



Agriculture Act 2020

2020 CHAPTER 21

PART 4

MATTERS RELATING TO FARMING AND THE COUNTRYSIDE

33 Fertilisers

- (1) Part 4 of the Agriculture Act 1970 (fertilisers etc) is amended as follows.
- (2) In section 66 (interpretation), in subsection (1), for the definition of “fertiliser” substitute—

““fertiliser” means any material which, for the purpose of the cultivation of plants or fungi, is intended to supply plants or fungi or their seeds or spores with nutrients or to improve nutritional efficiency;”.
- (3) In section 74A (power to regulate fertilisers etc), in subsection (1), for “or content”, in both places, substitute “, content or function ”.
- (4) In that section, after subsection (1) insert—

“(1A) Regulations made under subsection (1) above with respect to fertilisers may, for the purposes of assessing, monitoring or enforcing compliance with such regulations or otherwise mitigating risks to human, animal or plant health or the environment presented by fertilisers, include provision—

 - (a) for the carrying out of procedures to assess the composition, content or function of any material (“assessment procedures”);
 - (b) conferring on a public authority functions relating to market surveillance and regulation;
 - (c) requiring the keeping or provision of information.

(1B) Provision for assessment procedures which is made under subsection (1A)(a) above may include provision—

 - (a) as to how and when assessment procedures are to be carried out;

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- (b) as to the persons by whom assessment procedures are to be carried out or verified and the functions of such persons;
 - (c) conferring on a public authority functions relating to the appointment and registration of persons referred to in paragraph (b) and authorising delegation of those functions;
 - (d) for appeals against decisions taken in relation to assessment procedures or appointments and registration;
 - (e) for the charging of fees in respect of assessment procedures (such fees not to exceed the reasonable costs of carrying out the procedures);
 - (f) conferring on a public authority functions relating to the registration of fertilisers which, on the basis of assessment procedures carried out on them, meet the requirements of the regulations.
- (1C) The functions which may be conferred on a public authority under subsection (1A)(b) above include—
- (a) powers to require the carrying out of further assessment procedures;
 - (b) powers to prohibit or restrict the carrying out of an activity in relation to fertilisers;
 - (c) powers to require the taking of action in relation to fertilisers;
 - (d) powers to require the withdrawal from sale, or the recall from purchasers, of fertilisers;
 - (e) powers to impose monetary penalties in cases where the public authority considers that there has been a failure to comply with the regulations;
 - (f) powers of entry and inspection, including powers of taking samples and of seizing or destroying any material.
- (1D) Regulations under subsection (1A)(c) may not impose or confer a duty or power requiring or authorising the disclosure or use of information where the disclosure or use would (taking the duty or power into account) contravene the data protection legislation (which for these purposes has the same meaning as in the Data Protection Act 2018).
- (1E) Regulations made under subsection (1) above may—
- (a) make provision that is incidental, consequential or supplementary to provision made under subsections (1A) to (1C), including provision—
 - (i) amending or repealing EU Regulation 2003/2003 of 13 October 2003 relating to fertilisers, and
 - (ii) amending or repealing other retained direct EU legislation;
 - (b) provide for a person to exercise a discretion in relation to any matter.
- (1F) In this section “public authority” means a person exercising functions of a public nature.”
- (5) In section 84 (regulations)—
- (a) in subsection (2)(b), at the end insert “ (unless any of subsections (2A) to (2C) applies) ”;
 - (b) after subsection (2) insert—

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- “(2A) The following regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament—
- (a) the first regulations made by the Secretary of State under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - (b) any other regulations made by the Secretary of State under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2B) The following regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru—
- (a) the first regulations made by the Welsh Ministers under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - (b) any other regulations made by the Welsh Ministers under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2C) The following regulations made by the Scottish Ministers are subject to the affirmative procedure (as to which, see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010)—
- (a) the first regulations made by the Scottish Ministers under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - (b) any other regulations made by the Scottish Ministers under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).
- (2D) The following regulations may not be made unless a draft of them has been laid before, and approved by a resolution of, the Northern Ireland Assembly—
- (a) the first regulations made by a Northern Ireland department under section 74A(1) after the coming into force of this subsection which contain provision under section 74A(1A) to (1E);
 - (b) any other regulations made by a Northern Ireland department under section 74A(1) which contain provision under section 74A(1A)(b) or (1E)(a)(i) or (ii).”

(6) In section 86 (modifications for Northern Ireland), in subsection (9), in the paragraph (b) treated as substituted for section 84(2)(b), after “1954” insert “ (unless subsection (2D) applies) ”.

Commencement Information

II S. 33 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

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34 Identification and traceability of animals

(1) In the Natural Environment and Rural Communities Act 2006, after section 89 insert—

“89A Identification and traceability of animals

- (1) Where the Secretary of State makes or has made an order under section 87(1)
 - (a) establishing a body, the functions that may be assigned to the body under section 87(1)(b) by the Secretary of State include functions that are exercisable in relation to England, Wales, Northern Ireland or Scotland and relate to—
 - (a) collecting, managing and making available information regarding the identification, movement and health of animals, or
 - (b) the means of identifying animals.
 - (2) An order of the Secretary of State assigning functions under section 87(1)(b) by virtue of subsection (1) may only be made with the approval of—
 - (a) the Welsh Ministers, if the functions are exercisable in relation to Wales,
 - (b) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, if the functions are exercisable in relation to Northern Ireland, and
 - (c) the Scottish Ministers, if the functions are exercisable in relation to Scotland.
 - (3) Provision made by virtue of subsection (1) may not require or authorise the disclosure or use of information in contravention of the data protection legislation (within the meaning of section 3 of the Data Protection Act 2018).
 - (4) In this section “animals” has the same meaning as it has for the purposes of section 8 of the Animal Health Act 1981.”
- (2) In the Animal Health Act 1981, in section 8 (movement generally)—
 - (a) in subsection (1)(a), for “the marking of animals” substitute “—
 - (i) in relation to England or Wales, the means of identifying animals, and
 - (ii) in relation to Scotland, the marking of animals;”;
 - (b) after subsection (1) insert—

“(1A) Provision made under subsection (1)(a) made by the Secretary of State or the Welsh Ministers may bind the Crown.”
- (3) In Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals—
 - (a) in Article 1 (member States to establish systems for the identification and registration of bovine animals), at the end insert—

“3 This Title does not apply in relation to England or Wales.”, and
 - (b) in Article 22 (compliance)—
 - (i) in paragraph 1 at the end insert—

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“The fourth, fifth and sixth subparagraphs do not apply in relation to England or Wales.”, and

(ii) in paragraph 2 at the end insert—

“This paragraph does not apply in relation to England or Wales.”

- (4) In Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals, in Article 1 (member States to establish systems for the identification and registration of ovine and caprine animals), at the end insert—

“3

This Regulation does not apply in relation to England or Wales.”

Commencement Information

- I2** S. 34 in force at Royal Assent for specified purposes and s. 34(1)(2) in force otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

35 Red meat levy: payments between levy bodies in Great Britain

- (1) A scheme under this section (“the scheme”) may—
- (a) make provision for amounts of red meat levy collected by the levy body for one country in Great Britain to be paid to the levy body for another such country, or
 - (b) amend, suspend or revoke an earlier scheme made under this section.
- (2) The scheme may make provision about—
- (a) the method by which the amount of a payment is to be calculated,
 - (b) who is to determine the amount of a payment,
 - (c) when a payment is to be made,
 - (d) how a payment is to be made, and
 - (e) the duration of the scheme;
- and in this subsection “payment” means any payment which is to be made under the scheme by a levy body.
- (3) The method of calculating the amount of a payment may include calculation by reference to any matters specified in the scheme, including—
- (a) the number of animals—
 - (i) in respect of which red meat levy was imposed by the levy body making the payment in a given period, and
 - (ii) which have a given connection with the country of the levy body which is to receive the payment;
 - (b) the administrative costs of implementing the scheme for the levy bodies involved in the payment.
- (4) A payment made under the scheme is to be treated by the levy body receiving it as if it were red meat levy collected by that body.
- (5) The scheme may make supplementary, incidental or consequential provision (including provision conferring functions).

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- (6) A levy body must comply with any requirement imposed on it by the scheme.
- (7) The scheme—
- (a) is to be made jointly by—
 - (i) the Secretary of State, if it involves the levy body for England, and
 - (ii) the Scottish Ministers, if it involves the levy body for Scotland, and
 - (iii) the Welsh Ministers, if it involves the levy body for Wales;
 - (b) must be published in such manner as may be determined by the authorities making it.
- (8) For the purposes of this section the levy bodies for the countries in Great Britain are—
- (a) for England, the Agriculture and Horticulture Development Board;
 - (b) for Scotland, Quality Meat Scotland;
 - (c) for Wales, the person for the time being exercising the Welsh Ministers' function of imposing levy on slaughterers under section 4 of the Red Meat Industry (Wales) Measure 2010 (nawm 3).
- (9) In this section, “red meat levy” means—
- (a) in relation to the levy body for England, producer levy imposed on slaughterers under Schedule 3 to the Agriculture and Horticulture Development Board Order 2008 (S.I. 2008/576);
 - (b) in relation to the levy body for Scotland, producer levy imposed on slaughterers under Schedule 3 to the Quality Meat Scotland Order 2008 (S.S.I. 2008/77);
 - (c) in relation to the levy body for Wales, the production component (within the meaning of Schedule 2 to the Red Meat Industry (Wales) Measure 2010) of levy imposed on slaughterers under section 4 of that Measure.

Commencement Information

I3 [S. 35](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

36 Agricultural tenancies

Schedule 3 makes provision in relation to agricultural tenancies.

Commencement Information

I4 [S. 36](#) in force at Royal Assent for specified purposes and at 11.1.2021 for further specified purposes, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(4A)(4B) inserted by [2021 c. 10 s. 9\(2\)](#)
- s. 42(6A)-(6C) inserted by [2021 c. 10 s. 9\(4\)](#)