



# Trade Act 2021

## 2021 CHAPTER 10

PROSPECTIVE

### PART 3

#### THE TRADE AND AGRICULTURE COMMISSION

#### **8 Trade and Agriculture Commission**

- (1) The Secretary of State may appoint members to a committee to be known as the Trade and Agriculture Commission (the “TAC”).
- (2) The TAC's purpose is to provide advice under section 42 of the Agriculture Act 2020 (reports relating to free trade agreements).
- (3) When appointing members to the TAC, the Secretary of State must have regard to the desirability of appointing members who, between them, have expertise in—
  - (a) United Kingdom animal and plant health standards,
  - (b) United Kingdom animal welfare standards,
  - (c) United Kingdom environmental standards as they relate to agricultural products, and
  - (d) international trade law and policy.
- (4) In subsection (3)(c), “agricultural products” has the meaning given in section 42 of the Agriculture Act 2020.

#### **9 Trade and Agriculture Commission: advisory functions**

- (1) Section 42 of the Agriculture Act 2020 is amended as follows.
- (2) After subsection (4), insert—

“(4A) In preparing the report, the Secretary of State must—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Trade Act 2021, PART 3. (See end of Document for details)*

- (a) request advice from the Trade and Agriculture Commission on the matters referred to in subsection (2) except insofar as they relate to human life or health, and
  - (b) publish the request, together with any associated terms of reference or guidance.
- (4B) Before laying the report, the Secretary of State must lay before Parliament any advice received in response to a request under subsection (4A).”
- (3) In subsection (5)—
- (a) after “report” insert “ or advice received in response to a request under subsection (4A) ”;
  - (b) omit “of it”;
  - (c) in paragraph (d) after “report” insert “ or advice ”.
- (4) After subsection (6), insert—
- “(6A) On or before the third anniversary of IP completion day and at least once every three years thereafter, the Secretary of State must review the operation of subsections (4A) and (4B) and consider whether to make regulations under subsection (6B).
- (6B) The Secretary of State may by regulations repeal subsections (4A), (4B) and (6A), and amend subsection (5) to remove reference to advice requested in accordance with subsection (4A).
- (6C) Regulations under subsection (6B) are subject to the affirmative resolution procedure and may not come into force before the third anniversary of IP completion day.”

## **10 Trade and Agriculture Commission: further provision**

- (1) Members of the TAC are not to be regarded as servants or agents of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Secretary of State may provide members of the TAC with such staff, accommodation, equipment or other facilities as the Secretary of State may consider appropriate in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (3) The Secretary of State may pay, or make provision for paying, expenses to any member of the TAC in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (4) Schedule 6 contains provision applying legislation relating to public bodies to the TAC.

## **11 Trade and Agriculture Commission: repeal**

- (1) The Secretary of State may by regulations made by statutory instrument repeal sections 8 to 10.
- (2) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional, transitory or saving provision, and such provision may modify an Act of Parliament.

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- (3) Regulations under subsection (1) may not come into force before regulations under section 42(6B) (as inserted by section 9) of the Agriculture Act 2020.
- (4) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

**Status:**

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**Changes to legislation:**

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