

Differences between paragraphs in Schedule 5 Agriculture Act 2020 and sections in the Agriculture (Wales) Bill

NB: Provisions in relation to Senedd procedures are provided in section 47 of the Agri (Wales) Bill and not in each individual provision as in the AA 2020.

Summary

There have been substantive changes as follows:

1. Welsh Minister powers to modify BPS and CAP have been broadened and are no longer constrained by the limitations set out in the AA 2020;
2. Exceptional market conditions. The words “have been” have been inserted before “are being” in section 21(2) of the Bill to put beyond doubt that the Welsh Ministers can provide support for exceptional market conditions that arose before any declaration was made and published;
3. The Welsh Ministers’ powers to modify retained EU law relating to market intervention and private storage aid have been broadened and are no longer constrained by the limitations set out in the AA 2020.

The remainder of the changes are minor drafting changes made to improve clarity, rather than substantive changes.

Wales (Agri) Bill Provision	Equivalent Agriculture Act 2020 provision	Differences
<p>Section 15 -power to modify legislation governing the basic payment scheme.</p> <p>“The Welsh Ministers may by regulations modify legislation governing the basic payment scheme so far as it has effect in relation to Wales”.</p>	<p>Paragraph 2 of Schedule 5</p> <p>The Welsh Ministers may by regulations modify legislation governing the basic payment scheme, so far as it operates in relation to Wales, for or in connection with making changes the Welsh Ministers consider would serve any one or more of the following purposes—</p> <ul style="list-style-type: none"> (a) simplifying the administration of the scheme or otherwise making its operation more efficient or effective; (b) removing provisions which are spent or of no practical utility; (c) removing or reducing burdens, or the overall burdens, on persons applying for, or entitled to, direct payments under the scheme or otherwise improving the way that the scheme operates in relation to them; (d) securing that any sanction or penalty imposed under the scheme is appropriate and proportionate; (e) limiting the application of the scheme to land in Wales only. 	<p>Broader power than is provided in the AA 2020</p> <p>The AA2020 modification power is limited to certain purposes, whereas the Bill modification power is not.</p>

<p>Section 16- power to modify legislation relating to the CAP</p> <p>The Welsh Ministers may by regulations modify legislation relating to the financing, management and monitoring of the common agricultural policy so far as it has effect in relation to Wales.</p> <p>5 (2) In this Act “legislation relating to the financing, management and monitoring of the common agricultural policy” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—</p> <p>(a) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common 10 agricultural policy; (b) retained direct EU legislation made under that Regulation.</p>	<p>Paragraph 4 of Schedule 5</p> <p><i>Other financial support: modification in relation to Wales of general provision connected with payments to farmers and other beneficiaries</i></p> <p>4(1)The Welsh Ministers may by regulations modify the following legislation so far as it operates in relation to Wales—</p> <p>(a)retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy, and</p> <p>(b)subordinate legislation relating to that legislation.</p> <p>(2)Regulations under this paragraph may only be made for or in connection with making changes that the Welsh Ministers consider would serve any one or more of the following purposes—</p> <p>(a)securing that any provision of legislation referred to in sub-paragraph (1) ceases to have effect;</p> <p>(b)simplifying the operation of any provision of such legislation, or making its operation more efficient or effective;</p> <p>(c)removing or reducing burdens, or the overall burdens, imposed by such legislation on persons applying for, or in</p>	<p>Broader power than is provided in the AA 2020</p> <p>The AA 2020 modification power is limited to certain purposes, whereas the Bill modification power is not (see paragraph 4(2) of AA 2020.</p>
--	--	---

	<p>receipt of, payments governed by the legislation, or otherwise improving the way that the legislation operates in relation to such persons;</p> <p>(d)securing that any sanction or penalty imposed by such legislation is appropriate and proportionate.</p> <p>(3)In this paragraph—</p> <ul style="list-style-type: none">• “burden” includes—<ul style="list-style-type: none">(a) a financial cost;(b) an administrative inconvenience;(c)an obstacle to efficiency, productivity or profitability; <p>“retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy” includes—</p> <ul style="list-style-type: none">(a)<ul style="list-style-type: none">• Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy;• retained direct EU legislation made under that Regulation;• the legacy regulations.	
--	--	--

<p>Section 17 – power to modify legislation relating to support for apiculture</p> <p>The Welsh Ministers may by regulations modify legislation relating to support for apiculture so far as it has effect in relation to Wales</p> <p>In this Act “legislation relating to support for apiculture” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation— (a) Articles 55 to 57 of the CMO Regulation; (b) retained direct EU legislation made under that legislation.</p>	<p>Paragraph 5 of Schedule 5</p> <p>5(1)The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales—</p> <p>(a)retained direct EU legislation relating to apiculture, and (b)subordinate legislation relating to that legislation.</p> <p>(2)In this paragraph “retained direct EU legislation relating to apiculture” includes in particular—</p> <p>(a)Articles 55 to 57 of the CMO Regulation, and (b)retained direct EU legislation made under that legislation.</p> <p>(3)Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).</p>	<p>Minor change to drafting approach, but same legal effect. .</p>
<p>Section 18 – power to modify legislation relating to support for rural development.</p> <p>The Welsh Ministers may by regulations modify legislation relating to support for rural development so far as it has effect in relation to Wales</p> <p>1) The Welsh Ministers may by regulations modify legislation relating to support for rural development so far as it has effect in relation to Wales.</p> <p>(2) In this Act “legislation relating to support for rural development” means the following retained direct EU legislation, and any subordinate legislation relating to that legislation—</p>	<p>Paragraph 6 of Schedule 5: Support for rural development: modification of legislation in relation to Wales</p> <p>The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales—</p> <p>(a)retained direct EU legislation relating to support for rural development, and (b)subordinate legislation relating to that legislation.</p>	<p>Minor change to drafting approach, but same legal effect.</p>

<p>(a) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 25 December 2013 on support for rural development;</p> <p>(b) Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development;</p> <p>(c) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural 30 development;</p> <p>(d) so far as it relates to support for rural development, Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural 35 Development and the European Maritime and Fisheries Fund etc.;</p> <p>(e) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development;</p> <p>(f) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture;</p> <p>(g) Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment 5 and the maintenance of the countryside;</p> <p>(h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).</p>	<p>(2)In this paragraph “retained direct EU legislation relating to support for rural development” includes in particular—</p> <p>(a)Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development,</p> <p>(b)Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,</p> <p>(c)Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,</p> <p>(d)so far as it relates to support for rural development, Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc,</p> <p>(e)Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,</p>	
---	---	--

	<p>(f) Council Regulation (EEC No 2080/92) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,</p> <p>(g) Council Regulation (EEC No 2078/92) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and</p> <p>(h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).</p>	
<p>Section 19: Relationship with other powers to modify legislation</p> <p>Nothing in this Chapter affects any other power under an enactment to modify provisions of—</p> <p>(a) legislation governing the basic payment scheme (see section 15(2)(b));</p> <p>(b) legislation relating to the financing, management and monitoring of the common agricultural policy (see section 16(2));</p> <p>(c) legislation relating to support for apiculture (see section 17(2));</p> <p>(d) legislation relating to support for rural development (see section 18(2)).</p>		<p>No equivalent provision in AA 2020. Inserted to ensure that the powers to modify legislation conferred by Part 2, Chapter 2 of the Bill do not affect any other powers to modify the legislation in question.</p>
<p>Section 20 – Declaration relating to exceptional</p> <p>20(3) - An exceptional market conditions declaration must—</p> <p>(a) state that the Welsh Ministers consider that there are exceptional market conditions;</p>	<p>Para 7(3) of Schedule 5</p> <p>“A declaration must—</p> <p>(a) state that the Welsh Ministers consider that there are exceptional market conditions which justify making the declaration,</p>	<p>Minor changes to drafting approach in order to provide greater clarity as to what must be contained in an exceptional market conditions declaration, and also to reduce reliance on cross-references.</p>

<p>(b) describe the exceptional market conditions in question by specifying—</p> <p>(i) the disturbance or threatened disturbance in agricultural markets;</p> <p>(ii) the grounds for considering that the disturbance is severe, or that there is a serious threat of a severe disturbance</p> <p>iii) any agricultural product which is or is likely to be affected by the disturbance or threatened disturbance;</p> <p>(iv) the grounds for considering that the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in terms of the prices achievable for the agricultural product in question;</p> <p>(c) specify the date until which the powers conferred by or referred to in section 21 are available for use in relation to the exceptional market conditions.</p> <p>(4) The date specified under subsection (3)(c) may not be later than the last day of the period of three months beginning with the day on which the exceptional market conditions declaration is published.</p> <p>(5) An exceptional market conditions declaration has effect from the beginning of the day on which it is published until the end of the day specified under subsection (3)(c).</p> <p>(6) The Welsh Ministers may revoke an exceptional market conditions declaration by making and publishing a declaration under this subsection stating that the exceptional market conditions declaration is revoked from the date specified in the declaration.</p>	<p>(b) describe the exceptional market conditions in question, in particular by specifying—</p> <p>(i) the disturbance or threatened disturbance in agricultural markets,</p> <p>(ii) any agricultural product which is or is likely to be affected by the disturbance or threatened disturbance, and</p> <p>(iii) the grounds for considering that the conditions in sub-paragraph (2)(a) and (b) are met in relation to that disturbance or threatened disturbance,</p> <p>(c) describe the grounds for considering that the exceptional market conditions justify making the powers conferred by or referred to in paragraph 8 available for use, and</p> <p>(d) state that the powers conferred by or referred to in paragraph 8 are (unless the declaration is revoked sooner) available for use in relation to the exceptional market conditions until such day as the declaration may specify.</p> <p>(4) A declaration has effect from when it is published until the end of the day specified under sub-paragraph (3)(d) (which may not be later than the last day of the period of three months beginning with the day on which it is published).</p>	
--	--	--

(7) Subsection (8) applies if, at any time during the period of seven days ending with the day specified under subsection (3)(c) in an exceptional market conditions declaration that has effect under this section, the Welsh Ministers consider that there continue to be exceptional market conditions.

(8) The Welsh Ministers may extend the exceptional market conditions declaration by making and publishing a declaration under this subsection specifying— (a) that the exceptional market conditions declaration is extended for a period (not exceeding three months) specified in the declaration, and (b) that the powers conferred by or referred to in section 21(2) are available for use during that period.

(9) The fact that an exceptional market conditions declaration has expired or has been revoked does not prevent the Welsh Ministers from making and publishing another exceptional market conditions declaration relating in whole or part to the same exceptional market conditions.

(10) A copy of any declaration made and published under this section must be laid before Senedd Cymru by the Welsh Ministers as soon as practicable after it is published.

(11) References in this section to a declaration being published are to it being published electronically

(5)The Welsh Ministers may revoke a declaration by making and publishing a further declaration stating that the declaration is revoked.

(6)If at any time during the period of 7 days ending with the day specified under sub-paragraph (3)(d) the Welsh Ministers consider that—

- (a)there continue to be exceptional market conditions, and
- (b)they justify extending the availability of the powers conferred by or referred to in paragraph 8,

the Welsh Ministers may make and publish a further declaration extending the effect of the original declaration for such period (not exceeding three months) as the further declaration may specify.

(7)The fact that a declaration under this paragraph has expired or been revoked does not prevent the Welsh Ministers from making and publishing another declaration relating in whole or part to the same exceptional market conditions.

(8)A copy of any declaration made and published under this paragraph must be laid before Senedd Cymru by the Welsh Ministers as soon as practicable after it is published.

	(9) In this paragraph and paragraph 8 a reference to agricultural markets, agricultural producers or agricultural products includes horticultural markets, horticultural producers or horticultural products (as the case may be).	
Section 21 – Market Intervention “The Welsh Minister may provide, or agree to provide, financial support to agricultural producers in Wales whose incomes have been , are being, or are likely to be adversely affected by the exceptional market conditions described in the declaration”	Para 8(2) of Schedule 5 (2) The Welsh Ministers may give, or agree to give, financial assistance to agricultural producers in Wales whose incomes are being, or are likely to be, adversely affected by the exceptional market conditions described in the declaration.	The additional words “have been” are inserted into our Bill to put beyond doubt that support can be given to farmers for exceptional market conditions experienced before the declaration is made and published.
Section 22 – Power to modify retained direct EU legislation relating to public market intervention and private storage aid (1) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, so far as it has effect in relation to Wales. (2) The power conferred by this section includes power to change the agricultural products that are eligible for public market intervention or aid for private storage. (3) In this section “retained direct EU legislation relating to public market intervention or aid for private storage” includes— (a) Articles 8 to 18 of the CMO Regulation; (b) Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the 25 markets in agricultural products (so far as relating to public market intervention and aid for private storage);	Para 9 of Schedule 5 9(1) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for the purpose of altering the operation of provisions of such legislation so far as they have effect in relation to Wales in connection with exceptional market conditions which are the subject of a declaration under paragraph 7. (2) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for either or both of the following purposes— (a) securing that provisions of such legislation cease to have effect in relation to Wales, otherwise than in connection with exceptional market conditions which are the subject of a declaration under paragraph 7; (b) altering the operation of provisions of such legislation, so far as they have effect in relation to Wales otherwise than in connection with such market conditions (pending the achievement of the purpose in paragraph (a) in relation to those provisions).	Broader powers than are provided in the AA 2020 The AA 2020 modification powers are limited to certain purposes, whereas the Bill modification powers are not (see paragraph 4(2) of AA 2020.

(c) the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—

(i) Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;

(ii) Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;

(iii) Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing the CMO Regulation in relation to the Union scales for the classification of bovine, pig and sheep carcasses and in relation to the reporting of market prices of certain categories of carcasses and live animals.

(4) Until either paragraph 1 or paragraph 2 of Schedule 3 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this section to exceptional market conditions which are the subject of an exceptional market conditions declaration includes a reference to circumstances which are the subject of measures under any of those Articles.

(3)The power conferred by sub-paragraph (1) includes power to make modifications that apply only in relation to the exceptional market conditions which are the subject of a particular declaration specified in the regulations.

(4)The powers conferred by sub-paragraphs (1) and (2) include power to change the agricultural products that are eligible for public market intervention or aid for private storage.

(5).....

(6)In this paragraph “retained direct EU legislation relating to public market intervention or aid for private storage” includes—

(a)Articles 8 to 18 of the CMO Regulation;

(b)Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (so far as relating to public market intervention and aid for private storage);

(c)the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—

(i)Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;

(ii)Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;

(iii)Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing the CMO Regulation as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals.

	<p>(7)Until paragraph 2 of Schedule 7 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this paragraph to exceptional market conditions which are the subject of a declaration under paragraph 7 includes a reference to circumstances which are the subject of measures under any of those Articles.</p>	
<p>Section 23 – Agricultural Holdings: dispute resolution relating to financial support</p> <p>(1) The Agricultural Holdings Act 1986 (c. 5) is amended as follows.</p> <p>(2) In section 19A (disputes relating to requests for landlord’s consent or variation of terms), 10 in subsection (7), in the definition of “relevant financial assistance”—</p> <p>(a) in paragraph (b) for “, or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers” substitute “that Act (powers of Secretary of State”;</p> <p>(b) omit the “or” after paragraph (b);</p> <p>(c) after paragraph (c) insert— 15</p> <p>“(d) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),</p> <p>(e) a scheme of the sort mentioned in section 9(6) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support), 20</p> <p>(f) the basic payment scheme, as defined in section 15 of the 2023 Act (power to modify legislation governing the basic payment scheme),</p> <p>(g) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined 25 in section 16 of the 2023 Act (power to modify legislation relating to the common agricultural policy),</p> <p>(h) legislation relating to support for apiculture, as defined in section 17 of the 2023 Act (power to modify legislation relating to support for apiculture), 30</p>	<p>N/A</p>	<p>The provisions of s.23 of Agri (Wales) Bill amend 19A of the Agricultural Holdings Act (which in itself was inserted by Schedule 3 of AA 2020) so as to ensure it refers to the applicable forms of financial support in Wales.</p>

<p>(i) legislation relating to support for rural development, as defined in section 18 of the 2023 Act (support for rural development), or</p> <p>(j) section 21 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market 35 conditions);”.</p>		
<p>Section 24 – Agri-food supply chains: requirement to provide information</p> <p>(1) The Welsh Ministers may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person’s activities connected with the supply chain so far as the activities take place in Wales.</p> <p>(2) The Welsh Ministers may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person’s activities connected with the supply chain so far as the activities take place in Wales.</p> <p>(3) See section 25 for provision about—</p> <p>(a) the meaning of “agri-food supply chain”,</p> <p>(b) who is in such a supply chain, and</p> <p>(c) who is closely connected with such a supply chain.</p> <p>(4) A requirement under subsection (1) or (2) may not be imposed on an individual in a supply chain so far as they are in the supply chain because they, or members of their households, are the ultimate consumers (see section 25).</p> <p>(5) A requirement imposed on a person under subsection (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.</p> <p>(6) A requirement under subsection (1) must be in writing.</p>	<p>Para 10 of Schedule 5 Agri-food supply chains: requirement to provide information</p> <p>10(1)The Welsh Ministers may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Wales.</p> <p>(2)The Welsh Ministers may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Wales.</p> <p>(3)See paragraph 11 for provision about—</p> <p>(a)the meaning of “agri-food supply chain”,</p> <p>(b)who is in such a supply chain, and</p> <p>(c)who is closely connected with such a supply chain.</p> <p>(4)Sub-paragraphs (1) and (2) do not apply in relation to individuals in a supply chain so far as they are in the supply chain by reason of them, or members of their households, being the ultimate consumers (see paragraph 11).</p> <p>(5)A requirement imposed on a person under sub-paragraph (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.</p>	<p>Minor changes to the drafting approach, but same legal effect.</p> <p>It is not necessary for the Bill to state that subsection (1) binds the Crown: the Legislation (Wales) Act 2019 automatically achieves this effect.</p>

	<p>(6)A requirement under sub-paragraph (1) must be in writing.</p> <p>(7)Sub-paragraph (1) binds the Crown. (8)Regulations under sub-paragraph (2) are subject to affirmative resolution procedure.</p>	
<p>Section 25 – Meaning of “agri-food supply chain”</p> <p>(1) This section has effect for the purposes of this Chapter.</p> <p>(2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—</p> <p>(a) anything grown or otherwise produced in carrying on agriculture,</p> <p>(b) any animal kept in carrying on agriculture, or</p> <p>(c) any animal or other thing taken from the wild.</p> <p>(3) The persons in an agri-food supply chain are—</p> <p>(a) the individuals being provided with items of food and drink as described in subsection (2) (“the ultimate consumers”),</p> <p>(b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and</p> <p>(c) any person in the supply chain between those persons and the ultimate consumers.</p> <p>(4) The persons “closely connected” with an agri-food supply chain are—</p> <p>(a) any person supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within subsection (3)(b) for use in the agriculture or taking,</p>	<p>Para 11 of Schedule 5 Meaning of “agri-food supply chain”</p> <p>11(1)This paragraph has effect for the purposes of this Part.</p> <p>(2)An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—</p> <p>(a)anything grown or otherwise produced in carrying on agriculture,</p> <p>(b)any creature kept in carrying on agriculture, or</p> <p>(c)any creature or other thing taken from the wild.</p> <p>(3)The persons in an agri-food supply chain are—</p> <p>(a)those individuals (“the ultimate consumers”),</p> <p>(b)the persons carrying on the agriculture or (as the case may be) taking things from the wild, and</p> <p>(c)anybody in the supply chain between those persons and the ultimate consumers.</p> <p>(4)The persons “closely connected” with an agri-food supply chain are—</p> <p>(a)anybody supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within sub-paragraph (3)(b) for use in the agriculture or taking,</p> <p>(b)anybody providing, to persons within sub-paragraph (3)(b) or (c), services related to—</p> <p>(i)the health of creatures, or plants, involved in the supply chain, or</p>	<p>Minor changes to the drafting approach, but same legal effect. Some definitions now appear in sections 48 and 51 of the Bill, rather than within this provision.</p>

<p>(b) any person providing, to persons within subsection (3)(b) or (c), services related to—</p> <p>(i) the health of animals, or plants, involved in the supply chain, or</p> <p>(ii) the safety or quality of the food or drink to be provided to the ultimate consumers,</p> <p>(c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and</p> <p>(d) bodies representing persons within any of paragraphs (b) and (c) of subsection (3) and paragraphs (a), (b) and (c) of this subsection.</p> <p>(5) Activities of the kind mentioned in subsection (4)(c) are to be treated for the purposes of section 24(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in section 24(1) and (2).</p> <p>(6) In this section, “seeds” includes bulbs and other things from which plants grow.</p>	<p>(ii)the safety or quality of the food or drink to be provided to the ultimate consumers,</p> <p>(c)any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and</p> <p>(d)bodies representing persons within any of paragraphs (b) and (c) of sub-paragraph (3) and paragraphs (a), (b) and (c) of this sub-paragraph.</p> <p>(5)Activities of the kind mentioned in sub-paragraph (4)(c) are to be treated for the purposes of paragraph 10(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in paragraph 10(1) and (2).</p> <p>(6)In this paragraph—</p> <ul style="list-style-type: none"> • “agriculture” includes any growing of plants, and any keeping of creatures, for the production of food or drink; • “plants” includes fungi; • “seeds” includes bulbs and other things from which plants grow. 	
<p>Section 26 – 26 Relevant activity: requirement to provide information</p> <p>(1) The Welsh Ministers may require a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) to provide information about matters connected with the activity so far as the activity takes place in Wales.</p> <p>(2) The Welsh Ministers may make regulations requiring a person who carries on a relevant activity (and who is not a person in, or closely connected with, an agri-food supply chain) 30 to provide information about matters connected with the activity so far as the activity takes</p>	<p>N/A</p>	<p>No comparable provisions. Relevant activity is a new term introduced in the Agri (Wales) Bill which does not appear in the AA 2020.</p>

place in Wales. (3) See section 27 for provision about the meaning of “relevant activity”.		
Section 27 -meaning of relevant activity	N/A	No comparable provisions. Relevant activity is new to the Agri (Wales) Bill
<p>Section 28- Requirement to specify purposes for which information may be processed</p> <p>(1) This section applies to a requirement imposed under section 24(1) or (2) or 26(1) or (2).</p> <p>(2) The requirement must specify the purposes for which the information may be processed.</p> <p>(3) Each purpose specified must be in, or covered by, the list of purposes in subsection (4).</p> <p>(4) The list of purposes is—</p> <p>(a) helping persons in agri-food supply chains or persons carrying on relevant activities to— (i) increase productivity, (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or (iii) manage market volatility;</p> <p>(b) promoting transparency or fairness in agri-food supply chains or relevant activities;</p> <p>(c) promoting the health, welfare or traceability of animals of a kind kept for the production of food, drink, fibres or leathers;</p> <p>(d) promoting the health or quality of plants or soil;</p> <p>(e) minimising adverse environmental effects of activities connected with agri-food supply chains or relevant activities;</p> <p>(f) minimising waste arising from activities connected with agri-food supply chains or relevant activities;</p>	<p>Paragraph 12 of Schedule 5 - Requirement must specify purposes for which information may be processed</p> <p>12(1)This paragraph applies to a requirement imposed under paragraph 10(1) or (2).</p> <p>(2)The requirement must specify the purposes for which the information may be processed.</p> <p>(3)Each purpose specified must be in, or covered by, the list of purposes in sub-paragraph (4).</p> <p>(4)The list of purposes is as follows—</p> <p>(a)helping persons in agri-food supply chains to—</p> <p>(i)increase productivity,</p> <p>(ii)manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or</p> <p>(iii)manage market volatility;</p> <p>(b)promoting transparency or fairness in agri-food supply chains;</p>	<p>28(4)(a), (b), (e), (f) and (g) – Agri (Wales) Bill includes wording and relevant activities as new term in the Bill which does not appear in AA 2020.</p> <p>28(4)(d) – term “fungi” not in Agri (Wales) Bill, but see section 51, which defines “plants” as including fungi.</p> <p>28(4)(h) no equivalent provision in AA 2020.</p> <p>28(6) no equivalent in AA 2020 as new concept in Agri (Wales) Bill.</p>

<p>(g) monitoring, or analysing, markets connected with agri-food supply chains or relevant activities;</p> <p>(h) monitoring or analysing supply sources for food (including the availability to the public of food from those sources).</p> <p>(5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see section 25.</p> <p>(6) For the meaning of “relevant activity” see section 2</p>	<p>(c)promoting the health, welfare or traceability of creatures of a kind kept for the production of food, drink, fibres or leathers;</p> <p>(d)promoting the health or quality of plants, fungi or soil;</p> <p>(e)minimising adverse environmental effects of activities connected with agri-food supply chains;</p> <p>(f)minimising waste arising from activities connected with agri-food supply chains;</p> <p>(g)monitoring, or analysing, markets connected with agri-food supply chains.</p> <p>(5)For the meaning of “agri-food supply chain” (and “person in” such a chain) see paragraph 11.</p>	
<p>Section 29 - Duty to publish requirement under section 24(1) or 26(1) in draft</p> <p>(1) Before a particular requirement is imposed under section 24(1) or 26(1), the Welsh Ministers must— (a) have published— (i) a draft of the requirement, (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and (b) have decided, having had regard to the comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.</p>	<p>Requirements under paragraph 10(1): duty to publish draft requirement</p> <p>13(1)Before a particular requirement is imposed under paragraph 10(1), the Welsh Ministers must have—</p> <p>(a)published—</p> <p>(i)a draft of the requirement,</p> <p>(ii)a description of the persons on whom it is proposed that the requirement may be imposed, and</p>	<p>Minor changes to the drafting approach, but same legal effect.</p>

<p>(2) After the decision to impose a requirement has been made under subsection (1)(b), the Welsh Ministers may impose that requirement on a person (under section 24(1) or section 10 26(1), as the case may be) at any time when the person is within the description published under subsection (1)(a)(ii) in respect of the requirement</p>	<p>(iii)the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and</p> <p>(b)decided, in the light of comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.</p> <p>(2)A requirement in the decided form may be imposed on a person at any times after the decision when the person is within the published description.</p>	
<p>Section 30 - Provision of required information and limitations on its processing</p> <p>(1) This section applies to a requirement imposed under section 24(1) or (2) or 26(1) or (2).</p> <p>(2) Information provided in response to the requirement may be processed only for purposes specified in the requirement (see section 28).</p> <p>(3) Subsection (2) applies— (a) to the person to whom the information is provided, and (b) to a person to whom the information is disclosed, but, in the case of a person within paragraph (b), subsection (2) does not authorise processing contrary to the terms on which disclosure is made.</p> <p>(4) Subsections (2) and (3) are subject to subsections (7) to (10).</p>	<p>Paragraph 15 of Schedule 5 - Provision of required information and limitations on its processing</p> <p>(1)This paragraph applies to a requirement imposed under paragraph 10(1) or (2).</p> <p>(2)Information provided in response to the requirement may be processed for, but only for, purposes specified in the requirement (see paragraph 12).</p> <p>(3)Sub-paragraph (2) applies—</p> <p>(a)to the person to whom the information is provided, and</p> <p>(b)to a person to whom the information is disclosed,</p>	<p>Minor changes to the drafting approach, but same legal effect</p>

<p>(5) The requirement may specify how and when the required information is to be provided, including (among other things)— (a) the person to whom the information is to be provided (who may be a person other than the Welsh Ministers); (b) the form in which the information is to be provided; (c) the means by which it is to be provided; (d) the time or times at which, or by when, it is to be provided.</p> <p>(6) The requirement must specify— (a) the types of processing to which the information may be subjected, and (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.</p> <p>(7) Information provided in response to the requirement— (a) may not be subjected to types of processing other than those specified in the requirement, and (b) may not be disclosed in any form other than those specified in the requirement, except in circumstances specified in the requirement.</p> <p>(8) Subsection (9) applies if— (a) information is provided in response to the requirement, and (b) a person (“P”) proposes to make a disclosure of the information in a form that is permitted by subsection (7).</p> <p>(9) Where P proposes that the information be disclosed otherwise than in an anonymised form— (a) P must consider whether disclosure of the information in that form would, or might, prejudice the commercial interests of any person, and (b) if P considers that it would or might do so, the information (if disclosed) must, instead, be disclosed in an anonymised form.</p> <p>(10) But if the Welsh Ministers consider that it is in the public interest for the information to be disclosed otherwise than in an anonymised form—</p>	<p>but, in the case of a person within paragraph (b), subparagraph (2) does not authorise processing contrary to the terms on which disclosure is made.</p> <p>(4) Sub-paragraphs (2) and (3) are subject to subparagraphs (7) to (9).</p> <p>(5) The requirement may specify how and when the required information is to be provided, including (in particular)—</p> <p>(a) the person to whom the information is to be provided (who may be a person other than the Welsh Ministers);</p> <p>(b) the form in which the information is to be provided;</p> <p>(c) the means by which it is to be provided;</p> <p>(d) the time or times at which, or by when, it is to be provided.</p> <p>(6) The requirement must specify—</p> <p>(a) the types of processing to which the information may be subjected, and</p> <p>(b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.</p> <p>(7) Information provided in response to the requirement—</p>	
---	--	--

<p>(a) the information may be disclosed otherwise than in an anonymised form, as long as the disclosure is in a form that is permitted by subsection (7), and (b) subsection (9)(b) does not apply.</p> <p>(11) In this Chapter, “processing”, in relation to information, means an operation, or set of operations, which is performed on information, or on sets of information, such as— (a) collection, recording, organisation, structuring or storage, (b) adaptation or alteration, (c) retrieval, consultation or use, (d) disclosure by transmission, dissemination or otherwise making available, (e) alignment or combination, or (f) restriction, erasure or destruction</p>	<p>(a) may not be subjected to types of processing other than those specified in the requirement, and</p> <p>(b) may not be disclosed in any form other than those specified in the requirement, except in circumstances specified in the requirement.</p> <p>(8) Sub-paragraph (9) applies if—</p> <p>(a) information is provided in response to the requirement, and</p> <p>(b) a person (“P”) proposes to make a disclosure of the information that is permitted by sub-paragraph (7).</p> <p>(9) Where P proposes that the disclosure should be of the information otherwise than in anonymised form—</p> <p>(a) P must consider where the disclosure (if made in the form proposed) would, or might, prejudice the commercial interests of any person, and</p> <p>(b) if P considers that it would or might do so, the disclosure (if made) must be of the information in anonymised form unless the Welsh Ministers consider that it is in the public interest for the disclosure to be of the information in some other form permitted by sub-paragraph (7) (in which event the disclosure may be of the information in that other form).</p>	
---	---	--

	<p>(10)In this Part “processing”, in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as—</p> <p>(a)collection, recording, organisation, structuring or storage,</p> <p>(b)adaptation or alteration,</p> <p>(c)retrieval, consultation or use,</p> <p>(d)disclosure by transmission, dissemination or otherwise making available,</p> <p>(e)alignment or combination, or</p> <p>(f)restriction, erasure or destruction.</p>	
<p>Section 31: Enforcement of information requirements</p> <p>(1) The Welsh Ministers may by regulations make provision for enforcement of a requirement imposed under section 24(1) or (2) or 26(1) or (2).</p> <p>(2) In the following provisions of this section, “specified” means specified in regulations under subsection (1).</p> <p>(3) The provision that may be made by regulations under subsection (1) includes (among other things)—</p> <p>(a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—</p> <p>(i) of a specified amount, (ii) of an amount calculated in a specified manner, (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or (iv) by way of</p>	<p>Paragraph 15 of Schedule 5 -Enforcement of information requirements</p> <p>15(1)The Welsh Ministers may by regulations make provision for enforcement of a requirement imposed under paragraph 10(1) or (2).</p> <p>(2)In the following provisions of this paragraph “specified” means specified in regulations under sub-paragraph (1).</p> <p>(3)In sub-paragraph (1) “enforcement” includes (in particular)—</p> <p>(a)monitoring compliance,</p>	<p>Minor changes to the drafting approach, but same legal effect.</p>

<p>suspending, or withholding, payment of any amounts; (b) provision for recovery of amounts due in respect of monetary penalties, including provision for interest, set-off and security for payment; (c) provision about the giving of advice or warnings; (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions; (e) provision giving persons functions in connection with enforcement of requirements; (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.</p> <p>(4) In subsection (4)(a), “specified manner” includes (among other things) a manner framed by reference to a specified matter such as a person’s profits, income or turnover</p>	<p>(b)investigating non-compliance, and</p> <p>(c)dealing with non-compliance.</p> <p>(4)The provision that may be made by regulations under sub-paragraph (1) includes (in particular)—</p> <p>(a)provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—</p> <p>(i)of a specified amount,</p> <p>(ii)of an amount calculated in a specified manner,</p> <p>(iii)of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or</p> <p>(iv)by way of suspending, or withholding, payment of any amounts;</p> <p>(b)provision for recovery of amounts due in respect of monetary penalties, including provision for any of interest, set-off and security for payment;</p> <p>(c)provision about the giving of advice or warnings;</p> <p>(d)provision for the acceptance of undertakings to take, or refrain from taking, particular actions;</p> <p>(e)provision giving persons functions in connection with enforcement of requirements;</p>	
---	---	--

	<p>(f)provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.</p> <p>(5)In sub-paragraph (4)(a) “specified manner” includes (in particular) a manner framed by reference to a specified matter such as a person's profits, income or turnover.</p>	
<p>Section 32 – Marketing standards</p> <p>(1) The Welsh Ministers may, by regulations, make provision about the standards with which the agricultural products listed in Schedule 1 must conform when they are marketed in Wales.</p> <p>(2) The regulations may, among other things, make provision about— (a) technical definitions, designation and sales descriptions; (b) (classification criteria such as grading into classes, weight, sizing, age and category; (c) the species, plant variety or animal breed, or the commercial type; (d) presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms; (e) criteria such as appearance, consistency, conformation, product characteristics and 25 the percentage of water content; (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification; (g) farming and production methods, including oenological practices; (h) coupage of must and wine (including definitions of</p>	<p>Paragraph 16 of Schedule 5 – Marketing standards</p> <p>1)The Welsh Ministers may by regulations, in relation to agricultural products that—</p> <p>(a)are listed in paragraph 17(1), and</p> <p>(b)are marketed in Wales,</p> <p>make provision about the standards with which those products must conform (“marketing standards”).</p> <p>(2)The regulations may cover matters such as—</p> <p>(a)technical definitions, designation and sales descriptions;</p> <p>(b)classification criteria such as grading into classes, weight, sizing, age and category;</p> <p>(c)the species, plant variety or animal breed or the commercial type;</p>	<p>Minor changes to the drafting approach, but same legal effect.</p>

<p>those terms), blending and restrictions on blending; (i) the frequency of collection, delivery, preservation and handling; (j) conservation methods and temperature, storage and transport; (k) the place of farming or origin (but see subsection (3)); (l) restrictions as regards the use of certain substances and practices; (m) specific use of products; (n) conditions governing the disposal, holding, circulation and use of products that do not conform with the marketing standards, and the disposal of by-products; (o) the use of terms communicating value-adding characteristics or attributes.</p> <p>(3) Regulations under subsection (1) may not make provision about the matters referred to in subsection (2)(k) (the place of farming or origin) so far as they relate to live poultry, poultrymeat or spreadable fats.</p> <p>(4) Regulations under subsection (1) may include provision about enforcement, which may (among other things) include provision— (a) about the provision of information; (b) conferring powers of entry; (c) conferring powers of inspection, search and seizure; (d) about the keeping of records; (e) imposing monetary penalties; (f) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale); (g) about licences, accreditations, authorisations and registration requirements; (h) about appeals; (i) conferring functions (including functions involving the exercise of a discretion) on a person.</p>	<p>(d)the presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;</p> <p>(e)criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;</p> <p>(f)specific substances used in production, or components or constituents, including their quantitative content, purity and identification;</p> <p>(g)the type of farming and production method, including oenological practices;</p> <p>(h)coupage of must and wine (including definitions of those terms), blending and restrictions thereof;</p> <p>(i)the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;</p> <p>(j)the place of farming or origin, excluding live poultry, poultrymeat and spreadable fats;</p> <p>(k)restrictions as regards the use of certain substances and practices;</p> <p>(l)specific use of products;</p>	
---	---	--

(5) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.

**(6) The Welsh Ministers may, by regulations—
(a) amend Schedule 1 by adding an agricultural product to the list, removing a product from the list or altering the description of an agricultural product in the list; (b) amend this section in connection with any such amendment**

SCHEDULE 1 (introduced by section 32)

**AGRICULTURAL PRODUCTS RELEVANT TO
MARKETING STANDARDS PROVISIONS**

Milk and milk products

1 Products falling within any of entries (a) to (f) in the table in Part XVI of Annex 1 of the CMO Regulation.

Spreadable fats

2 Products that— (a) fall within any of paragraphs (a) to (c) in Point 1 of Part VII of Annex VII of the CMO Regulation, and (b) have a fat content of at least 10% but not more than 90% by weight.

Beef and veal

3 Products falling within the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals.

Poultry and poultrymeat

(m)the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards, and the disposal of by-products;

(n)the use of terms communicating **value-added** characteristics or attributes.

(3)Regulations under sub-paragraph (1) may include provision about enforcement, which may (among other things) include provision—

(a)about the provision of information;

(b)conferring powers of entry;

(c)conferring powers of inspection, search and seizure;

(d)about the keeping of records;

(e)imposing monetary penalties;

(f)creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);

(g)about appeals;

(h)conferring functions (including functions involving the exercise of a discretion) on a person.

<p>4 Products falling within the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry.</p> <p>Eggs and egg products 5 Products falling within the table in Part XIX of Annex 1 of the CMO Regulation.</p> <p>Fruit and vegetables, other than olives 6 Products falling within the table in any of Parts IX to XI of Annex 1 of the CMO Regulation.</p> <p>Olive oil and table olives 7 Products falling within the table in Part VII of Annex 1 of the CMO Regulation.</p> <p>Hops 8 Products falling within the table in Part VI of Annex 1 of the CMO Regulation</p> <p>Wine 9 Products falling within the table in Part XII of Annex 1 of the CMO Regulation.</p> <p>Aromatised wine 10 Products falling within the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation.</p> <p>Interpretation 11 In this Schedule “the Aromatised Wine Regulation” means Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of</p>	<p>(4) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.</p> <p>(5) Regulations under this paragraph are subject to affirmative resolution procedure.</p> <p>17(1) The agricultural products mentioned in paragraph 16(1) are products falling within any of the following—</p> <p>(a) entries (a) to (f) in the table in Part XVI of Annex 1 of the CMO Regulation (milk and milk products);</p> <p>(b) where the product has a fat content of at least 10% but not more than 90% by weight, paragraphs (a) to (c) in Point 1 of Part VII of Annex VII of the CMO Regulation (spreadable fats);</p> <p>(c) the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals (beef and veal);</p> <p>(d) the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry (poultry and poultrymeat);</p> <p>(e) the table in Part XIX of Annex 1 of the CMO Regulation (eggs and egg products);</p>	
---	--	--

geographical indications of aromatised wine products

(f)the table in any of Parts IX to XI of Annex 1 of the CMO Regulation (fruit and vegetables, other than olives);

(g)the table in Part VII of Annex 1 of the CMO Regulation (olive oil and table olives);

(h)the table in Part VI of Annex 1 of the CMO Regulation (hops);

(i)the table in Part XII of Annex 1 of the CMO Regulation (wine);

(j)the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation (aromatised wine).

(2)In sub-paragraph (1)—

(a)references to the CMO Regulation are to that Regulation as amended from time to time before IP completion day, and

(b)“the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as amended from time to time before IP completion day.

	<p>(3)The Welsh Ministers may by regulations amend this paragraph and paragraph 16 for or in connection with the purpose of—</p> <p>(a)adding or removing an agricultural product from sub-paragraph (1);</p> <p>(b)altering the description of an agricultural product in sub-paragraph (1).</p>	
<p>No equivalent paragraph</p>	<p>Paragraph 19 of Schedule 5 Data Protection</p> <p>(1)This paragraph applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of this Schedule.</p> <p>(2)A duty or power to which this paragraph applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).</p> <p>(3)In this paragraph “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).</p>	<p>Consideration was given to whether this provision was necessary in the Bill. It was concluded that such a provision was not necessary for this Bill. The Senedd is not under an obligation to legislate in the same way as the UK Parliament. The data sharing provisions in the Bill will, irrespective of whether similar provision to paragraph 19 of Schedule 5 to the AA 2020 had been included, need to comply with the overarching data protection legislation in any event.</p>