

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Agriculture (Retained EU Law and Data) (Scotland) Bill
Summary of aims and desired outcomes of Policy	To provide the Scottish Ministers with regulation-making powers to modify the CAP elements of 'retained' EU law in Scotland, which will enable them to carry out the proposals put forward in the 2018 "Stability and Simplicity" consultation, and to provide new powers for the collection of agricultural data.
Directorate: Division: team	Sustainable Land Use and Rural Policy: Rural Support Bill Team

Executive summary

EU law will cease to apply in Scotland after the UK leaves the European Union (EU), and the European Union (Withdrawal) Act will roll over this body of law into domestic law as 'retained EU law'.

"Retained EU law" is defined by section 6(7) of the EU (Withdrawal) Act 2018, and is more fully explained in the Explanatory Notes accompanying that Act, which can be found here:

<http://www.legislation.gov.uk/ukpga/2018/16/notes>

This Bill is required to make changes to this 'retained' EU law, where it relates to the Common Agricultural Policy (CAP), in order in particular to make simplifications and improvements to

the CAP. The Bill is only required in the event that the UK leaves the EU.

The Bill itself will not make these changes directly, but rather gives the Scottish Ministers the power to make regulations in order to make such changes. Therefore, the Scottish Government considers that the Bill will have little impact on people, and so a minimal EQIA process is required at this stage. When secondary legislation is brought forward, at which point policy changes may be proposed, further consultation and EQIA will be carried out, where appropriate, to consider the impact any such changes may have on equalities.

Background

The European Union (EU) Common Agriculture Policy (CAP) is the mechanism by which the EU provides financial support to farmers in the different Member States, and aims to:

- support farmers and improve agricultural productivity, ensuring a stable supply of affordable food
- safeguard European Union farmers to make a reasonable living
- help tackle climate change and the sustainable management of natural resources
- maintain rural areas and landscapes across the EU
- keep the rural economy alive by promoting jobs in farming, agri-foods industries and associated sectors

The CAP has undergone many reforms since it was first introduced in 1962; a major reform in 2005 led to the CAP being restructured into two "Pillars":

- Pillar 1, which comprises direct income support payments to farmers, crofters and land managers based on the amount of land they farm; and

- Pillar 2, which comprises a range of grant and support schemes to help achieve sustainable economic growth in rural areas.

EU law will cease to apply in Scotland from exit day, or from the end of an implementation period should a withdrawal agreement be passed by the UK Parliament. Any deficiencies in retained EU law will have been fixed by regulations made under the European Union (Withdrawal) Act 2018.

In 2018, the Scottish Government consulted in “Stability and Simplicity” on proposals in respect of a transitional period for Scottish rural policy up to around 2024. This approach was also recommended by the Scottish Government's Agriculture Champions in their report "A Future Strategy for Scottish Agriculture", published in May 2018.

The proposals included a period of “stability” for 2019-20, during which there would be minimal changes made to the current CAP system, followed by a period of “simplicity”, during which the overall structure of the CAP would be maintained but simplifications and improvements would be made where possible.

The purpose of the Agriculture (Retained EU Law and Data) (Scotland) Bill is to provide the Scottish Ministers with regulation-making powers to modify the CAP elements of ‘retained’ EU law in Scotland, which will enable them to carry out the proposals put forward in the above consultation, and to provide a new power for the collection of information relating to agricultural activities and the agri-food supply chain.

The Scottish Government currently collects agricultural information under the Agriculture Act 1947. The requirements in respect of information in this Bill aim to make the collection of such information more transparent and clearly linked to the principals of the General Data Protection Regulation.

The Scope of the EQIA

During the development of the Bill, early consideration was given to its potential impact on people and equalities.

It was determined that, as the Bill is for the most part an enabling Bill to provide powers to make 'CAP' regulations, it will have little direct impact on people. Only a minimal EQIA process is required at this stage in that respect, and it will be more appropriate to focus the equalities analysis on the changes to be made in due course in subordinate legislation under the Bill (with further consultation and an EQIA as needed).

Key Findings

There is limited evidence of the impact of the current CAP on the protected characteristics, and limited robust data on overall scheme recipients for Pillar 1 payments which means the current outcomes of the policy cannot be assessed. The power to collect information may enable the Scottish Ministers to collect better information relevant to the diversity of those engaged in agricultural activities, which could then help inform the evidence base in order to better assess the policy outcomes, and so ensure that they are promoting diversity objectives.

What evidence there is available for the current CAP relates to age, sex and race of the current CAP recipients:

Age - the average age of farmers in Scotland is currently 59. There is a Young Farmers Start-Up Grant Scheme in the current CAP which aims to encourage and support young people to enter the industry. As this Bill will not be making any policy change in this area, it will have no impact on this protected characteristic.

Sex - 36% of working occupiers on farms are female. However, while 46% of male occupiers are full-time, only 17% of female occupiers are full-time. In order to try to address this the Scottish Government is currently applying some resource to supporting more women into agriculture, most notably through

the Women in Agriculture Taskforce. As this Bill will not be making any policy change in this area, it will have no impact on this protected characteristic.

Race - there is no direct evidence regarding the ethnicity of recipients of CAP support, however, it is known that there are just under 10,000 seasonal migrant workers in the Scottish agricultural industry, and their jobs are partially supported by CAP funding. As this Bill will not be making any policy change in this area, it will have no impact on this protected characteristic.

No significant impacts on any persons with protected characteristics have been identified as a result of the EQIA process for the Agriculture (Retained EU Law and Data) (Scotland) Bill.

Recommendations and Conclusion

The Scottish Government has concluded that no changes to the proposals for this Bill are required as a result of the EQIA, as the Bill itself does not make any changes to the current policy.

It is expected that, when secondary legislation is brought forward under this Bill, which may involve changes to the current policy, further consultation and EQIA will be carried out, where appropriate, to consider the impact the changes may have on equalities.