

The Welsh Government's Legislative Consent Memorandum on the Agriculture Bill

May 2020



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About the Committee

The Committee was established on 15 June 2016. Its remit can be found at:
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1. Background

The UK Government's Agriculture Bill 2017-2019

1. On 12 September 2018, the previous UK Government introduced the Agriculture Bill 2017-19¹ ('the 2017-19 Bill').
2. The 2017-19 Bill aimed to provide the legal framework for leaving the Common Agricultural Policy (CAP). Schedule 3 applied specifically to Wales and set out broad powers for the Welsh Ministers to continue making payments to farmers and land managers after Brexit; to make changes to current schemes; to phase out the CAP schemes (over a seven year transition period) and implement replacement schemes. Schedule 3 also included powers around data collection, market intervention and marketing standards.
3. The 2017-19 Bill also included provisions that applied across the UK including provisions relating to the World Trade Organisation (WTO) Agreement on Agriculture compliance and redistribution of the red meat levy.
4. The Welsh Government laid its LCM in October 2018,² and a supplementary LCM in March 2019,³ in relation to the 2017-19 Bill. We reported on the LCM in January 2019⁴ and the supplementary LCM in June 2019.⁵ Lesley Griffiths MS, the Minister for Environment, Energy and Rural Affairs (the Minister), responded to both reports on 25 July 2019.⁶
5. The 2017-2019 Bill fell at dissolution of the UK Parliament in October 2019.

¹ [Agriculture Bill 2017-19 \(HC Bill 266\)](#)

² Welsh Government, [Legislative Consent Memorandum, Agriculture Bill](#), October 2018

³ Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No 2\), Agriculture Bill](#), March 2019

⁴ Constitutional and Legislative Affairs Committee, [The Welsh Government's Legislative Consent Memorandum on the Agriculture Bill](#), January 2019

⁵ Constitutional and Legislative Affairs Committee, [The Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No 2\) on the Agriculture Bill](#), June 2019

⁶ Letter from Lesley Griffiths MS, Minister for Minister for Environment, Energy and Rural Affairs, [Constitutional and Legislative Affairs Committee report on the Welsh Government's Legislative Consent Memorandum on the Agriculture Bill](#), 25 July 2019

The UK Government's Agriculture Bill 2019-2021

- 6.** The UK Government's Agriculture Bill 2019-2021⁷ (the Bill) was introduced to the House of Commons and given its first reading on 16 January 2020. It is sponsored by the Department for Environment, Food and Rural Affairs. The Bill is similar in a number of respects to the 2017-19 Bill.
- 7.** The extent to which the Bill provides for departure from the CAP system of support differs across the UK.
- 8.** For England, the Bill provides for the phasing out and termination of CAP Direct Payments to allow transition to new schemes. It aims to set the framework for future financial assistance schemes where farmers will be paid to produce 'public goods' such as environmental or animal welfare improvements.
- 9.** For Wales, Schedule 5 to the Bill provides for the continuation of Direct Payments to farmers following 2020 with powers to 'simplify and improve' Direct Payments. These are transitional powers (with a sunset clause of 31 December 2024) ahead of the introduction of an Agriculture (Wales) Bill, expected in the Sixth Senedd. The Welsh Bill is then expected to introduce new land management schemes, providing transition from the CAP.
- 10.** In addition to agricultural payments, Schedule 5 to the Bill also includes powers for the Welsh Ministers to intervene in agricultural markets, on the collection and sharing of data, marketing standards and carcass classification, and data protection.
- 11.** The Bill also contains provisions that apply in Wales and elsewhere. The provisions apply as follows: food security, to the UK; fertilisers and identification and traceability of animals, to the UK; agricultural tenancies, to England and Wales; organic products, to the UK; the red meat levy, to Great Britain and WTO compliance, to the UK.
- 12.** For Northern Ireland, Schedule 6 to the Bill also provides for the continuation of Direct Payments. It provides a future Executive with the flexibility to develop future agricultural policy in Northern Ireland.

⁷ [Agriculture Bill 2019-2021 \(HC Bill 7\)](#)

13. There is no Schedule which applies specifically to Scotland. The Scottish Government has introduced the Agriculture (Retained EU Law and Data) (Scotland) Bill.⁸

The Welsh Government's Written Statement

14. On 16 January 2020, the Minister issued a written statement, which stated:

“The powers being taken for Welsh Ministers are intended to be temporary until an Agriculture (Wales) Bill is brought forward to design a ‘Made in Wales’ system which works for Welsh agriculture, rural industries and our communities. Provisions relating to Wales are contained in a separate Schedule.

The Bill introduced on 16 January, provides powers for the Welsh Ministers to continue paying Direct Payments to farmers beyond 2020 and gives our farmers much needed stability during this period of uncertainty. It also contains certain other powers, including those which are important to ensure the effective operation of the internal market in the UK.

Given the passage of time since the original Bill was first introduced in September 2018, I have reflected on the scope of the Welsh schedule, taking into account the helpful reports provided by the Senedd during scrutiny. I have concluded it is no longer appropriate to take powers to allow the Welsh Ministers to operate or transition to new schemes. My intention now is these will be provided for instead by the Agriculture (Wales) Bill. I intend to publish a White Paper towards the end of 2020 which will set out the context for the future of Welsh farming and pave the way for an Agriculture (Wales) Bill.

Overall, the introduction of the Bill is an important step to provide stability as we look towards transitioning to a new system of farm support in Wales. The Bill makes provision with regards to devolved matters and I will lay a Legislative Consent Memorandum.”⁹

⁸ [Agriculture \(Retained EU Law and Data\) \(Scotland\) Bill](#)

⁹ Welsh Government, [Written Statement: UK Agriculture Bill](#), 16 January 2020

The Welsh Government's Legislative Consent Memorandum

- 15.** On 12 February 2020 the Welsh Government laid before the Senedd a Legislative Consent Memorandum¹⁰ (LCM) in respect of the current Bill.
- 16.** The Business Committee agreed that the Legislative, Justice and Constitution Committee (the Committee) and the Climate Change, Environment and Rural Affairs Committee should report on the LCM by 24 April 2020.¹¹ The Business Committee later revised the timetable and provided a new reporting deadline of 14 May 2020.¹²
- 17.** Paragraphs 10 to 83 of the LCM set out the Welsh Government's assessment of which provisions in the Bill require consent.
- 18.** The LCM explains why the Welsh Government considers it appropriate to include provision for Wales in the Bill:

“It remains this government's intention to publish an Agriculture White Paper before the end of this Assembly term which will build on the proposals set out in the Sustainable Farming and Our Land consultation and lay the groundwork for an Agriculture (Wales) Bill to be introduced in the next Assembly term. The detail of the new scheme is dependent on the outcome of policy and operational decisions which cannot be made until analysis of results from both the Green and White Papers have been completed.

Making these provisions for Wales in the UK Agriculture Bill will enable the continued provision of existing agricultural subsidies beyond 2020, and ensure the effective operation of agricultural markets following the UK's departure from the EU. The powers taken for the Welsh Ministers under Schedule 5 (provision relating to Wales) to this Bill are time limited and intended to be a transitory measure to give the agricultural sector much needed stability in this period of uncertainty.”¹³

¹⁰ Welsh Government, [Legislative Consent Memorandum, Agriculture Bill](#), February 2020

¹¹ Business Committee, [Timetable for consideration of the Legislative Consent Memorandum on the Agriculture Bill 2020](#), February 2020

¹² Business Committee, [Revised timetable for consideration of the Legislative Consent Memorandum on the Agriculture Bill](#), April 2020

¹³ Welsh Government LCM, paragraphs 85-86

19. The LCM also states that the “Welsh Government is generally supportive of the Bill as drafted”.¹⁴ In doing so, it identifies areas of disagreement between the UK Government and the Welsh Government (for example, clauses 40 to 42), as well as some concerns regarding certain provisions in the Bill (clause 32, clause 34 and Schedule 3, and clause 36).¹⁵

20. The following provisions are new clauses which require consent: clause 17 (food security); clause 31 (fertilisers), clause 32 (identification and traceability of animals), clause 34 and Schedule 3 (agricultural tenancies), clause 36 (organic products) and clause 37 (organic products: supplementary).

21. In addition, clause 27 (fair dealing obligations of business purchasers of agricultural products) while not a new clause, is included in the LCM for the Bill as requiring consent but was not included in the LCMs for the 2017-2019 Bill.

22. The LCM concludes:

“The Welsh Government is of the view it is appropriate to utilise this UK Bill as a vehicle to enable the Welsh Government to continue providing financial support to farmers in Wales after 2020, and to ensure the effective operation of agricultural markets in Wales and across the UK following the UK’s departure from the EU. Certain time-limited powers provided for by this Bill will be used until an Agriculture (Wales) Bill is introduced in the Assembly.”¹⁶

¹⁴ Welsh Government LCM, paragraphs 87

¹⁵ Welsh Government LCM, paragraphs 87-88

¹⁶ Welsh Government LCM, paragraph 90

2. Committee Consideration

23. We took evidence from the Minister at our meeting on 16 March 2020.¹⁷

The approach taken and the use of delegated powers in the Bill

24. Our reports on the LCMs to the 2017-19 Bill expressed concern at the legislative approach adopted by the Welsh Government.

25. In explaining the approach for the Bill that was introduced in January 2020, the Minister told us:

“There’s been quite a lot of time that has passed since the original UK agricultural Bill was published back in (...) the autumn of 2018. As you say, we’ve (...) listened to your views. We’ve got more certainty about our own proposals in relation to future agricultural policy. I’ve removed the broad ‘new financial assistance powers’ from what was Part 1 of the Wales Schedule. That would have allowed Welsh Ministers to operate new financial assistance schemes. Again, that will now be provided as part of the Welsh Agricultural Bill.”¹⁸

26. Our report on the first LCM for the 2017-19 Bill also expressed concern that the UK Parliament is delegating powers to the Welsh Ministers permitting them to act in devolved areas, despite the UK Parliament not having been involved in the scrutiny of agriculture policy in Wales for almost a generation. When we pursued this point with the Minister and asked why the approach was appropriate, she told us:

“It’s exceptionally uncertain times for the agricultural sector, so I thought the UK Bill—it’s a really important vehicle to be able to provide farmers with some very much needed stability, I think. Part of this Bill is our ability to pay our farmers. So, it’s really important that we have that effective operation, also, of the internal market in the UK following our departure from the EU. But as I’ve said all along, they’re only transitional powers.”¹⁹

¹⁷ Legislation, Justice and Constitution Committee, 16 March 2020

¹⁸ LJC Committee, 16 March 2020, RoP [96]

¹⁹ LJC Committee, 16 March 2020, RoP [109]

27. In addition, our report on the first LCM highlighted concerns with the delegated powers themselves. We recommended that the Minister should provide detailed information about the powers being sought²⁰ and in response, she advised that she would lay an Explanatory Statement, when the 2017-19 Bill moved to Report Stage.²¹ With the 2017-19 Bill falling as a consequence of the UK general election, this did not prove possible.

28. We asked the Minister about the regulation-making powers in the Bill and in particular if she could outline the provision to be made in regulations and when such regulations would be made. She replied that the two main areas are:

“... the continuation of financial support for our farmers and the effective operation of the internal market once we leave the EU.

Subject to getting the sufficient funding for our farmers (...) I intend to make a provision under paragraph 3 in Schedule 5 to extend the basic payment scheme to 2020-21. I thought it was really important to make that statement very early for our farmers. But, as I say, it does depend on getting the funding from the UK Government. So, that's an example.”²²

29. She added:

“Again, I've worked very closely with the UK Government to ensure, where possible, the powers are subject to affirmative resolution procedure. Some of the provision is very narrow in scope. (...) There is one around agricultural tenancy disputes, for instance. So, I do consider that it's appropriate for the negative resolution procedure. But I do think, on the whole, this Bill contains namely affirmative procedures for the high proportion of the powers. So, obviously, they'll be fully scrutinised.”²³

²⁰ Constitutional and Legislative Affairs Committee, [The Welsh Government's Legislative Consent Memorandum on the Agriculture Bill](#), January 2019, recommendation 6

²¹ Letter from Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs, [Constitutional and Legislative Affairs Committee report on the Welsh Government's Legislative Consent Memorandum on the Agriculture Bill](#), 25 July 2019

²² LJC Committee, 16 March 2020, RoP [111-112]

²³ LJC Committee, 16 March 2020, RoP [114]

Areas of disagreement with the UK Government

30. As noted in paragraph 19 above, the Welsh Government's LCM identifies some areas of disagreement with the UK Government.

31. The UK Government does not agree with the Welsh Government's view that clauses 27, 40, 41, 42, 46, and 47 to 54 will require the Senedd's consent. As a result, we asked the Minister whether she had discussed this disparity with the UK Government, and what the outcome of any such discussions had been. In response she said:

"I've made very clear my disagreements with the UK Government's assessment of the provisions. I've got correspondence with the previous Secretary of State and with the current Secretary of State. So, discussions are still ongoing. I do expect some movement, and I'm waiting to hear back from the Secretary of State."²⁴

32. Clauses 40 to 42 of the Bill provide the Secretary of State with powers to ensure the UK's compliance with its obligations under the WTO's Agreement on Agriculture. The Welsh Government's LCM indicates that consent is required because these clauses make provision with regard to agriculture and concern the domestic implementation of international obligations.²⁵ Paragraph 87 of the LCM notes:

"There remains disagreement between the UK Government and the Welsh Government on whether the WTO clause is wholly reserved. However, a bilateral agreement has been reached to require the UK Government to consult the devolved administrations before bringing forward regulations under this power. An explanation to the terms of the agreement was provided as part of the Supplementary LCM (March 2019) on the previous Agriculture Bill (introduced September 2018)."²⁶

33. Our reports on the LCMs to the 2017-19 Bill highlighted our reservations about the use of a bilateral agreement (summarised in paragraphs 31-35 of our report on the supplementary LCM).²⁷ We also raised this issue in correspondence

²⁴ LJC Committee, 16 March 2020, RoP [103]

²⁵ Welsh Government LCM, paragraph 56

²⁶ Welsh Government LCM, paragraph 87

²⁷ Constitutional and Legislative Affairs Committee, [The Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No 2\) on the Agriculture Bill](#), June 2019

with the First Minister, seeking information about the role of intergovernmental agreements entered into by the Welsh Government as part of the making of UK Brexit-related legislation.²⁸

34. In the course of questioning on the Bill, the Minister indicated that she had been given adequate assurances in writing that the terms of the agreement made in relation to the 2017-19 Bill²⁹ will be observed by the current UK Government.³⁰

35. We also note that on 13 February 2020 a Welsh Government official appearing before a House of Commons Public Bill Committee was asked if the Welsh Government wants the Bill to require the UK Government to consult the Welsh Government on WTO provisions. In response, the official said:

“Yes, we would love a consent provision, but in the context of the last Bill we came to a bilateral agreement between the UK Government—the Department for Environment, Food and Rural Affairs—and the Welsh Government on how the provisions would be operated in practice. The Minister has confirmed to us that that agreement will be carried over with this Bill. We look forward to him making that statement again during this stage of the Bill or at a later stage in the House, about how we would work together on that, about the advice and about, were there to be disagreement, our opposition being formally presented to the House of Commons to be part of your decision-making process. We have agreed a way of working to ensure that that voice is heard effectively.”³¹

36. In subsequent committee proceedings the UK Minister said:

“I am happy to look at whether we should restate that commitment, and I undertake to do so.”³²

37. The LCM also stated that:

²⁸ [Letter from the Chair to Mark Drakeford MS, First Minister](#), 23 January 2020; [Letter from Mark Drakeford MS, the First Minister to the Chair](#), 12 February 2020.

²⁹ Defra, Welsh Government, [Policy paper UK and Welsh Government Bilateral Agreement on WTO provisions within the Agriculture Bill](#), 21 March 2019

³⁰ LJC Committee, 16 March 2020, RoP [104-105]

³¹ [HC Agriculture Public Bill Committee, 13 February 2020, col 94, Q145](#)

³² [HC Agriculture Public Bill Committee, 5 March 2020, col 350](#)

“There are outstanding concerns regarding the provisions in the Bill for the identification and traceability of animals (clause 32), agricultural tenancies (clause 34 and Schedule 3), and the regulation of organic products (clause 36). Work to resolve these outstanding concerns will continue during the Bill's parliamentary passage and a supplementary Legislative Consent Memorandum will be brought forward at the appropriate time, if required.”³³

38. We asked the Minister about these concerns. She told us:

“... in relation to the agricultural tenancies and the concerns that we've had, (...) we've now had some assurance around that. We've done the policy diligence and we've had a write around, and we're confident that that's now sorted. In relation to (...) organic products ...

—and the identification and traceability of animals. At the moment, there's no requirement for the Secretary of State to seek our consent. I don't agree with that. I don't think anybody here would agree with it. We don't think it's acceptable. So, again, officials are working with the UK Government and the other devolved administrations to try and progress an amendment to that. There were also a number of technical amendments, so those discussions are ongoing.”³⁴

39. An official accompanying the Minister added:

“... the Minister's written quite clearly to the Secretary of State on two occasions now, making it absolutely clear that those provisions are essential. We've had some fairly positive conversations at official level, and we're hopeful to make some progress on that in the near future.”³⁵

40. The Minister indicated that the three clauses referred to were red lines.³⁶ However, the Minister subsequently clarified that the red lines only related to clauses 32, 36 and 37,³⁷ on which “good progress is being made”. As regards

³³ Welsh Government LCM, paragraph 88

³⁴ LJC Committee, 16 March 2020, RoP [121-123]

³⁵ LJC Committee, 16 March 2020, RoP [124]

³⁶ LJC Committee, 16 March 2020, RoP [126]

³⁷ Clause 37 relates to Clause 36 on organic products and makes supplementary provision

agricultural tenancies (clause 34 and Schedule 3), she said the relevant issues were no longer a red line and that:

“The correct response in relation to a dispute mechanism for tenants is that due to the removal of the new financial assistance powers for Welsh Ministers in the Bill, the Agriculture Wales Bill to be brought forward in the Senedd will provide an appropriate legislative vehicle to ensure access to new schemes for tenant farmers in Wales.”³⁸

41. As regards the red lines, we asked if this meant that if those cannot be satisfactorily resolved, they would effectively lead to the Welsh Government not being in favour of legislative consent being given. The Minister replied saying:

“Yes, and I've made that very clear to the Secretary of State.”³⁹

42. More generally, when asked about influencing amendments to the Bill in the UK Parliament, the Minister said:

“... we've worked very closely at official level and ministerial level. I think they'll reflect the previous discussions we've had in this committee, and they are really the product of the close working between the Welsh Government and the UK Government.”⁴⁰

43. The Minister also noted that she was expecting amendments to be made at the Report Stage of the Bill and that as a result she intended to lay a further LCM in due course.⁴¹

Clause 44 – Duration of provision in relation to Wales

44. The Committee recommended, in respect of the 2017-19 Bill, that a sunset provision be included to the effect that Schedule 3 (now Schedule 5) would no longer apply after the Fifth Assembly.⁴²

³⁸ Letter from Lesley Griffiths MS, Minister for Environment, Energy and Rural Affairs, [Legislative Consent Memorandum on the Agriculture Bill: Evidence session](#), 28 April 2020

³⁹ LJC Committee, 16 March 2020, RoP [143]

⁴⁰ LJC Committee, 16 March 2020, RoP [130]

⁴¹ LJC Committee, 16 March 2020, RoP [134]

⁴² Constitutional and Legislative Affairs Committee, [The Welsh Government's Legislative Consent Memorandum on the Agriculture Bill](#), January 2019, recommendation 3

45. The Minister told us that a sunset clause had been included in the Bill at the Welsh Government's request.⁴³ According to the LCM:

"Clause 44 ensures that the following provisions expire at the end of 2024; section 43 and Schedule 5, section 49(b) and, in Schedule 7, Part 2, section 52(1)(g), and in section 53(3), paragraph (b) and, so far as relating to Part 2 of Schedule 7, paragraph (c). Provision is also made to save the regulations described at sub-clauses (3) to (6). The clause also allows Welsh Ministers, by regulations, to make transitional, transitory or saving provisions in connection with this section.

The provisions that will expire under this provision are all considered to be devolved matters (for the reasons set out in this memorandum). It is the Welsh Government's view that this clause requires consent as it also makes provision with regard to those devolved matters."⁴⁴

46. Whilst clause 44 provides for the expiration of a number of provisions of the Bill which require consent, there are a number which will continue to apply beyond 2024. These include, amongst others, clause 31 (fertilisers), clause 33 (red meat levy), clause 34 (which introduces Schedule 3), Schedule 3 (which amends the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995), and clauses 36 and 37 (organic products). As such, the sunset clause does not apply to all provisions of the Bill which require consent.

47. When asked why a sunset clause was included in this Bill and not the UK Government's Fisheries Bill,⁴⁵ the Minister explained it was because:

"I suppose (...) we felt that we were so much more further forward. We thought that hopefully, that would remove the doubt that we would be having that Bill by the end of 2024."⁴⁶

48. We sought further information about the implications of clause 44 for future law-making and in particular why the end of 2024 been chosen as an appropriate time for these powers to expire. The Minister told us:

⁴³ LJC Committee, 16 March 2020, RoP [98]

⁴⁴ Welsh Government LCM, paragraphs 57-58

⁴⁵ [Fisheries Bill 2019-21 \[HL 71\]](#)

⁴⁶ LJC Committee, 16 March 2020, RoP [100]

“I mentioned before that I think we’re far more advanced regarding the agricultural Bill (...) I have committed to publishing a White Paper by the end of this year. As I say, the end of 2024 was chosen to dispel any doubt of the temporary nature of the powers in the Wales schedule taken from this UK Bill, but it does obviously allow that adequate time for the development of our own Welsh Bill.”⁴⁷

49. In subsequent questioning, while recognising that there would be a new government, we asked whether there was any intention to introduce an Agricultural Bill early in the Sixth Senedd. The Minister acknowledged that there would be a new government, adding “but at the current time, the proposal is to bring it in year one, so, yes, 2021”.⁴⁸

Our view

50. The Bill is an important piece of legislation in the context of the UK’s exit from the European Union. In a recent report the External Affairs and Additional Legislation Committee recommended that “the Welsh Government commits to notify the Assembly when legislation, whether to be considered by the Assembly or the UK Parliament, relates to a UK-wide common policy framework”.⁴⁹ We note that the Welsh Government accepted this response “on the basis that the reference to ‘UK-wide common policy framework’ refers to the Common Frameworks Programme”.⁵⁰

51. We note that the LCM does not say whether the Bill constitutes a common framework or part of one and we therefore remain unclear on this key point.

Recommendation 1. The Minister should write to us explaining the extent to which the Bill relates to any common framework and, if appropriate, clearly identify the provisions that are necessary to achieve that framework.

52. We welcome the removal from the Bill of the powers to permit the Welsh Ministers to operate or transition to new schemes and the corresponding intention for such powers to be included in a future Agriculture (Wales) Bill.

⁴⁷ LJC Committee, 16 March 2020, RoP [116]

⁴⁸ LJC Committee, 16 March 2020, RoP [137]

⁴⁹ External Affairs and Additional Legislation Committee, [Common policy frameworks: Assembly scrutiny](#), December 2019, recommendation 1.

⁵⁰ [Letter from Jeremy Miles, MS, Counsel General to David Rees MS, Chair of the External Affairs and Additional Legislation Committee](#), 23 January 2020

53. Nevertheless, we remain disappointed at the Welsh Government's reliance on the UK Government to legislate so widely on agricultural policy in devolved areas, as set out in the 'Our view' sections of our reports on the LCMs for the 2017-2019 Bill.

54. In our report on the first LCM for the 2017-2019 Bill, we recommended that the Minister should lay a supplementary document providing certain information in respect of the delegated powers in the Bill. While this did not prove possible because the 2017-2019 Bill fell, the Welsh Government could have taken the opportunity to provide this information in the LCM accompanying the current Bill. While Annex 1 to the LCM includes some information about the regulation-making powers, it does not explain why the powers were taken or the justification for the procedure chosen in each case.

Recommendation 2. The Minister should provide information, in either a supplementary document or within any supplementary LCM, justifying why it is appropriate to take each of the regulation-making powers for the Welsh Ministers contained within the Bill, and the choice of procedure for each regulation-making power.

55. We note the areas of disagreement between the Welsh and UK Governments regarding whether the Senedd's consent is required for clauses 27, 40, 41, 42, 46, and 47 to 54. We also note the Welsh Government continues to have concerns with clauses 32, 36 and 37 in the Bill.

Recommendation 3. The Minister should continue to provide the Committee with regular updates on the areas of disagreement and concern between the Welsh and UK Governments during the Bill's progress through the UK Parliament.

56. Our reports on the LCMs for the 2017-2019 Bill detailed our concerns with the use of the bilateral agreement related to what are now clauses 40 to 42 in the current Bill.

57. Our concerns remain. In particular, it is difficult to fully scrutinise the impact of clauses 40 to 42 of the Bill without the bilateral agreement being provided alongside the LCM. We note that assurances have been given that the agreement made in relation to the 2017-19 Bill will be observed by the current UK Government; however, that is not a substitute for formally providing the document for scrutiny alongside the Bill.

58. While we recognise that such agreements are between governments, entering into them as means of resolving issues within a UK Bill that requires the

Senedd's consent and then not making that agreement publicly available in a timely manner, minimises the ability of the Senedd and its committees to fully scrutinise the implications of that UK Bill. We have raised the issue of how the Senedd could play a greater role in scrutinising intergovernmental agreements with the First Minister and welcome his commitment to give further thought to this issue.

59. In the meantime, we raise this issue and our concerns as a means of drawing them to the attention of the Senedd.

60. We welcome the inclusion of the sunset clause in the Bill, which reflects the principle of recommendation 3 of our report on the first LCM for the 2017-2019 Bill. As regards the expiry date of the end of 2024, we are content with this date, as it provides the necessary flexibility for a new government elected in the Sixth Senedd to introduce its own Agriculture Bill.