

Equalities, Human Rights and Civil Justice Committee

6th Meeting, 2021 (Session 6), Tuesday, 5 October 2021

Note by the clerk

Proposed Right to Food (Scotland) Bill: Statement of Reasons

Introduction

1. A draft proposal for a Member's Bill – the [proposed Right to Food \(Scotland\) Bill](#) – was lodged by Rhoda Grant MSP on 2 September.
2. Before introducing a Member's Bill, the MSP must first lodge a draft proposal which must be accompanied by a consultation document or by a statement of reasons setting out why the Member does not consider a consultation to be necessary.
3. Rhoda Grant MSP has provided a [statement of reasons](#) to accompany her draft proposal.

Consideration

4. According to Standing Orders 9.14.6 where a draft proposal accompanied by a statement of reasons is referred, the Committee must decide whether it is satisfied with the reasons given by the member for not consulting on the draft proposal.
5. If the Committee is content with the statement, the Member will be able to proceed to the final proposal stage. If the Committee is not content, the proposal will fall unless the Member decides to consult.
6. The statement of reasons document is contained for Members' reference in Annexe A. Rhoda Grant MSP will also appear before the Committee to answer any questions.

7. The Committee is invited to consider whether:

- a) It is satisfied by the statement of reasons. or**
- b) It is not so satisfied.**

**Committee Clerks
30 September 2021**

Annexes

The following documents are included for this meeting—

- Annexe A: Statement of reasons

Annexe A

Proposed Right to Food (Scotland) Bill

Statement of reasons by Rhoda Grant MSP on why consultation is unnecessary

Proposal

1. My draft proposal is for a Bill to incorporate the human right to food into Scots law and was lodged on 2 September 2021.
2. My proposal is the same as a proposal for a Member's Bill lodged in June 2020, in Session 5, by then MSP Elaine Smith. Elaine Smith's proposal was consulted on and she earned the right to introduce a bill after securing the required level of support for her final proposal (it was supported by 28 MSPs from four different parties). Unfortunately, there was not time before the end of Session 5 for a Bill to be introduced.
3. Access to food is a human right, but it is currently being denied to too many people in Scotland. The Covid-19 pandemic has exacerbated this and increased the need for action to be taken to address this problem.
4. The key aims of this proposed Bill are to:
 - enshrine the right to food in Scots Law
 - place responsibility for driving and overseeing this right upon the Scottish Government
 - establish responsibility for oversight onto either an existing body or create an independent statutory food commission to:
 - enable joined up policy making across food policy
 - set measurable targets on food security
 - require the Scottish Government to check policies against requirements of non-regression of the right to food.

Procedure

5. Under Rule 9.14.3 of the Parliament's Standing Orders, a draft proposal for a Member's Bill should be lodged with either:
 - a consultation document; or
 - a written statement of reasons why, in the member's opinion, a case for the proposed Bill has already been established by reference to specified published material and that consultation on the draft proposal is therefore unnecessary.

Published material and consultation

6. Previously published information regarding the same draft proposal was published in 2020 by then MSP, Elaine Smith. Details of the proposal, consultation document and consultation summary can be found [online](#). Copies of the [publishable consultation responses](#) can be also be found online.
7. That proposal was lodged on 23 June 2020 and consulted until 15 September 2020.
8. The consultation document was circulated to over 225 organisations, including:
 - charities interested in poverty, food insecurity, sustainability and human rights
 - a number of trade unions
 - and a number of public bodies including all local authorities and health boards.
9. Responses were submitted via an online questionnaire, or directly to Elaine Smith's parliamentary office. The consultation was publicised on a dedicated website set up by Elaine Smith, on social media, and in the press by means of a press release and articles for print media. In addition, virtual meetings were hosted by Elaine Smith to discuss the issues raised in the proposal and encourage attendees to respond.
10. In total 252 responses to Elaine Smith's consultation were received, of which 181 (72%) were from individual respondents, including four MSPs and one councillor. 71 (28%) were from organisations. These figures do not include late responses or those who indicated support via other means than the formal consultation.
11. The organisation respondents included:
 - those from the public sector including local authorities, health directorates and government agencies
 - third sector and representative organisations
 - networks and groups, and one commercial organisation.
12. In addition, the Co-operative Party ran an email campaign in which 80 respondents expressed their support by returning an email to the Member's office.
13. Of the formal responses counted, 93% agreed that the right to food should be enshrined in law – clearly a large majority. A majority also agreed that the proposed Bill could reduce food insecurity and improve the health of individuals, with a recurring theme being the need to take a holistic approach,

accounting for interrelated policy issues in order to ensure a sustainable food system was established and maintained.

Published research

14. In addition to the extensive consultation on the proposal for a Member's Bill brought forward on this issue in the previous session of the Parliament, there are many other relevant published studies and papers available.
15. Research into the right to food carried out by Sustain, in conjunction with Newcastle University, which is set out in its submission to the Environment, Food and Rural Affairs Committee, made in August 2020 on Public Sector Procurement of Food found that school food standards in statutory legislation had led to better dietary outcomes, but that there was overwhelming evidence on non-compliance with Government Buying Standards, with low compliance monitoring and reporting. made in August 2020 on Public Sector Procurement of Food found that school food standards in statutory legislation had led to better dietary outcomes, but that there was overwhelming evidence on non-compliance with Government Buying Standards, with low compliance monitoring and reporting.
16. The study found that Government policy would need to be amended to ensure Brexit did not mean lower food standards, and that it better reflected the climate and nature emergency, supported local producers, and made standards mandatory across the public sector.
17. A 2018 study into the right to food by the [University of Bristol Law School](#) in 2018 found several areas where the right to food is violated and where redressal can be facilitated by the enshrinement of the right into national legislation.
18. In 2011 the United Nations produced a report on the [Constitutional and Legal Protection of the Right to Food around the World](#).

Why consultation is unnecessary

19. I consider that consultation is not required for my draft proposal for the following reasons.
20. The draft proposal I have lodged is the same proposal for a Bill as that pursued by Elaine Smith in Session 5. The consultation process for her proposed Bill was concluded in mid-September 2020 and had engagement from a wide range of individuals and organisations from different sectors, backgrounds and views. This also included some organisations that co-ordinated their own email campaigns amongst their memberships. Respondents were also representative

of the farm-to-fork chain – from the National Farmers Union of Scotland, to Greencity Wholefoods, to foodbanks, as well as individuals.

21. As well as the consultation, Elaine Smith hosted roundtable meetings with stakeholders to get a clear understanding of their priorities or concerns and advertised the consultation on social media and in the print press to increase engagement.
22. The responses to Elaine Smith’s consultation, and the summary that was produced, are publicly available and are directly relevant to my case for legislating to incorporate the right to food into Scots law. I am confident that the wide range of responses to that consultation from the public and other stakeholders across Scottish society, made within the last year, remain relevant to my proposal and provide a credible resource to help inform the drafting of the Bill and its accompanying documents.
23. I believe that repeating the consultation process for, in effect, the same proposed piece of legislation originally proposed and consulted on by Elaine Smith just last year would be an unnecessary duplication of work. Repeating the consultation would slow down the progress of a vital piece of legislation and ultimately would add little value to the development of my Bill.

Rhoda Grant MSP
2 September 2021