 1 must conform when they are marketed in Wales.
- (2) The regulations may, among other things, make provision about—
  - (a) technical definitions, designation and sales descriptions;
  - (b) classification criteria such as grading into classes, weight, sizing, age and category;
  - (c) the species, plant variety or animal breed, or the commercial type;
  - (d) presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;
  - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
  - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
  - (g) farming and production methods, including oenological practices;

- (h) coupage of must and wine (including definitions of those terms), blending and restrictions on blending;
  - (i) the frequency of collection, delivery, preservation and handling;
  - (j) conservation methods and temperature, storage and transport;
  - (k) the place of farming or origin (but see subsection (3));
  - (l) restrictions as regards the use of certain substances and practices;
  - (m) specific use of products;
  - (n) conditions governing the disposal, holding, circulation and use of products that do not conform with the marketing standards, and the disposal of by-products;
  - (o) the use of terms communicating value-adding characteristics or attributes.
- (3) Regulations under subsection (1) may not make provision about the matters referred to in subsection (2)(k) (the place of farming or origin) so far as they relate to live poultry, poultrymeat or spreadable fats.
- (4) Regulations under subsection (1) may include provision about enforcement, which may (among other things) include provision—
- (a) about the provision of information;
  - (b) conferring powers of entry;
  - (c) conferring powers of inspection, search and seizure;
  - (d) about the keeping of records;
  - (e) imposing monetary penalties;
  - (f) for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (g) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
  - (h) about licences, accreditations, authorisations and registration requirements;
  - (i) about appeals;
  - (j) conferring functions (including functions involving the exercise of a discretion) on a person.
- (5) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (6) The Welsh Ministers may, by regulations—
- (a) amend Schedule 1 by adding an agricultural product to the list, removing a product from the list or altering the description of an agricultural product in the list;
  - (b) amend this section in connection with any such amendment.



## CHAPTER 3

### CLASSIFICATION OF CERTAIN CARCASSES ETC.

#### 35 Carcass classification

- (1) The Welsh Ministers may, by regulations, make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Wales.
- (2) Regulations under subsection (1) may include provision about enforcement, which may (among other things) include provision—
  - (a) about the provision of information;
  - (b) conferring powers of entry;
  - (c) conferring powers of inspection, search and seizure;
  - (d) about the keeping of records;
  - (e) imposing monetary penalties;
  - (f) for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment;
  - (g) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
  - (h) about licences, accreditations, authorisations and registration requirements;
  - (i) about appeals;
  - (j) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (4) In this section, “pigs” means porcine animals, including wild boar and other feral pigs.

## PART 4

### FORESTRY

#### 36 Overview of Part

This Part amends Part 2 of the [Forestry Act 1967 \(c. 10\)](#) in relation to Wales—

- (a) to expand the range of circumstances in which conditions may be attached to tree felling licences;
- (b) to enable tree felling licences to be amended by agreement;
- (c) where there is or has been a breach of a condition of a tree felling licence, to enable the Natural Resources Body for Wales to vary or remove the conditions of the licence, or to add further conditions, or to suspend or revoke the licence, and to require steps to be taken following the breach;
- (d) where tree felling in accordance with a tree felling licence is causing, or is likely to cause, significant harm to certain aspects of the environment, to enable the Natural Resources Body for Wales to amend the tree felling licence or to suspend or revoke it;

- (e) to remove the limit on fines that may be imposed for the offence of felling trees without the authority of a tree felling licence;
- (f) to make provision consequential upon the amendments referred to in paragraphs (a), (c) and (d).

### 37 Conditions of tree felling licences

In section 10 of the [Forestry Act 1967 \(c. 10\)](#) (application for felling licence and decision of appropriate authority), in subsection (2), at the end of paragraph (b), insert “; or

- (c) in relation to land in Wales, after consultation with the applicant for the licence, for the purpose of—
  - (i) conserving or enhancing natural beauty;
  - (ii) conserving flora, fauna, geological or physiographical features, or natural habitats.”

### 38 Amendment of tree felling licences by agreement

- (1) In section 10 of the [Forestry Act 1967 \(c. 10\)](#) (application for felling licence and decision of appropriate authority), after subsection (3) insert—

“(3A) The Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).

(3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is—

- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or
- (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.”

- (2) After section 10 of the [Forestry Act 1967](#), insert—

#### **“10A Amendments made under section 10(3A) that affect tree preservation orders**

- (1) The provisions of this section apply if—

- (a) an amendment to a licence under section 10(3A) is proposed in respect of any trees to which a tree preservation order relates, and
- (b) the Natural Resources Body for Wales does not consider that the amendment is necessary to respond to an imminent and serious risk of harm to—
  - (i) natural beauty, or
  - (ii) flora, fauna, geological or physiographical features, or natural habitats.

- (2) Before amending the licence, the Natural Resources Body for Wales must give notice in writing of the proposal to the authority by whom the tree preservation order was made.

- (3) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the amendment in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (4) If a matter is referred to the Welsh Ministers under subsection (3), the Welsh Ministers may decide to—
  - (a) grant consent to the amendment, or
  - (b) refuse to grant consent (in which case the amendment cannot be made).
- (5) Where the Natural Resources Body for Wales has given notice in writing under subsection (1) to an authority in respect of a proposed amendment, the proposed amendment cannot be made until—
  - (a) the period prescribed under subsection (3) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
  - (b) if the Natural Resources Body for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (6) Before deciding whether to grant or refuse consent under subsection (4), the Welsh Ministers must consult—
  - (a) the person responsible (see section 10(3B));
  - (b) the Natural Resources Body for Wales;
  - (c) the authority by whom the tree preservation order was made.”

### 39 Varying, suspending or revoking tree felling licences

After section 24B of the [Forestry Act 1967 \(c. 10\)](#) (inserted by the [Environment Act 2021 \(c. 30\)](#)), insert—

#### **“24C Variation of conditions or suspension or revocation of licence following breach of condition: Wales**

- (1) The provisions of this section apply if, in relation to a felling licence granted in relation to land in Wales, the Natural Resources Body for Wales considers that any condition of the licence—
  - (a) has not been complied with, or
  - (b) is not being complied with.
- (2) But this section does not apply if the condition is one that requires works to be carried out (as to which see section 24).
- (3) The Natural Resources Body for Wales may give to the person responsible a notice which makes provision for one or more of the following—
  - (a) a suspension of the felling licence, either in full or in part;
  - (b) a variation or removal of a condition of the felling licence or an imposition of a new condition;

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*Status: This is the original version (as it was originally enacted).*

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- (c) where the circumstances referred to in subsection (4) apply, a revocation of the felling licence.
- (4) The circumstances are that the condition that has not been complied with, or is not being complied with, was imposed for the purpose mentioned in section 10(2)(c).
- (5) A notice given under subsection (3) may also make provision—
  - (a) requiring the person to whom the notice was given to take such steps as may be specified in the notice, and
  - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (6) A notice given under subsection (3) must—
  - (a) set out the reasons for giving the notice;
  - (b) specify the condition that has not been or is not being complied with;
  - (c) if the notice suspends the felling licence, specify the period for which the licence is to be suspended;
  - (d) if the notice varies conditions or revokes the felling licence, specify the date upon which the variation or revocation takes effect;
  - (e) if the notice suspends the felling licence in part, specify the felling that may continue.
- (7) Where a notice given under subsection (3) suspends a felling licence, either in full or in part, the suspension ends with the earlier of—
  - (a) the expiry of the period specified in the notice in accordance with subsection (6)(c), and
  - (b) the date specified in any further notice given to the person responsible by the Natural Resources Body for Wales under this paragraph.
- (8) The Natural Resources Body for Wales may give a further notice under subsection (7)(b) if it considers that the suspension should be lifted sooner than the end of the period specified in the notice given under subsection (3).
- (9) If—
  - (a) a notice given under subsection (3) requires a person to take steps in accordance with subsection (5)(a), and
  - (b) those steps have not been taken before the end of the period specified in that notice in accordance with subsection (5)(b),the Natural Resources Body for Wales may enter on the land and take those steps.
- (10) A person who, without reasonable excuse, fails to take any steps required by a notice given under subsection (3) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (9)).
- (11) Proceedings in respect of an offence under subsection (10)—
  - (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
  - (b) may not be commenced more than two years after the date of the offence.

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- (12) A person who is required by a notice under subsection (3) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (13) For the purposes of this section, “the person responsible” is—
- (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
  - (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.

#### **24D Notice to subsequent estate or interest holder requiring steps to be taken**

- (1) Subsection (2) applies where—
- (a) a notice has been given to a person under section 24C(3) requiring the person to take steps,
  - (b) steps required by the notice have not been taken, and
  - (c) before the time specified in the notice (within which those steps must be taken) has expired, the person ceases to have the estate or interest in the land by reference to which the notice was given.
- (2) The Natural Resources Body for Wales may give to a person who has such estate or interest in the land as is referred to in section 10(1) a notice—
- (a) requiring the steps that were not taken under the notice described in subsection (1) to be taken, and
  - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (3) A notice given under subsection (2) must set out the reasons for giving the notice.
- (4) If steps required by a notice under subsection (2) have not been taken before the end of the period specified in the notice, the Natural Resources Body for Wales may enter on the land and take those steps.
- (5) A person who, without reasonable excuse, fails to take any steps required by a notice under subsection (2) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (4)).
- (6) Proceedings in respect of an offence under subsection (5)—
- (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
  - (b) may not be commenced more than two years after the date of the offence.
- (7) A person who is required by a notice under subsection (2) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (8) The reference in subsection (1) to a notice under section 24C(3) includes a notice given under this section.

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**24E Suspension, amendment or revocation of tree felling licence where no breach of condition: Wales**

- (1) The provisions of this section apply if, in relation to a felling licence granted in relation to land in Wales, the Natural Resources Body for Wales considers that felling in accordance with the licence is causing, or is likely to cause, significant harm to—
  - (a) natural beauty, or
  - (b) flora, fauna, geological or physiographical features, or natural habitats.
- (2) The Natural Resources Body for Wales may give to the person responsible a notice which makes provision for one or more of the following—
  - (a) a suspension of the felling licence, either in full or in part;
  - (b) an amendment of the felling licence;
  - (c) if the Natural Resources Body for Wales considers that amending the felling licence would not prevent the harm that is being caused or is likely to be caused, a revocation of the felling licence.
- (3) A notice given under subsection (2) must—
  - (a) set out the reasons for giving the notice;
  - (b) specify the harm that felling in accordance with the licence is causing or is likely to cause;
  - (c) if the notice suspends the felling licence, specify the period for which the licence is to be suspended;
  - (d) if the notice amends or revokes the felling licence, specify the date upon which the amendment or revocation takes effect;
  - (e) if the notice suspends the felling licence in part, specify the felling that may continue.
- (4) Where a notice given under subsection (2) suspends a felling licence, either in full or in part, the suspension ends with the earlier of—
  - (a) the expiry of the period specified in the notice in accordance with subsection (3)(c), and
  - (b) the date specified in any further notice given to the person responsible by the Natural Resources Body for Wales under this paragraph.
- (5) The Natural Resources Body for Wales must give a further notice specifying a date under subsection (4)(b) (to bring the suspension to an end) if it considers that felling in accordance with the felling licence (as it would have effect after that date) would neither cause nor be likely to cause the harm specified in the notice that suspended the licence.
- (6) For the purposes of this section, “the person responsible” is—
  - (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
  - (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.”

## 40 Tree Preservation Orders

After new section 24E of the [Forestry Act 1967 \(c. 10\)](#) (inserted by section 39), insert—

### **“24F Notices under section 24C(3) or 24E(2) that affect tree preservation orders**

- (1) The provisions of this section apply if—
  - (a) the Natural Resources Body for Wales proposes to give a notice under section 24C(3) or 24E(2) in respect of any trees to which a tree preservation order relates, and
  - (b) the proposed notice does not meet the emergency criteria.
- (2) The emergency criteria are met if the proposed notice makes no provision other than—
  - (a) provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—
    - (i) natural beauty, or
    - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
  - (b) provision that suspends a felling licence.
- (3) Before the Natural Resources Body for Wales gives the proposed notice it must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (4) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the notice in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (5) If a matter is referred to the Welsh Ministers under subsection (4), the Welsh Ministers may decide to—
  - (a) grant consent to the giving of the notice, or
  - (b) refuse to grant consent (in which case the notice cannot be given).
- (6) Where the Natural Resources Body for Wales has given notice in writing under subsection (3) to an authority in respect of a proposed notice, the proposed notice cannot be given until—
  - (a) the period prescribed under subsection (4) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
  - (b) if the Natural Resources for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (7) Before deciding whether to grant or refuse consent under subsection (5), the Welsh Ministers must consult—
  - (a) the Natural Resources Body for Wales;
  - (b) the authority by whom the tree preservation order was made;
  - (c) the applicant for the licence if the applicant has such estate or interest in the land as is referred to in section 10(1) or, in any other case, a person who has such estate or interest in the land.”

## 41 Appeals and compensation

After section 26 of the [Forestry Act 1967 \(c. 10\)](#), insert—

### “26A Appeals against notices given under section 24C(3) and 24D(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24C(3) if the person thinks that any of the grounds set out in subsection (2) applies—
  - (a) the person to whom the notice was given;
  - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
  - (c) the owner of the trees.
- (2) The grounds are—
  - (a) a condition referred to in the notice has been complied with or is being complied with;
  - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
  - (c) the variation of a condition of the felling licence, or the imposition of a new condition, is unreasonable or disproportionate;
  - (d) a step specified in the notice is unreasonable or disproportionate;
  - (e) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24C(7)(b).
- (3) A person to whom a notice has been given under section 24D(2) has a right to bring an appeal against the notice if the person thinks that a step specified in the notice is unreasonable or disproportionate.
- (4) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

### 26B Appeals against notice given under section 24E(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24E(2) if the person thinks that any of the grounds set out in subsection (2) applies—
  - (a) the person to whom the notice was given;
  - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
  - (c) the owner of the trees.
- (2) The grounds are—
  - (a) the felling is not causing the harm specified in the notice or is not likely to cause the harm;
  - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
  - (c) an amendment to the felling licence is unreasonable or disproportionate;



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- (d) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24E(4)(b).
- (3) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

### **26C Further provision about appeals brought under sections 26A and 26B**

- (1) A request made to the Welsh Ministers under section 26A or 26B must be made in the prescribed manner and within the prescribed period.
- (2) A notice given under section 24C(3), 24D(2) or 24E(2) does not take effect until the expiration of the prescribed period and, where a request is made to the Welsh Ministers under section 26A or 26B (as the case may be), until the conclusion of any proceedings in pursuance of the request.
- (3) But subsection (2) does not apply (and the notice may take effect immediately) to the extent that—
- (a) the notice makes provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—
    - (i) natural beauty, or
    - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
  - (b) the notice makes provision that suspends a felling licence.
- (4) Where a request is made to the Welsh Ministers under section 26A or 26B, the Welsh Ministers must, unless they are of the opinion that the grounds for the request are frivolous, refer the matter to the committee appointed in accordance with section 27.
- (5) The committee to whom a matter is referred under this section must, after complying with section 27(3), provide the Welsh Ministers with a report in relation to the reference.
- (6) After considering the report, the Welsh Ministers must—
- (a) in the case of a request made on the ground in subsection 26A(2)(e) or 26B(2)(d) (suspension should have been ended)—
    - (i) direct the Natural Resources Body for Wales to give a notice under section 24C(7)(b) or 24E(4)(b) (as the case may be) ending the suspension, or
    - (ii) give the person who made the request a notice setting out the reasons why a direction under sub-paragraph (i) is not being given;
  - (b) in the case of any other request, confirm or cancel the notice to which the reference relates.

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### **26D Compensation following receipt of a notice given under section 24C(3)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24C(3), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24C(3) is cancelled under section 26C(6)(b), compensation is payable—
  - (a) for any expenses reasonably incurred in connection with the giving of the notice;
  - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice.
- (3) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24C(3), compensation is payable—
  - (a) for any expenses reasonably incurred in connection with the suspension;
  - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the suspension.
- (4) For the purposes of this section “the relevant person” is—
  - (a) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred in connection with a requirement to take steps, the person to whom the notice was given;
  - (b) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred otherwise than in connection with a requirement to take steps, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
  - (c) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

### **26E Compensation following receipt of a notice given under section 24D(2)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24D(2), the person to whom the notice was given is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24D(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.

### **26F Compensation following receipt of a notice given under section 24E(2)**

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24E(2), the relevant person is entitled to compensation in accordance with this section and section 26G.

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- (2) Compensation is payable for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice under section 24E(2) (regardless of whether an appeal has been brought under section 26B).
- (3) If the notice given under section 24E(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.
- (4) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24E(2), compensation is payable for any expenses reasonably incurred in connection with the suspension.
- (5) For the purposes of this section “the relevant person” is—
  - (a) where compensation is payable for expenses reasonably incurred, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
  - (b) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

#### **26G Compensation under section 26D, 26E and 26F – further provision**

- (1) Compensation under sections 26D, 26E and 26F is recoverable from the Natural Resources Body for Wales.
- (2) A claim for compensation under section 26D, 26E or 26F must be made in the prescribed manner and within the prescribed period.
- (3) Where a claim for compensation is made under section 26D or 26F for deterioration in the quality of the timber—
  - (a) if the trees have been felled, no claim may be made after the expiration of one year from the date of the felling;
  - (b) where a claim is made in reliance on section 26F(2) (depreciation in the value of the trees as a result of the giving of a notice under section 24E(2)), no claim may be made in respect of deterioration occurring more than ten years after the notice was given.
- (4) In calculating compensation that is payable under section 26D or 26F—
  - (a) no account is to be taken of deterioration in the quality of the timber that is attributable to neglect of the trees;
  - (b) the value of the trees at any time is to be ascertained on the basis of prices current at the date of the claim.
- (5) If—
  - (a) after giving notice under section 24E(2) that amends a felling licence, the Natural Resources Body for Wales notifies the person specified in subsection (6) that it is prepared to further amend the licence under section 10(3A) so that it has the same effect as it had immediately before the licence was amended by the notice given under section 24E(2), or
  - (b) after giving notice under section 24E(2) that revokes a felling licence, the Natural Resources Body for Wales notifies the person mentioned

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in subsection (7) that it is prepared to grant a new licence that has the same effect as the licence that was revoked,

then in calculating the compensation that is payable under section 26F(2), no account is to be taken of deterioration occurring after the Natural Resources Body for Wales has notified the relevant person in accordance with this subsection.

- (6) For the purposes of subsection (5)(a), the relevant person is—
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in section 10(1), or
  - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.
- (7) For the purposes of subsection (5)(b), the relevant person is the person who has such estate or interest in the land as is referred to in section 10(1).
- (8) Any question of disputed compensation arising from a claim made under section 26D, 26E or 26F is to be determined in accordance with section 31.”

#### **42 Penalty for felling without licence**

In section 17 of the [Forestry Act 1967 \(c. 10\)](#), in subsection (1), in paragraph (a), omit the words after “fine” to the end.

#### **43 Service of documents**

- (1) Section 30 (service of documents) of the [Forestry Act 1967 \(c.10\)](#) is amended as follows.
- (2) After subsection (5), insert—
- “(6) For the purposes of this section, any reference in this Part to the giving of a notice or document by the Natural Resources Body for Wales is to be treated as if it were a reference to the serving of a document.”

#### **44 Consequential amendments to the Forestry Act 1967**

- (1) The [Forestry Act 1967 \(c. 10\)](#) is amended as follows.
- (2) In section 10 (application for felling licence and decision of appropriate authority), in subsection (2), at the end of paragraph (a), omit “or”.
- (3) In section 12 (conditional licences), in subsection (1), after “section 10(2)” insert “(a) or (b)”.
- (4) In section 26 (expenses etc. in connection with notices)—
- (a) in the heading, at the end, insert “, s. 24C(3) or s. 24D(2)”;
  - (b) in subsection (1)—
    - (i) after “under section 24”, insert “, section 24C(9) or section 24D(4)”;
    - (ii) for “under that section” substitute “under either of those sections”.
- (5) In section 27 (Committees of reference)—
- (a) in the heading, for “and 25” substitute “, 25, 26A, 26B and 26C”;
  - (b) in subsection (1), for “and 25” substitute “, 25, 26A, 26B and 26C”.

- (6) In section 29 (provisions relating to mortgages and settled land)—
- (a) in subsection (1), in paragraph (a), for “or section 26” substitute “, 26, 26D, 26E or 26F”;
  - (b) in subsection (3), for “or section 26” substitute “, 26, 26D, 26E or 26F”.
- (7) In the heading of section 31 (determination of matters arising under sections 11, 14, 21 and 22), for “and 22” substitute “, 22, 26D, 26E and 26F”.

## PART 5

### WILDLIFE

#### 45 Overview of Part

- (1) This Part amends the [Wildlife and Countryside Act 1981 \(c. 69\)](#).
- (2) This is done—
- (a) to prohibit use (including licensed use) of a snare or any other cable restraint for the purpose of killing or trapping a wild animal, and use of a snare or any other cable restraint in any other way that is likely to injure a wild animal,
  - (b) to prohibit use of a glue trap for the purpose of killing or taking an animal, and use of a glue trap in any other way that is likely to catch an animal, and
  - (c) to modify the prohibition on use of traps, any electrical device for killing or stunning, or any poisonous, poisoned or stupefying substance, so that it applies where their use is likely to harm a wild animal.

#### 46 Prohibition on use of snares and glue traps

In section 11 of the [Wildlife and Countryside Act 1981 \(c. 69\)](#) (prohibition of certain methods of killing or taking wild animals), in subsection (1)—

- (a) after paragraph (b) insert—
  - “(ba) sets in position in Wales any snare, or other cable restraint, which is of such a nature and so placed as to be likely to cause bodily injury to any wild animal coming into contact with it;
  - (bb) uses in Wales for the purpose of killing or taking any wild animal any snare, or other cable restraint, whether or not of such a nature or so placed as aforesaid;
  - (bc) sets in position in Wales any glue trap which is of such a nature and so placed as to be likely to catch any animal coming into contact with it;
  - (bd) uses in Wales for the purpose of killing or taking any animal any glue trap, whether or not of such a nature or so placed as aforesaid;”;
- (b) after subsection (7) insert—
 

“(7ZA) For the purposes of paragraphs (bc) and (bd) of subsection (1), “animal means a vertebrate (other than a human).”

**47 Modification of prohibitions on use of other methods to kill or take wild animals**

In section 11 of the [Wildlife and Countryside Act 1981 \(c. 69\)](#) (prohibition of certain methods of killing or taking wild animals), in subsection (2)—

- (a) in paragraph (b)—
  - (i) in sub-paragraph (i), omit “and Wales”;
  - (ii) in sub-paragraph (ii), after “in Scotland” insert “or Wales”;
- (b) in paragraph (c)—
  - (i) in sub-paragraph (i), omit “and Wales”;
  - (ii) in sub-paragraph (ii), after “in Scotland” insert “or Wales”.

**48 Consequential amendments to the Wildlife and Countryside Act 1981**

- (1) The [Wildlife and Countryside Act 1981 \(c. 69\)](#) is amended as follows.
- (2) In section 11 (prohibition of certain methods of killing or taking wild animals), in subsection (1)—
  - (a) in paragraph (a), after “sets in position” insert “otherwise than in Wales”;
  - (b) in paragraph (b), after “uses” insert “otherwise than in Wales”;
  - (c) after the new paragraph (bd) (inserted by section 46), insert—
    - “(be) uses in Wales for the purpose of killing or taking any wild animal any bow or cross-bow or any explosive other than ammunition for a firearm;”.
- (3) In that section, in subsection (2)—
  - (a) in paragraph (a)—
    - (i) after “uses” insert “, otherwise than in Wales;”;
    - (ii) after “snare” insert “, or in Wales, any trap other than a glue trap;”;
  - (b) in paragraph (b)—
    - (i) after “sets in position” insert “, otherwise than in Wales;”;
    - (ii) after “snare” insert “, or in Wales, any trap other than a glue trap;”.
- (4) In that section, in subsection (3)(a), before “any snare” insert “, otherwise than in Wales;”.
- (5) In that section, in subsection (5), after “(1)(b)” insert “(ba), (bb)”.
- (6) In section 16 (power to grant licences), in subsection (3), after “11(1)” insert “(a), (b), (be), (c) and (d),”.
- (7) In that section, in subsection (3ZA)—
  - (a) after “use” insert “, otherwise than in Wales;”;
  - (b) after “snare” insert “, or, in Wales, of a trap other than a glue trap;”.
- (8) In that section, in subsection (3ZG)(b), for “where it is used in Wales” substitute “where it is a trap other than a glue trap, and it is used in Wales”.
- (9) In that section, in subsection (3ZI)(b), for “or snares” substitute “(other than glue traps)”.

## PART 6

### GENERAL

#### **49 Power to make consequential, transitional etc. provision**

- (1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
  - (a) supplementary, incidental or consequential provision;
  - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may modify any enactment (whenever enacted or made, and including this Act).

#### **50 Regulations under this Act**

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power to make different provision for different purposes.
- (3) A power to make regulations under this Act includes power to modify retained direct EU legislation.
- (4) A power to make regulations under this Act includes power to make—
  - (a) supplementary, incidental or consequential provision;
  - (b) transitional, transitory or saving provision.
- (5) The provision which may be made by virtue of subsection (4) includes provision modifying any enactment (whenever enacted or made, and including this Act).
- (6) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.
- (7) Subsection (6) applies to a statutory instrument containing regulations under any of the following provisions—
  - (a) section 6(10) (reporting period: progress towards sustainable land management objectives);
  - (b) section 8(4) (amendment of purposes for which the Welsh Ministers may provide support);
  - (c) section 10(1) (publication of information about support provided under section 8);
  - (d) section 12(1) (further provision about support under section 8);
  - (e) section 14(7) (reporting period: impact of support under section 8);
  - (f) section 16(1) (power to modify legislation governing the basic payment scheme);
  - (g) section 17(1) (power to modify legislation relating to the common agricultural policy);
  - (h) section 18(1) (power to modify legislation relating to support for apiculture);
  - (i) section 19(1) (power to modify legislation relating to support for rural development);

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- (j) section 23(1) (power to modify retained direct EU legislation relating to public market intervention or aid for private storage);
  - (k) section 25(2) (provision of information relating to agri-food supply chain);
  - (l) section 27(2) (provision of information relating to relevant activities);
  - (m) section 32(1) (enforcement of information requirements);
  - (n) section 34(1) (marketing standards for agricultural products);
  - (o) section 34(6) (agricultural products relevant to marketing standards);
  - (p) section 35(1) (carcass classification);
  - (q) section 53 (power to amend sections 51 and 52; but see subsections (2) to (7) of section 53 for further requirements in relation to a statutory instrument containing regulations under that section).
- (8) Subsection (6) also applies to a statutory instrument containing regulations under any provision not mentioned in subsection (7), where the regulations modify any provision of primary legislation.
- (9) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.

## **51 Meaning of “agriculture” and related references**

- (1) In this Act, “agriculture” means—
- (a) horticulture;
  - (b) farming arable crops;
  - (c) dairy farming;
  - (d) keeping and breeding livestock;
  - (e) using land as grazing land;
  - (f) using land as farm woodland or for agroforestry;
  - (g) controlled environment agriculture;
  - (h) otherwise growing plants for sale, or for the sale of part of a plant;
  - (i) maintaining land in a state that makes it suitable for an activity listed in paragraphs (a) to (h).
- (2) In subsection (1)—
- “livestock” includes, among other things, any animal kept to produce food, drink, oils, fibres or leathers, or to graze land;
- “controlled environment agriculture” means growing plants in a closed ecosystem permitting the management of environmental variables (including temperature, humidity, light and nutrients).
- (3) References in this Act to agricultural markets, agricultural businesses, agricultural producers and agricultural products are to be construed in accordance with subsection (1).

## **52 Meaning of “ancillary activity”**

In this Act, “ancillary activity” means—

- (a) taking action, on land used for agriculture—
  - (i) to create and manage habitats, or for other purposes relating to nature conservation,



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- (ii) to mitigate and adapt to climate change, or
  - (iii) to maintain and enhance the resilience of ecosystems;
- (b) selling, marketing, preparing, packaging, processing or distributing products deriving from agriculture.

### **53 Power to amend sections 51 and 52**

- (1) The Welsh Ministers may amend sections 51 and 52 by regulations.
- (2) Before laying a draft statutory instrument containing regulations under this section before Senedd Cymru (for the purposes of section 50(6)), the Welsh Ministers must carry out the steps specified in subsections (3) and (4).
- (3) The Welsh Ministers must consult any persons appearing to them to be likely to be affected by the regulations on a proposed draft of the regulations.
- (4) The Welsh Ministers must—
  - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
  - (b) consider any comments submitted within that period, and
  - (c) publish a summary of those comments.
- (5) Where the Welsh Ministers lay a draft statutory instrument containing regulations under this section before Senedd Cymru for the purposes of section 50(6), they must include with the draft a statement that—
  - (a) specifies whether there are differences between the draft regulations that were consulted on under subsection (3) and regulations under this section that are contained in the draft statutory instrument being laid, and
  - (b) if there are differences between the draft regulations that were consulted on and the regulations that are contained in the draft statutory instrument being laid, gives details of those differences.
- (6) A draft statutory instrument containing regulations under this section may not be approved by a resolution of Senedd Cymru in accordance with section 50(6) until after the expiry of the period of 40 days beginning with the day on which the draft statutory instrument is laid.
- (7) In calculating whether a period of 40 days has expired for the purposes of subsection (6), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.

### **54 Other interpretation**

In this Act—

“the CMO Regulation” (“*y Rheoliad CMO*”) means [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products;

“functions” (“*swyddogaethau*”) includes powers and duties;

“modify” (“*addasu*”) includes amend, revoke and repeal (and related expressions are to be construed accordingly);

“plants” (“*planhigion*”) includes fungi;

“primary legislation” (“*deddfwriaeth sylfaenol*”) means—

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- (a) an Assembly Measure;
- (b) an Act of Senedd Cymru;
- (c) an Act of Parliament;

“private dwelling” (“*annedd breifat*”) means so much of any land as consists of—

- (a) a building or other structure used wholly or mainly as a private dwelling,  
or
- (b) a garden, yard, private garage or outhouse enjoyed with such a building or structure;

“subordinate legislation” (“*is-ddeddfwriaeth*”) means an instrument made under primary legislation or under retained direct EU legislation.

## 55 Consequential amendments and repeals etc.

- (1) Schedule 2 (which makes minor and consequential amendments etc. relating to the [Agriculture Act 2020 \(c. 21\)](#) and other Acts) has effect.
- (2) Schedule 3 (which amends the CMO Regulation) has effect.

## 56 Coming into force

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent—
  - (a) Part 4 for the purposes of making regulations under section 32 of the [Forestry Act 1967 \(c. 10\)](#);
  - (b) this Part, except section 55 and Schedules 2 and 3.
- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent—
  - (a) Part 1;
  - (b) Chapter 1 of Part 2;
  - (c) Chapter 2 of Part 2;
  - (d) Part 5.
- (3) The following provisions of Schedule 2, and section 55 to the extent it relates to those provisions, also come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent—
  - (a) paragraph 1(5)(b) for the purposes of the application of section 53(5)(a) of the [Agriculture Act 2020 \(c. 21\)](#) in relation to Part 1 of Schedule 5 to that Act;
  - (b) paragraph 1(9) for the purposes of the repeal of Part 1 of Schedule 5 to the [Agriculture Act 2020](#);
  - (c) paragraph 2;
  - (d) Part 2.
- (4) Except as provided for by subsections (1) to (3), the provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (5) An order under subsection (4)—
  - (a) may make transitional, transitory or saving provision;
  - (b) may appoint different days for different purposes.

**57 Short title**

The short title of this Act is the Agriculture (Wales) Act 2023.

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## SCHEDULE 1

(introduced by section 34)

### AGRICULTURAL PRODUCTS RELEVANT TO MARKETING STANDARDS PROVISIONS

#### *Milk and milk products*

- 1 Products falling within any of entries (a) to (f) in the table in Part XVI of Annex 1 of the CMO Regulation.

#### *Spreadable fats*

- 2 Products that—
- (a) fall within any of paragraphs (a) to (c) in Point 1 of Part VII of Annex VII of the CMO Regulation, and
  - (b) have a fat content of at least 10% but not more than 90% by weight.

#### *Beef and veal*

- 3 Products falling within the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals.

#### *Poultry and poultrymeat*

- 4 Products falling within the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry.

#### *Eggs and egg products*

- 5 Products falling within the table in Part XIX of Annex 1 of the CMO Regulation.

#### *Fruit and vegetables, other than olives*

- 6 Products falling within the table in any of Parts IX to XI of Annex 1 of the CMO Regulation.

#### *Olive oil and table olives*

- 7 Products falling within the table in Part VII of Annex 1 of the CMO Regulation.

#### *Hops*

- 8 Products falling within the table in Part VI of Annex 1 of the CMO Regulation.

#### *Wine*

- 9 Products falling within the table in Part XII of Annex 1 of the CMO Regulation.

#### *Aromatised wine*

- 10 Products falling within the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation.

*Interpretation*

- 11 In this Schedule “the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products.

## SCHEDULE 2

(Introduced by section 55 )

## MINOR AND CONSEQUENTIAL AMENDMENTS ETC. RELATING TO PARTS 1 TO 3

**PART 1**AMENDMENTS, REPEALS AND SAVINGS  
RELATING TO THE AGRICULTURE ACT 2020*Agriculture Act 2020 (c. 21)*

- 1 (1) The Agriculture Act 2020 is amended as follows.
- (2) Section 46 (introduction of Schedule 5) is repealed.
- (3) Section 47 (duration of provision in relation to Wales) is repealed.
- (4) In section 52 (consequential amendments), omit paragraphs (b) and (d).
- (5) In section 53 (power to make consequential etc. provision)—
- (a) in subsection (2), omit paragraphs (d), (e) and (f);
  - (b) in subsection (5), in paragraph (a), for “or (d) to (f)” substitute “, or under that subsection so far as it would have allowed the Welsh Ministers to make supplementary, incidental or consequential provision in connection with—
    - (i) section 46 and Schedule 5,
    - (ii) section 47, and
    - (iii) section 52 and Schedule 7 so far as applying in relation to Wales,
 but for the repeal of those provisions by the Agriculture (Wales) Act 2023”.
- (6) In section 54 (power to make transitional etc. provision), in subsection (2)(a), omit sub-paragraphs (iv), (v) and (vi).
- (7) In section 56 (extent), in subsection (1), omit paragraph (g).
- (8) In section 57 (commencement), in subsection (3), omit paragraphs (b) and (c).
- (9) Schedule 5 (provision relating to Wales) is repealed.
- (10) In Schedule 7 (consequential amendments to the CMO Regulation)—
- (a) omit Part 2;
  - (b) omit Part 4.
- 2 Despite the repeal of Schedule 5 to the Agriculture Act 2020 by paragraph 1, regulations made under paragraph 2 of that Schedule continue in force, and have effect as if made under section 16 of this Act.

## PART 2

### AMENDMENTS TO OTHER ACTS

#### *Environment Act 1995 (c. 25)*

- 3 In section 66 of the Environment Act 1995, in subsection (7A)—
- (a) omit the “and” after paragraph (a);
  - (b) at the end of paragraph (b) insert “, and
  - (c) the sustainable land management report published under section 6 of the Agriculture (Wales) Act 2023”.

#### *Countryside and Rights of Way Act 2000 (c. 37)*

- 4 In section 90 of the Countryside and Rights of Way Act 2000, in subsection (1A)—
- (a) omit the “and” after paragraph (a);
  - (b) at the end of paragraph (b) insert “, and
  - (c) the sustainable land management report published under section 6 of the Agriculture (Wales) Act 2023”.

#### *Planning and Compulsory Purchase Act 2004 (c. 5)*

- 5 In section 60B of the Planning and Compulsory Purchase Act 2004, after subsection (1) insert—
- “(1A) In preparing the draft Framework under subsection (1)(a), the Welsh Ministers must have regard to the most recent sustainable land management report published under section 6 of the Agriculture (Wales) Act 2023.”

#### *Environment (Wales) Act 2016 (anaw 3)*

- 6 In section 6 of the Environment (Wales) Act 2016, in subsection (5), after paragraph (c) insert—
- “(d) the sustainable land management report published under section 6 of the Agriculture (Wales) Act 2023.”

### SCHEDULE 3

(Introduced by section 55)

### CONSEQUENTIAL AMENDMENTS ETC. TO THE CMO REGULATION

## PART 1

### AMENDMENTS RELATING TO CHAPTER 3 OF PART 2 (INTERVENTION IN MARKETS)

#### *Exceptional market conditions*

- 1 If paragraph 2 of Schedule 7 to the [Agriculture Act 2020 \(c. 21\)](#) is in force before this Part of this Schedule is brought into force, in Part V of the CMO Regulation (general

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provisions), in each of Articles 219, 220, 221 and 222, in paragraph A2, inserted by paragraph 2 of Schedule 7 to the Agriculture Act 2020, omit “Until the end of 2024”.

- 2 If paragraph 2 of Schedule 7 to the Agriculture Act 2020 is not in force before this Part of this Schedule is brought into force, in Part V of the CMO Regulation (general provisions), at the beginning of each of Articles 219, 220, 221 and 222 (but after the amendment made by paragraph 1 of Schedule 7 to the Agriculture Act 2020) insert—
- “A2 This Article does not apply in relation to agricultural producers in Wales.”

## PART 2

### AMENDMENTS RELATING TO SECTION 34 (MARKETING STANDARDS)

#### *Marketing standards*

- 3 The CMO Regulation is amended as set out in paragraphs 4 to 12.
- 4 In Article 73 (marketing standards: scope), for “under paragraph 16(1) of Schedule 5 to the Agriculture Act 2020” substitute “under section 34(1) of the Agriculture (Wales) Act 2023”.
- 5 In Article 75 (marketing standards: establishment and content), in paragraph A2, for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 6 In Article 78 (definitions, designations and sales descriptions for certain sectors and products), in paragraph 7, for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 7 In Article 80 (oenological practices and methods of analysis), in paragraph 7, for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 8 In Article 86 (reservation, amendment and cancellation of optional reserved terms), for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 9 In Article 91 (implementing powers in accordance with the examination procedure), for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 10 In Article 119 (labelling and presentation in the wine sector: compulsory particulars), in paragraph 3, for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 11 In Article 122 (labelling and presentation in the wine sector: delegated powers), in paragraph A2, for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.
- 12 In Article 123 (implementing powers in accordance with the examination procedure), for “(see paragraph 16(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 34(1) of the Agriculture (Wales) Act 2023)”.

### PART 3

#### AMENDMENTS RELATING TO SECTION 35 (CARCASS CLASSIFICATION)

##### *Carcass classification*

- 13 The CMO Regulation is amended as set out in paragraphs 14 to 16.
- 14 In Article 19 (public intervention and aid for private storage: delegated powers), in paragraph 6, for “(see paragraph 18(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 35(1) of the Agriculture (Wales) Act 2023)”.
- 15 In Article 20 (public intervention and aid for private storage: implementing powers in accordance with the examination procedure), in the words after point (t), for “(see paragraph 18(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 35(1) of the Agriculture (Wales) Act 2023)”.
- 16 In Article 21 (public intervention and aid for private storage: other implementing powers), for “(see paragraph 18(1) of Schedule 5 to the Agriculture Act 2020)” substitute “(see section 35(1) of the Agriculture (Wales) Act 2023)”.

### PART 4

#### SAVING PROVISION

- 17 Regulations made by the European Commission under Section 1 or Section 3 of Chapter 1 of Title 2 of the CMO Regulation continue to apply to products marketed in Wales, despite the amendments made by paragraphs 4 to 12.
- 18 Regulations made by the European Commission under—
- (a) Article 19(6) of the CMO Regulation,
  - (b) any of points (p) to (t) of Article 20 of the CMO Regulation, or
  - (c) Article 21 of the CMO Regulation,
- continue to apply to slaughterhouses in Wales, despite the amendments made by paragraphs 14 to 16.