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# The Good Food Nation (Scotland) Bill

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The Good Food Nation (Scotland) Bill was introduced on 7 October 2021, following a 2018-19 consultation. The Bill was scheduled in Session 5 but was postponed in April 2020 due to the Covid-19 pandemic. The introduction of the Bill follows discussion over a number of years regarding how best to bring together cross-cutting policy areas related to food.



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# Contents

<b>Summary</b>	<b>3</b>
<b>What is a Good Food Nation?</b>	<b>4</b>
<b>Background to the bill</b>	<b>8</b>
Scottish Food Policy	9
Good Food Nation Policy	9
Industry growth, local food and a fairer Scotland - other Scottish food policies	11
The Scottish Food Commission	12
A statutory body on food	14
The right to food	16
Consultation on legislative proposals	20
<b>The Good Food Nation (Scotland) Bill: What the Bill does?</b>	<b>22</b>
Sections 1-6: National Good Food Nation Plans	22
Sections 7-12: Good food nation plans of public bodies	23
Sections 13-17: Interpretation, ancillary provisions, etc.	24
<b>Annex A: Becoming a Good Food Nation - Executive summary from consultation analysis</b>	<b>25</b>
<b>Bibliography</b>	<b>27</b>

# Summary

- The Good Food Nation (Scotland) Bill was introduced on 7 October 2021.
- This briefing sets out the background to the Bill, the events that have led to its introduction, a snapshot of related policies, proposals and commitments, and a summary of the Bill itself.
- The Bill proposes to require Scottish Ministers to prepare a national Good Food Nation Plan and have regard to it in the exercise of specified functions. Furthermore, the Bill also proposes to require specified public authorities to produce their own good food nation plans, having regard to the national good food nation plan.
- The Bill has a long history, having been committed to in Session 5 before being postponed due to the Covid-19 pandemic in April 2020.
- A consultation on legislative proposals for the Bill was held in 2018-19.
- Two iterations of a Scottish food policy pre-date the Bill, and have attempted to bring together cross-cutting areas such as health, economy, environment, and social justice into an integrated food policy.

# What is a Good Food Nation?

The Scottish Government aspires for Scotland to be a 'Good Food Nation', but what does this mean?

The Scottish Government set out in its 2018 consultation document that a Good Food Nation is

“ where people from every walk of life take pride and pleasure in, and benefit from, the food they produce, buy, cook, serve, and eat each day. <sup>1</sup> ”

The document goes on to list qualities of a Good Food Nation, where -

- It is the norm for Scots to take a keen interest in their food, knowing what constitutes good food, valuing it and seeking it out whenever they can;
- People who serve and sell food – from schools to hospitals, retailers, cafes and restaurants – are committed to serving and selling good food;
- Everyone in Scotland has ready access to the healthy, nutritious food they need;
- Dietary-related diseases are in decline, as is the environmental impact of our food consumption;
- Scottish producers ensure that what they produce is increasingly healthy and environmentally sound;
- Food companies are a thriving feature of the economy and places where people want to work; and
- Other countries look to Scotland to learn how to become a Good Food Nation. <sup>1</sup>

Other organisations have added to this view. For **partners in the food industry**<sup>i</sup>, the vision of a Good Food Nation was set out in a 2018 document, '[Educate, Sustain, Promote: The Industry Vision to Produce a Good Food Nation](#)'. In it, the organisations place emphasis on "building a healthy relationship with food" and sets out that "to improve the reputation of Scotland as a healthy and sustainably-fed nation, the Good Food Nation Bill should":

- Educate - provide for a set number of hours to be provided for within school curricula to enable children to visit farms and learn about where food comes from, and how food choices affect health and sustainability;
- Sustain - support partnerships to help address food insecurity by highlighting to consumers how they can make "healthy, homegrown choices at no additional cost";
- Promote - provide for ways to promote fresh, locally-sourced food in Scotland's public spaces.

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<sup>i</sup> The industry vision for a Good Food Nation was set out in 2018 by the National Farmers Union for Scotland (NFUS), Dairy UK, Scottish Quality Crops, Scottish Association of Meat Wholesalers, Scottish Pig Producers, Ltd, National Sheep Association Scotland, British Egg Industry Council, and Scottish Beef Association.

The document states that a Good Food Nation should promote the value of Scottish produce, e.g. through

- **strengthening the resilience of the food production sector** by developing food processing capacity, investing in skills, and risk-based regulations;
- **enhancing the reputation of Scottish food** at home and abroad e.g. through tourist information about Scottish food; and
- **supporting local sourcing**, e.g. through setting targets for domestic food procurement in the public sector and a call for public bodies to report their progress on local food procurement to a statutory body.

Likewise, **the Scottish Food Coalition**, a broad network of third sector organisations with an interest in food spanning health, social justice, environment, workers' rights, animal welfare and more <sup>ii</sup>, has contributed its thoughts on what it means to be a Good Food Nation.

In [Plenty: Food, Farming and Health in a New Scotland](#), published in 2016, the partners set out that in a Good Food Nation -

- People matter - people should be able to participate in decisions involving food, be able to "access food with dignity" and that working in the food system should be valued;
- The environment matters - sustainability should be prioritised to ensure that food can be produced today and into the future, emphasising the need to end negative impacts of the food system on the environment;
- It's about more than food - food is key to health and engaging with food culture can have wide-ranging benefits; and
- Short supply chains go further - emphasising more localised food systems with greater diversity and connection between food and people.

The [Scottish Food Coalition emphasises that a Good Food Nation Bill should](#)

- incorporate a **'right to food'** in Scots law;
- **establish a public body** with oversight of the food system;
- **require a national food plan** to be produced;
- place **duties on public bodies**; and
- set **sectoral measures and targets**.

While the idea of what it means to be a 'Good Food Nation' differs in the detail, it is clear from the above interpretations that in a Good Food Nation, it is recognised that food policy

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ii The Scottish Food Coalition's membership includes Alliance Health and Social Care Scotland, Citizens' Advice Scotland, Cyrenians, Eco Congregation Scotland, Food Train Eat Well Age Well, Food Researchers in Edinburgh (FRiEd), Independent Food Aid Network, Landworkers Alliance, Nourish Scotland, Obesity Action Scotland, OneKind, RSPB Scotland, the Scottish Crofting Federation, the Trussell Trust, Unison and Unite the Union, among a number of other partners. [For a full list see the Scottish Food Coalition's webpage.](#)

is cross-cutting and contributes to a wide variety of outcomes, and that Scotland's relationship with food is addressed through a number of different avenues.



Food affects people in many ways and affects overall outcomes in a large number of different policy areas. These include:

- **Health:** Diet affects health; Scotland has consistently missed its dietary goals. This relationship is complex: poor diet no longer means a lack of calories (cheap, processed food can be calorie rich, and high in e.g. salt, fat and sugars) but can be related to a lack of availability and access to more nutritious foods that are less processed. In addition, objectives are sometimes in conflict. Greater food processing adds economic value for processors and retailers, while overconsumption of highly processed foods can contribute to poorer health outcomes. Diet is also linked to health inequalities. People with higher socio-economic status are in a position to make healthier food choices, with the burden of diet-related ill-health falling disproportionately on the most deprived groups. But this is a complex area for research with multiple factors at play.
- **Economy:** Food and drink production, including farming, crofting, fishing, and manufacturing is worth approximately £14bn per year, and is Scotland's top international export sector. Ambition 2030, Scotland's food and drink industry growth strategy, aims to double the value of food exports by 2030.
- **People and communities:** The food and drink sectors account for 4.7% of Scottish employment. Primary production (farming, crofting, fishing) is central to many communities in rural areas; employment in food and drink-related sectors is highest in Aberdeenshire and Highland. With the food sector encompassing a wide variety of jobs and industries, wages span a wide range, with 'accommodation and food service' having the lowest median hourly pay among all industries in Scotland.
- **Environment:** According to new research, food systems account for approximately one-third of global greenhouse gas emissions. In Scotland, agriculture is the third-largest emitting sector, comprising 16% of Scottish emissions. Practices in agriculture and fisheries are drivers of biodiversity decline, but primary producers are also key to approaches to halt and reverse biodiversity decline and to reducing emissions from

food production. Food waste is another source of greenhouse gases and pressure on the environment.

- **Education:** Healthy school meals generally and [free school meals](#) are an important source of food and nutrition for many children.
- **Social security:** [Approximately 1 in 10 people in Scotland experience food insecurity](#) (worrying about not having enough food, eating less or going without food due to a lack of money). [The pandemic also put a spotlight on food insecurity](#), which worsened for some people due to economic instability, isolation and lack of or changes to food access and availability.
- **Human rights:** The UN [International Covenant on Economic, Social and Cultural Rights](#)(ICESCR) sets out a right to an adequate standard of living, including the right to adequate food.

As such, food can be seen as linked to the majority of [the National Outcomes in the National Performance Framework](#). The National Outcomes are:

- Children and young people;
- Communities;
- Culture;
- Economy;
- Education;
- Environment;
- Fair work and business;
- Health;
- Human rights;
- International; and
- Poverty.

# Background to the bill

A Good Food Nation Bill, or a similar piece of legislation on food, has been discussed for a number of years. Ahead of the 2016 elections, Scottish Labour, the SNP and the Scottish Greens included commitments to a cross-cutting food bill in their election manifestos.

[Scottish Labour stated in its 2016 manifesto](#) that -

“ We would introduce a Health, Food and Farming Act. This legislation will retain the Scottish Agricultural Wages Board and establish a statutory Scottish Food Commission, incorporating Food Standards Scotland. The Board is vitally important in setting minimum wage levels and conditions, and maintaining strong health and safety practices across the farming and horticultural sectors. A statutory Scottish Food Commission would work with stakeholders to report and advise on the sustainability of our food and supply chains, promote best practice to strengthen rural economies, develop binding recommendations on the reduction of food poverty, and reduce agricultural climate change emissions”

The [SNP stated in its manifesto](#) that -

“ We will bring forward a Good Food Nation Bill to draw together all aspects of the Scottish Government’s work on food and drink – including food standards, public procurement and food waste.”

And finally, [the Scottish Greens set out proposals for a Food, Farming and Health Act](#), which would -

- “
- provide the basis for a new social contract between citizens, farmers, food producers and the wider industry;”
  - set a range of targets such as reducing greenhouse gas emissions from food production;”
  - address rising food insecurity amongst Scotland’s poorest;”
  - establish a statutory commission to monitor progress and report annually to Parliament;”
  - incorporate the Right to Food in Scots law, as set out in the UN International Covenant on Economic, Social and Cultural Rights”

The [Scottish Government committed to consulting on a Bill at the start of Session 5 in 2016](#). A [consultation was published in December 2018](#), and a bill was due to be introduced in early 2020. However, along with a handful of other pieces of legislation, [the bill was postponed at the start of the Covid-19 pandemic due to resulting constraints on Parliamentary time](#).

A Good Food Nation Bill or wider commitments on food policy featured in all of the parties' 2021 election manifestos.

The following sections set out the policy developments and working arrangements that have led to a bill being introduced, and sets out additional information on two proposals

which have been explored in relation to the Good Food Nation Bill: a statutory body on food, and a legal right to food. Though these two proposals do not figure in the Bill, they are drawn out in this briefing because they were explicitly referred to by the Scottish Government as part of the consultation on legislative proposals and have since figured prominently in discussions around the Bill and in other policy commitments.

## Scottish Food Policy

Proposals for a Bill followed a number of years of discussion around food policy and becoming a 'Good Food Nation', in addition to a number of other policies, strategies and commitments on different aspects of the food system.

### Good Food Nation Policy

Scotland's first food policy - [Recipe for Success - Scotland's National Food and Drink Policy](#) - was published in 2009 and set out activities that the Scottish Government would undertake to address

- The growth of the food and drink industry;
- Healthier sustainable choices;
- Building a reputation as a 'Land of food and drink';
- Sustainable food procurement in the public sector;
- Secure and resilient food systems;
- Ensuring food is available and affordable to all; and
- Food education.

Recipe for Success built on a consultation held in 2008 asking the public what should be included in a food policy, and five stakeholder-led workstreams on

- Sustainable economic growth in the food and drink industry;
- Healthy and sustainable food and drink choices;
- Celebrating and safeguarding Scotland's reputation as a Land of Food and Drink;
- Walking the talk - getting public sector procurement right; and
- Food security, access and affordability.

The workstreams were followed by recommendations of a Scottish Government-convened Food and Drink Leadership Forum, which included 'Champions' for health, environment, economy and affordability. The strategy included an outline of progress to date and next steps.

Scotland's most recent national food and drink policy – [Recipe for Success: Scotland's National Food Policy, Becoming a Good Food Nation](#) – was produced in 2014 (referred to as 'Becoming a Good Food Nation' from here on for ease).

The document recognised both Scotland's food production successes since the publication of the first food policy in 2009, as well as the paradox of Scotland's "uneasy relationship with food" when it comes to inequality and health, and the impact of food production on the environment.

Unlike *Recipe for Success*, *Becoming a Good Food Nation* did not set out additional activities that the Scottish Government committed to undertake. Rather, it was published as a 'discussion document' inviting views on a 'Good Food Nation Vision' (see Box 1) and priority areas, as well as the establishment of [a non-statutory \(meaning its existence, roles and functions are not set out in law\) Scottish Food Commission](#). The document also proposed five areas of early action:

- **Food in the public sector**, setting out the need to "be ambitious for public food" on provenance, freshness, seasonality, sustainability, nutritiousness, ethical sourcing, affordability and inspiring future generations.
- **A Children's Food Policy**, "working across the range of sectors to ensure every child has access to healthy sustainable food understands its importance and has a stronger connection with where it has come from and how it was made".
- **Local food**, encouraging the production and sale of locally grown food, and ensuring that "everyone in Scotland has the opportunity, skills and confidence to access an affordable, healthy and balanced diet for themselves and their families".
- **Good Food Choices**, encouraging "long-lasting behaviour change" for a wide range of actors in the food system as well as for consumers.
- **Continued economic growth**, including building on opportunities for export, new market opportunities, developing Scotland's Food and Drink Partnership, training and research.

[An analysis of consultation responses was published in 2015](#). The [executive summary from the analysis is replicated in Annex A to give a flavour of the responses](#).

### **Box 1: Good Food Nation Vision**

"By 2025, people from every walk of life, will take pride and pleasure in the food served day by day in Scotland. An increase in Scottish food exports will attract overseas visitors and the quality of the food we serve will become one of the key reasons to travel to Scotland. Everyone will know what constitutes good food and why. All players in Scottish life – from schools to hospitals, retailers, restaurants and food manufacturers – will be committed to serving such food. Its ready availability will have contributed to improvements in children's wellbeing and hence outcomes. Scottish suppliers will have developed their offering so that local increasingly equals fresh, healthy and environmentally sound. The most intractable dietary-related diseases will have begun to decline as will the environmental impact locally and worldwide, of our food consumption. The food industry will be a thriving well-known feature of local and national economies, with each part of Scotland rightly proud of its culinary heritage, past and present." <sup>2</sup>

The overarching policy documents have not been updated since 2014 as discussions around new legislation have progressed. However, in the meantime, the Scottish

Government has published two "Programme of measures" documents, setting out "progress made on Scotland's Good Food Nation ambitions". The [first programme of measures was published in 2018](#), with an updated programme published in 2019.

## Industry growth, local food and a fairer Scotland - other Scottish food policies

Several related strategies focusing on food and food-related topics have also been published since [the last iteration of Scotland's national food policy](#), and a number of other commitments and activities related to food are underway alongside work on the Good Food Nation Bill. A snapshot of these are provided below.

For example, an industry growth strategy - [Ambition 2030](#) - was published by the [Scotland Food and Drink Partnership in October 2020](#). The [Scotland Food and Drink Partnership is a public-private partnership](#) between the Scottish Government, Scotland Food & Drink (the industry representative body) and industry partners such as the NFUS and the Food and Drink Federation Scotland, public bodies such as Zero Waste Scotland and Skills Development Scotland, enterprise agencies, levy boards, and academic institutions, including SRUC and the University of Aberdeen's Rowett Institute.

[Ambition 2030](#) sets out progress within the food and drink sector over the previous decade with a 44% increase in industry turnover to £14bn since 2007. The document states a goal of doubling annual turnover of Scotland's food and drink sector to £30bn by 2030. The strategy focuses on three pillars of growth - People and skills, developing supply chains, and innovation.

Also in 2018, a diet-related health strategy was set out in [A healthier future: Scotland's diet and healthy weight delivery plan](#). The plan set out actions to support a number of outcomes, including a healthy start for children, the food environment, access to weight management services, leadership across all sectors and reducing diet-related health inequalities.

A [Fairer Scotland Action Plan published in 2016](#) highlighted the role of a Good Food Nation in "enabling more people to have access to affordable, healthy, nutritious food, in a dignified way", among a number of other actions across policy areas to improve fairness and equality in Scotland.

And finally, a [Food Waste Reduction Action Plan, published in April 2019](#), set out a plan to reduce food waste in Scotland by 33% by 2025.

Moreover, the Scottish Government has more recently set out other policy objectives related to food, which are progressing parallel to the Good Food Nation Bill.

A [consultation on a local food strategy for Scotland was launched in August 2021](#). The Consultation set out existing Scottish Government activities in relation to local food under three 'pillars', and invited public responses with "ideas on what more can be done to create a future where all can enjoy locally produced food". The three pillars and main activities are:

- Pillar 1: Activities planned or underway for **connecting people with food** include making land available for growing, supporting grow your own, supporting food

education, and improving access to locally grown food.

- Pillar 2: Activities for **connecting Scottish suppliers with buyers** include fostering short and circular supply chains, encouraging retailers to stock Scottish food, encouraging customers to buy Scottish food and encouraging the use of Scottish products as inputs.
- Pillar 3: Activities to **harness public sector procurement** are intended to be delivered through existing schemes like Food for Life, which support public kitchens to serve healthy, sustainable food, and to use consultation responses and other engagement to update the 2011 Scottish Government catering guidance, [Catering for Change: buying food sustainably in the public sector](#).

The final section of the consultation reiterated a 2021 SNP election manifesto to support the "development of vertical, low carbon farms, fuelled by renewable energy, to produce more of our own fruit and vegetables", and invited comments on other technologies to help Scotland produce more home-grown fruit and vegetables.

## The Scottish Food Commission

A [non-statutory Scottish Food Commission](#) was appointed by the Scottish Government in 2015, following [commitments made in the policy document, Becoming a Good Food Nation](#).

The document stated:

“ We shall shortly be appointing a Scottish Food Commission. Its remit will be to advocate for the importance of food to Scotland’s health, environment, economy and quality of life, and to identify and champion those measures which taken together, will contribute the most to making Scotland a Good Food Nation. It will advise on broad spending priorities, for example on food grants or the Strategic Research Programme. It will involve 15 or so members chosen to achieve a public/private mix, covering, amongst others, the economy, health, environment, and education. ” <sup>2</sup> ”

The Scottish Food Commission met between 2015 and 2017. It was given a remit to:

- “
- Provide evidence-based advice on how to make Scotland a Good Food Nation, addressing the existing and potential future challenges facing Scotland's food culture;”
  - Advocate the importance of good food to Scotland's health and wellbeing, environment and quality of life;”
  - Establish a mechanism for the Commission to foster local activity;”
  - Report formally to the Cabinet Secretary for Rural Economy and Connectivity and through him to Cabinet. <sup>3</sup> ”

The Commission's first task was to select a set of indicators for becoming a Good Food Nation. The New Economics Foundation was commissioned to hold a set of workshops

with Commission members and Scottish Government officials and carry out desk-based research alongside the Scottish Government. This resulted in [a report proposing four headline indicators across health, environment, social justice and prosperity](#), second-tier indicators for each category, and an "indicator wish list" where data was not available but if collected would offer meaningful indication of progress.

It is not clear whether or how the indicators have been adopted by the Scottish Government. Progress has been made in relation to some of the indicators, however -

- Scotland now has a food waste reduction target of 33% by 2025 set out in the [2018 Climate Change Plan](#). A [Food Waste Reduction Action Plan](#) was published in 2019.
- Data on household food insecurity has since begun to be routinely collected as part of the [Scottish Health Survey](#). This indicator was on the Scottish Food Commission's "wish list" as a helpful indicator but where data was not routinely collected and available at the time.

The Commission's work concluded with [a final report and set of recommendations resulting from the Commission's deliberations over two years](#).

In brief, the Commission recommended that -

- A Good Food Nation Bill should be "**framework legislation**", with clear intentions, and which starts a direction of travel for any future interpretations of the Bill."
- There should be **a statutory duty on all public bodies and some private businesses to have a good food nation policy** "in line with the principles and practises of the Good Food Nation, and to report on this through its normal business processes such as an Annual Report or other suitable mechanisms"
- **An independent statutory body be established, or ownership of Good Food Nation policies allocated to an existing or new body.**
- **A review should be undertaken across government and government-funded activities** related to food (health, economy, environment, education, social justice, etc) "to establish how to achieve better coordination with more from existing funding".
- A number of **sector-specific actions** be carried out, including that-
  - The **promotion and marketing of unhealthy food** should be banned in publicly owned buildings and at publicly funded events
  - Incentives should be provided to **allow healthy and nutritious food to be more visible** to Scotland's population
  - **Food businesses should be licensed**, with a license condition that staff "are trained in the impacts of food and health and sustainability matters commensurate with their work activities"
  - All outlets selling food out of home should **label dishes with calorie content**.
  - The government should **identify and provide financial support to people who are living in food poverty** "to enable the purchase of food to support a healthy and nutritious diet".

- Public bodies should be have a **statutory obligation to record the origin of food and to report on procurement using this measure**, and "there should be a requirement - or if not an normative target - for public bodies to procure a minimum of 60% of food requirements from suppliers that are based in Scotland and awarded to suppliers in a manner that benefits the 'relevant area'".
- To require those who tender for procurement contracts to "**offer the price for Organic Food, where it is available, for comparison** with the price for non organically produced food"
- For **all food organisations to report on food waste**.
- **A Children and Young Peoples' Food Policy** - "The Bill should set out the right to food education, and access to good food and nutrition from birth to 18 years of age. The right would include an obligation for schools to provide education in these areas and allow a young person who is in need to claim an individual right to food."

## **A statutory body on food**

The non-statutory Scottish Food Commission concluded its activities following the publication of the final report. However, some stakeholders have since taken up the Scottish Food Commission's recommendation for a new or existing statutory public body to be tasked with oversight of the delivery of good food nation policies. Alongside [the right to food](#), a statutory body is one of two specific proposals addressed but not proposed for inclusion by the Scottish Government in its consultation on a Good Food Nation Bill and around which varying policy commitments have been made.

Food Standards Scotland is currently the public body in Scotland with responsibility for food (see Box 2), though its remit covers food safety and dietary guidelines, which is more narrowly defined than [what a Good Food Nation is understood to mean](#).

## BOX 2: Who regulates food in Scotland?

[Food Standards Scotland](#) was set up in 2015 under the [Food \(Scotland\) Act 2015](#) and is the public sector food body for Scotland. It has three main responsibilities:

- To protect the public from risks to health which may arise in connection with the consumption of food
- To improve the extent to which members of the public have diets which are conducive to good health
- To protect the other interests of consumers in relation to food

Local authorities also have a role as ‘food authorities’ in the enforcement of food and feed law, for example, enforcing food hygiene standards in cafes, pubs and restaurants. Local authorities also have a role in the import and export of food produce, for example, issuing export health certificates. Food Standards Scotland monitors the performance and promotes best practice of the food authorities as part of its general functions.

In addition, other policies related to food are regulated from many different angles. For example, primary production, such as agriculture and fisheries, each have separate extensive regulatory frameworks which are regulated by separate Scottish Government departments. Likewise, access to food and food poverty are addressed through social security policies, and waste and environmental impacts from food production regulated by the [Scottish Environment Protection Agency \(SEPA\)](#).

Notably, members of the Scottish Food Coalition, a network of third sector organisations with an interest in food [has pressed for responsibility for oversight of the wider food system to be given to a new or existing public body](#). The Coalition notes -

“ Establishing (or giving authority to) an independent body to ensure the implementation of this agenda is crucial. A Statutory Food Commission would provide expertise on realising the right to food, scrutinise relevant policies, report on the state of the food system, and ensure coherence across Government. It would facilitate public participation in food policy and be charged with overseeing a democratic and rights-based approach to food.”

The question of an "independent statutory body" was addressed in the [consultation on legislative proposals for a Good Food Nation Bill in 2018](#).

The Scottish Government proposed that accountability for delivering Good Food Nation policies would be achieved through reports to Parliament on Good Food Nation plans every two years. With regard to a public body, the government noted -

“ We do not see value in establishing an independent statutory body for the purpose of overseeing the Good Food Nation policy. Scottish Ministers have a presumption against the establishment of new statutory bodies in all but exceptional cases. This is not such a case. We consider that the establishment of a new body is unnecessary given the arrangements explained above and it would bring additional cost and bureaucracy.”

In the [analysis of consultation responses published in September 2019](#), it was noted that a higher proportion of respondents disagreed with proposals for accountability to be delivered through reports to Parliament on Good Food Nation Plans. The analysis highlighted that the highest level of agreement with proposals came from local authorities and disagreement came from most other types of organisation, "although views were relatively polarised within representative bodies / trade unions, food / food retail / producer / distributors and third sector (food)"

The analysis noted that -

“ "the key theme emerging at this question and mentioned by almost half of consultation respondents was that there is a need for an independent statutory body to oversee all aspects of food in Scotland", ”

and that -

“ reasons for support for a statutory body included a need for accountability and independent oversight, for reviewing implementation of the Good Food Nation policy and monitoring of performance. Allied to this point, a significant number of consultation respondents noted that any independent statutory body would need to represent all sectors of society so as to ensure that actions taken are well targeted and benefit those most in need.”

There has since been further discussion of a statutory body.

The [SNP manifesto \(published April 2021\)](#) noted that,

“ “as part of a Good Food Nation Bill, we will create a single independent Scottish Food agency to promote food, drink and horticulture, attract investment, help increase processing capacity and improve supply chains and infrastructure” .”

Furthermore, the [Scottish Government and Scottish Green Party draft shared policy programme \(published in August 2021\)](#) agreed that “consideration should be given to the need for a statutory body, such as a Food Commission”. It has not been made publicly clear whether discussions around "a statutory body such as a Food Commission", and discussions around "a single independent Scottish food agency" to support Scottish food production refer to proposals for the same body.

[The Policy Memorandum published alongside the Bill states](#) that provision for an agency as set out in the SNP manifesto was not included in the Bill as “time is needed to complete an ongoing detailed review”.

## The right to food

There has also been ongoing discussion in relation to the Good Food Nation Bill as to whether it would propose to 'incorporate' the 'right to food' into domestic legislation (See Box 3).

### Box 3 - Incorporation of human rights

Major conventions on human rights have been agreed at international level. These include the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), [UN Convention on the Rights of Persons with Disabilities](#), [International Convention on the Elimination of All Forms of Racial Discrimination](#), the [UN Convention on the Rights of the Child](#), and the [International Covenant on Civil and Political Rights](#), to name a few.

While countries who have ratified (signed up to) the conventions are committed to following them, unless they are also set out in domestic legislation they don't legally require public authorities to uphold those rights, and they are not necessarily enforceable through domestic courts. 'Incorporation' of a right or group of rights means to embed them and make them enforceable in domestic legislation.<sup>4</sup>

Incorporation of the right to food has been a significant strand of the discussion around a Good Food Nation Bill.

An Independent Working Group on Food Poverty was established by the Scottish Government in October 2015 to consider and make recommendations on:

- How best to create a dignified and sustained food strategy which supports vulnerable people.
- How best to address the often complex set of issues which lead people into food poverty.
- How a strong partnership approach to eradicating food poverty can be developed and how collective resources and assets can be best aligned.

The [group published its final report in June 2016, and recommended, among a number of other things](#), that

“ "The Scottish Government should explore how the right to food can be enshrined within Scots Law." <sup>5</sup> ”

## What is the 'right to food'

The right to food is enshrined in international law as part of the 1966 [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#). Article 11 sets out -

“ the right of everyone to an adequate standard of living for himself and his family, **including adequate food**, clothing and housing, and to the continuous improvement of living conditions. <sup>6</sup> ”

(Emphasis added)

The [UN Office of the High Commissioner on Human Rights](#) sets out that-

“ The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.”

The UN further notes that key aspects of the right to food are-

“

- **Availability:** Food should be obtainable from natural resources, either through the production of food, by cultivating land or animal husbandry, or through other ways like fishing, hunting or gathering. Food should be on sale in markets and shops.”
- **Accessibility:** Food must be affordable. Individuals should be able to have an adequate diet without compromising on other basic needs, such as school fees, medicines or rent. Food should be accessible to the physically vulnerable, including children, sick people, people with disabilities and the elderly. Food must also be available to people in remote areas, to victims of armed conflicts or natural disasters, and to prisoners.”
- **Adequacy:** Food must satisfy dietary needs, taking into account a person's age, living conditions, health, occupation, sex, etc. Food should be safe for human consumption and free from adverse substances.”
- **Sustainability:** Food should be accessible for both present and future generations.”

In [its response to the group's recommendations](#), the [Scottish Government](#) stated an [intention to explore the recommendation](#) regarding the right to food and "whether this ought to be considered for inclusion within the Good Food Nation Bill".

In 2018, proposals for a Good Food Nation Bill set out in the consultation did not propose to enshrine the right to food as part of this bill. The consultation document noted that -

“ This consultation proposes that the legislation which establishes the Good Food Nation framework will have regard to the international human rights framework, in line with Scotland’s well-established human rights obligations. Rather than seeking to incorporate a right to food in isolation from any larger package of human rights measures, the Good Food Nation framework will focus on embedding processes for ensuring that the substance of the right to food has effect as a matter of everyday good practice.”

Moreover, it stated that incorporation of the right to food had not been ruled out, but was being considered as part of wider work to incorporate human rights in Scotland.

The [National Taskforce for Human Rights Leadership](#) was convened in 2019 to take forward recommendations from the [First Ministers Advisory Group on Human Rights Leadership](#). The taskforce published its final report in March 2021, recommending incorporation of ICESCR, which includes the right to food as part of a right to an adequate standard of living.

The 2021-22 Programme for Government stated a commitment to consult on a new Human Rights Bill for Scotland in the coming year, which would be part of taking forward the task force's recommendations.

The Programme for Government set out that the Bill will

“ incorporate, as far as possible within devolved competence, the International Covenant on Economic, Social and Cultural Rights, alongside three other international human rights treaties for the empowerment of women, disabled people and Minority Ethnic people.”

The programme set out that the Bill will also include

- a right to a healthy environment,
- a right for older people to ensure equal access to their human rights so that they can live a life of dignity and independence, and
- provision to ensure equal access to everyone to the rights contained in the Bill.

As a result, [the Policy Memorandum to the Good Food Nation Bill sets out that the Bill will not include a right to food](#), but the Bill does include a duty to have regard to a number of international agreements (see the [section on what the Bill does](#)). The Policy Memorandum notes that -

“ The Good Food Nation Bill is informed by our international obligations, but does not seek to include a right to food in domestic legislation in isolation from any broader package of human rights measures. Realising the right to adequate food is not just about food – all human rights are indivisible and interdependent. The Human Rights Bill will provide a coherent, clear and operable framework that resolves interactions between treaties, addresses complex cross-cutting policy issues and recognises and caters for intersectionality. <sup>7</sup> ”

## Consultation on legislative proposals

The Scottish Government published [a consultation on legislative proposals for a Good Food Nation Bill](#) in December 2018. The consultation set out plans for a Good Food Nation Bill to:

- Require Scottish Ministers to set out a statement of policy on food to include a number of relevant aspects such as food production, consumption, access, and waste. The statement would be required to be reviewed every five years and to be reported on every two years.
  - Scottish Ministers would be required to have regard to the statement of policy in exercise of their functions.
  - The statement would be required to be laid before Parliament "for information rather than approval"
  - National food policies would be required to include a set of indicators against which progress would be measured, which could draw on [indicators produced by the Scottish Food Commission and Scottish Government](#).
  - Scottish Ministers would be required to have regard to international obligations such as the International Covenant on Economic, Social and Cultural Rights in drawing up a statement, and it would be possible to specify relevant guidelines that must be followed.

Similar requirements would be placed on specified public bodies, and Scottish Ministers and specified public bodies would be required to collaborate to ensure a joined up approach to delivery of a Good Food Nation.

Furthermore, the consultation document set out the Scottish Government's intention not to include [measures to enshrine the 'right to food'](#) in the Good Food Nation Bill, and that this would be pursued through wider human rights legislation. Furthermore, it proposed that Scottish Ministers would ensure accountability through reporting to Parliament on progress towards achieving the aims of the statement of policy every two years, but that [it was not the intention to create a new public body to oversee food policy](#).

The consultation also made clear that the Scottish Government did not plan to introduce requirements for all sectors to prepare statements of policy on food, but asked for views on whether government should encourage and enable businesses to play their part in creating a Good Food Nation.

The consultation received 1,360 responses. [An analysis of the responses was published in September 2019](#).

The analysis showed that the majority agreed with proposals to place a duty on Scottish Ministers and specified public authorities to publish statements of policy on food and have regard to them when carrying out their activities. However, respondents variously highlighted, among other things:

- A commitment to the right to food;
- The need for a whole-system approach;

- The need for a strong reporting framework, and precise objectives, targets and timescales;
- The need for 'policy coherence' - for food policies to dovetail with policies in other areas;
- The need to address environmental impacts, food insecurity and public health;
- That all organisations who are involved in the food system need to play a part in becoming a Good Food Nation
- The need to support or incentivise businesses to play a part as opposed to forcing them;
- The need for an independent statutory body to represent all sectors of society;
- The need to maintain or improve food quality and public sector food procurement, as well as improve school food and food education;
- The need for a partnership approach to ensure the success of a Good Food Nation;
- The need to provide resources for local authorities to take up greater responsibility in relation to a Good Food Nation; and
- The need for initial framework legislation to link into or lead to more targeted legislation in the future.

# The Good Food Nation (Scotland) Bill: What the Bill does?

The purpose of the Bill is to place a duty on Scottish Ministers to produce a national Good Food Nation Plan, and on local authorities, health boards and other public authorities specified in secondary legislation to produce Good Food Nation plans.

## Sections 1-6: National Good Food Nation Plans

Sections 1-6 make provision for a duty on Scottish Ministers to produce national Good Food Nation Plans.

**Section 1** sets out a duty to produce a plan and lay it before the Scottish Parliament within 12 months of that provision coming into force (Under Section 17, the Scottish Ministers have the power to specify, by regulations, the date on which the section comes into force).

The plan must set out -

- The main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved for Scotland
- Indicators or measures to assess progress in achieving the outcomes, and
- The policies which the Scottish Ministers intend to pursue to achieve the outcomes.

And the plan must have regard, among other things, to the ways in which food-related issues can affect outcomes for social and economic wellbeing, the environment, health and economic development.

**Section 2** sets out that the Scottish Ministers must consult "such persons...who the Scottish Ministers consider appropriate" and have regard to their views.

**Section 3** sets out that the Scottish Ministers must have regard to specified international instruments when producing a plan. Those instruments are:

- Article 11 of the [International Covenant of Economic, Cultural and Social Rights](#) in relation to the right to adequate food.
- Article 24(2)(c) and Articles 27(1) and (3) of the [United Nations Convention on the Rights of the Child](#). These articles set out requirements for states to combat disease and malnutrition through the provision of adequate nutritious foods and drinking water; the right to an adequate standard of living for children (applying in this case with regard to food); and the requirement to assist parents and carers to implement the right to adequate standards of living with regard to nutrition (among other things), including with material assistance and support programmes in case of need.
- Article 12(2) of the [Convention on the Elimination of All Forms of Discrimination Against Women](#) in relation to the requirement for states to ensure adequate nutrition during pregnancy and lactation.

Scottish Ministers may add to this list by regulation using [the affirmative procedure](#).

**Section 4** sets out a duty on Scottish Ministers to have regard to the national food plan when exercising a "specified function or a function falling within a specified description". It is for Scottish Ministers to specify what those functions are in secondary legislation.

**Section 5** sets out that Scottish Ministers must report to the Scottish Parliament on progress towards achieving the outcomes set out in the plan "by reference to the indicators or other measures contained in the plan". Reports must be made every two years from the date on which the first plan is produced.

**Section 6** sets out a requirement to review the national good food nation plan every five years, and revise it as necessary. The requirements for revising the plan are the same as the requirements for producing the first plan.

## Sections 7-12: Good food nation plans of public bodies

Sections 7-12 make provision for a duty on specified public bodies to produce Good Food Nation Plans. These duties mirror the requirements on Scottish Ministers very closely.

**Section 7** sets out a duty on health boards, local authorities and "specified public authorit[ies]" (as specified in secondary legislation) to produce good food nation plans within 12 months of that section coming into force. As in the national good food nation plan, public authorities' plans must include -

- The main outcomes in relation to food-related issues which the Scottish Ministers want to be achieved for Scotland
- Indicators or measures to assess progress in achieving the outcomes, and
- The policies which the Scottish Ministers intend to pursue to achieve the outcomes.

And the plan must have regard, among other things, to the ways in which food-related issues can affect outcomes for social and economic wellbeing, the environment, health and economic development.

As in the case of the national good food nation plan, **Section 8** sets out that public authorities must consult on a draft plan with persons they consider appropriate and have regard to those views.

**Section 9** sets out that public authorities must have regard to the national good food nation plan when producing their own good food nation plans.

As with the national good food nation plan, **Section 10** sets out that public authorities must have regard to their good food nation plans when exercising "a specified function or a function falling within a specified description" to be set out in secondary legislation.

**Section 11** sets out that public authorities must publish a report on progress towards achieving the outcomes set out in the plan "by reference to the indicators or other measures contained in the plan". Reports must be made every two years from the date on which the first plan is produced.

**Section 12** sets out a requirement for public authorities to review the national good food nation plan every five years, and revise it as they see fit. The requirements in revising the plan are the same as the requirements for producing the first plan.

## **Sections 13-17: Interpretation, ancillary provisions, etc.**

**Section 13** sets out the meaning of a 'food-related issue', namely-

“

- a food matter, or”
- any other matter connected with—”
  - the availability of food,”
  - the production, processing or distribution of food,”
  - the preparation or service of food for consumers.”

**Section 14** sets out other defined expressions and **Section 15** sets out the power for Scottish Ministers to make ancillary provisions.

**Section 16** sets out which procedure regulations made under the Bill must follow. The affirmative procedure applies in the case of adding to the list of international obligations which the Scottish Ministers must have regard to in producing good food nation plans, and any ancillary provisions which modify an Act. The negative procedure applies in all other cases.

**Section 17** sets out when the sections come into force. Aside from Sections 13, 14, 16, 17, and 18, which would come into force on the day of Royal Assent, the sections come into force when the Scottish Ministers bring forward regulations to bring them into force.

**Section 18** specifies the short title of the Bill: the Good Food Nation (Scotland) Act 2022.

# Annex A: Becoming a Good Food Nation - Executive summary from consultation analysis

[Becoming a Good Food Nation](#) was a Scottish Government policy consultation published in 2014. It invited views on a vision and approach to Scottish food policy, and [established a Scottish Food Commission](#). The executive summary from the [analysis of the consultation responses submitted to the Scottish Government](#) is replicated here to give a flavour of views.

## "EXECUTIVE SUMMARY

"The Scottish Government consultation paper *Becoming a Good Food Nation* set out an aspiration for Scotland to become a 'Good Food Nation'. This would entail a cross-policy approach encompassing – amongst other things – health and wellbeing, environmental sustainability and local food production, as well as the continued development of the food and drink sector. Views were invited on a range of matters relevant to achieving the vision set out. The 229 submissions included written responses, survey responses and feedback from stakeholder events.

"The overall message from the consultation was one of widespread support and, indeed, enthusiasm for the aspiration for Scotland to become a Good Food Nation. Respondents welcomed the cross-policy approach, and recognised the benefits that the successful implementation of such a programme might deliver. The Good Food Nation agenda was seen by some as providing an opportunity to encourage debate and bring coherence to this cross-cutting issue.

"Alongside this broad support, however, there was a recognition that this is a very challenging and long-term agenda which would require to be underpinned by a clear blueprint for action. Respondents highlighted the complex policy terrain, the array of stakeholders, the many competing interests, and the inherent tensions between different strands of the vision (e.g., in relation to environmental sustainability and economic growth). There was a widespread view that any focus on economic growth would need to be framed in terms of sustainable economic growth. Respondents emphasised the importance of translating the vision into a clear plan with agreed definitions and measurable aims and objectives, specific actions, and adequate funding and support.

"The five proposed priorities for action all attracted some support, with 'food in the public sector', and 'local food' both affirmed on a broad basis. 'Economic growth' was a particularly high priority for those involved in the food producer, retail, and enterprise sectors but was thought to be less important by respondents from other sectors. The other priorities – 'a children's food policy' and 'good food choices' – attracted more mixed comments, although respondents from all sectors were clear that improving the diet of children was vital. In terms of the overall coverage and balance of the vision, there was a strongly expressed view across all respondent types that addressing food poverty was essential to being a Good Food Nation.

"Respondents wished to see an inclusive, integrated and bold approach which capitalised on the full range of available policy levers. The importance of a robust evidence-based approach was affirmed (both in terms of developing policy and monitoring progress and success), and there was a desire to link to, and learn from, international evidence and experience. The proposed Food Commission was seen as having a clear role in coordinating effort and providing leadership.

"The consultation responses indicated a high level of commitment to the Good Food Nation concept. There was a clear appetite to build on the many initiatives (at national, local and community levels) already running in Scotland. Individual respondents also described a range of ways in which they would like to contribute to Scotland becoming a Good Food Nation in a personal capacity." <sup>8</sup>

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