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Communication

# Food Systems Transformation in Scotland—The Journey to, Vision of, and Challenges Facing the New Good Food Nation (Scotland) Act

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**Abstract:** Building on growing global and local calls for food systems transformation, and years of policy and legislative consultation (2009–2022), the Scottish Parliament unanimously passed transformational food systems legislation in June 2022. Built on a clear vision, clarity of purpose, a common set of outcomes, an agreed direction of travel, strong partnership working, sufficient time, and independent oversight, the Good Food Nation (GFN) (Scotland) Act is an innovative legislative framework designed to foster a healthier, fairer, and more sustainable Scottish food system for all. It places, for the first time, statutory responsibilities on the Scottish Government and relevant authorities (all Scottish local authorities and public health boards) to develop and implement national and local GFN plans, and importantly, makes provision for the establishment of a new independent, statutory Scottish Food Commission to oversee the implementation, with significant powers of oversight and scrutiny and a formal remit to make recommendations to any Scottish ministers and relevant authorities regarding issues/actions relevant to the Good Food Nation Plans. This paper outlines Scotland's agriculture, food, and drink sector, reviews its food policy and GFN journey since the establishment of the Scottish parliament in 1999, critiques the core principles, stated outcomes, key provisions, and planned timescales of the GFN (Scotland) Act, reflects on its transformational potential, and considers unresolved concerns and remaining tensions.

**Keywords:** food policy; systems transformation; Scotland; legislation; social; environmental; economic; public health; wellbeing; sustainable



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## 1. Introduction

Routed in a post war, industrialised food supply model designed to feed rapidly growing post-war populations with cheap, intensively produced food, our contemporary global food system is unequivocally broken. It is pushing the environmental limits within which humanity can safely exist [1,2], prioritising economic gain for the few at the expense of global public health, environment, animal welfare, biodiversity, and social equality [3,4]. It is resisting urgent, growing calls to adapt, and/or place conditions on, agricultural and food production, processing and supply chain practices, and subsidies. The result is an unacceptable lack of global progress towards reducing dietary-related illnesses and the environmental footprint of our food system, halting and reversing the damage done to, and loss of, nature and biodiversity, and eliminating food insecurity [1]. Change, though, is afoot with strengthening global agreements and coalitions (for example, the draft EU Sustainable Food Systems Law [5]; the Brazilian Food and Nutrition Security Law 2006 [6,7]; the Climate Change (Emissions Reduction Targets (Scotland) Act [8]; the new French Environmental Labelling law (Decree 2022-748) [9]); ambitious national, and regional, agriculture and food legislation and policy (for example, the United Nations (UN) Sustainable Development Goals (SDGs), UN Climate Change Targets and the UK Climate Change Committee (CCC), and the UN School Food Coalition); and growing corporate social responsibility partnerships and/or programmes (for example, Unilever Planet and

Society Programme—<https://www.unilever.com/planet-and-society> (accessed 27 June 2023); World Wildlife Foundation’s (WWF) Retailers’ Commitment for Nature—<https://www.wwf.org.uk/press-release/leading-supermarkets-join-wwf> (accessed 27 June 2023)), volatile global food supply chains, rising food poverty, and growing civil society activism.

This paper places the spotlight on Scotland and its newly passed Good Food Nation legislation designed to drive food systems transformation and deliver the Scottish Government’s vision for a Good Food Nation (GFN), “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” [10]. Over a decade in development (2009–2022), and notwithstanding recent political, economic, and supply chain turmoil, the Scottish Parliament unanimously passed in June 2022, the Good Food Nation (Scotland) Bill [10,11]. Hailed as ground-breaking legislation, the Good Food Nation (Scotland) Act provides the legislative framework, statutory conditions, and independent scrutiny mechanisms, required to facilitate, empower and monitor food systems transformation in Scotland. This paper outlines Scotland’s agriculture, food, and drink sector, reviews its food policy and GFN journey since the establishment of the Scottish Parliament in 1999, critiques the core principles, stated outcomes, key provisions, and planned timescales of the GFN (Scotland) Act, reflects on its transformational potential and considers unresolved concerns and remaining tensions.

## 2. Scotland’s Agriculture, Food and Drink Sector—An Overview

In Scotland, 69,000 are directly employed in, and 10% of all Scottish jobs (360,000) are dependent on, agriculture [12]. 80% of Scottish land is in agricultural production across 52,000 registered farms (incl. 21,000 crofts) with 89% classified by the EU as less favoured land, 44% classified as of high nature value, and 18% of all Scottish carbon emissions attributed to domestic agriculture production [12]. In terms of public support, Scottish farms receive, on average, GBP 600 million/year in public subsidies with 63% going to the top 20%, whilst the bottom 40% only receive 4.8%. Most farm types, including the average, have below zero incomes without public subsidies and 22% of farmers and farm workers earn the national living wage (GBP 10.42/h for over 23 year olds in 2023) or below compared to 8% of the general working population [12]. Approximately 10% of all registered Scottish businesses (360,910) are food and drink production, processing, and manufacturing (17,495) and accommodation and/or food service (15,000) contributing an estimated GBP 10 billion in gross value added to the Scottish economy [13–15]. Of those in food production, processing and manufacture, 98.8% are classified as micro or small enterprises (1–49 employees) employing 1290,000 directly (27% of all Scottish manufacturing jobs) with median weekly full-time earnings of GBP 591.50 in 2022, 8% lower than the Scottish average of GBP 640.50, and representing 4.9% of all jobs in Scotland and 15.1% of all food and drink production, processing and manufacturing-related jobs in the United Kingdom (excluding Northern Ireland) [15]. The Food and Drink manufacturing sector alone consists of 1285 enterprises, generating £10.3 billion turnover per annum (33% of all Scottish Manufacturing) and contributing £3.4 billion per annum Gross Value Added [16]. Scottish Food and Drink sales by value (including food imported from outside Scotland) are estimated at £14.7 billion per annum (up 1.9% since 2019) with approx. 70% generated from take-home sales (£10.4 billion) and 30% from out-of-home (£3.6 billion) sales [17]. In terms of self-sufficiency, approximately 52% of food consumed in Scotland originates from within the UK rising to 80% when EU imports are included with Scotland’s top produce being oats, barley, wheat, beef, lamb, dairy, and some vegetables. According to most recent statistics, Scottish food and drink exports (including to the rest of the UK) are valued at £11.7 billion per annum representing 13.4% of all Scottish exports with 61.2% by value exported to the UK (37.5%) and EU (23.7%) combined [18]. Key growth markets, in particular for whisky and salmon, include the USA, Germany, China, Canada, Spain, and Japan [15,18].

In the aftermath of the 2016 Brexit referendum and subsequent calls for a new Scottish Independence referendum (the last referendum took place on 18 September 2014), the Scottish Government elected to maintain as much alignment as possible with EU standards,

especially for agriculture, food and drink [19,20]. Unfortunately, Scotland's devolved political and legislative status, its lack of a formal role in any UK trade negotiations (including on the EU-UK Trade Cooperation Agreement), and the imposed Internal Market Act (2020) are making it increasingly difficult to exercise existing devolved powers, maintain a preferred level of alignment with the EU, and comply with EU standards [20]. All UK trade negotiations are reserved to, and controlled by, the UK Parliament and Government with 5 new free trade agreements (FTAs) signed post-Brexit including the UK–Australia and the UK–New Zealand FTAs both argued to be detrimental to the UK (and Scottish) farmers and food and drink businesses due to the zero-tariff, zero-quota access provided for key agricultural products (i.e., beef and lamb) without any requirement for alignment to existing the UK (and Scottish) environmental or animal welfare standards [21].

In addition, the Internal Market Act (2020), introduced by the UK Parliament to ensure frictionless trade across the UK in the aftermath of Brexit and controversially passed without formal consent of the Scottish or Welsh Parliaments, is profoundly affecting how the Scottish (and Welsh) Government exercises their devolved powers [13,19,20]. Whilst technically the Internal Market Act (2020) does not require Scottish agriculture, food and drink to align with, and meet the standards of other parts of the UK, it has the potential to undermine any attempts at food systems transformation, through the market access principles of mutual recognition and non-discrimination. Under the terms of the Internal Market Act (2020), any good (including agriculture, food and drink) meeting regulatory requirements in one part of the UK can be sold in any other part without having to adhere to relevant regulatory requirements in that other part [13,19,20]. It also prohibits direct or indirect discrimination based on treating local or incoming (from the rest of the UK) differently. Whilst in theory not profoundly different from the pre-Brexit constraints imposed by EU free trade rules, in practice, the ongoing domestic political tensions, ideological differences, and recent FTAs, have heightened the perceived levels of influence of, and increased interference in, Scottish policy and legislative matters by the UK Parliament. The result is growing tensions, complications around, and legal challenges against, new Scottish policies and legislation judged not to align with the interests of the rest of the UK (and in particular England). The implications for the vision and implementation of the Good Food Nation (Scotland) Act are potentially very serious as the Internal Market Act (2020) may undermine strongly held Scottish aspirations (as articulated in the GFN (Scotland) Act) to transform how, by whom, to what standards, and through what public subsidy system, the agriculture, food and drink sector is supported, and held to in Scotland.

From a business perspective, 44% of Scottish businesses report that Brexit has significantly impacted their ability to, and the cost of, doing business domestically and internationally due primarily to the loss of frictionless trade, workforce shortages, and increased production and administrative costs [22]. Whilst no tariffs or quotas are imposed on Scottish (and wider UK) food and drink exports to the EU, no agreement was reached on harmonising sanitary and phytosanitary rules, resulting in some products being no longer permitted for export to the EU (i.e., seed potatoes) whilst all others require formal paperwork and border/ports/harbour checks to certify that they meet EU standards [12]. Freedom of movement restrictions, and the associated additional costs and paperwork required for EU nationals to work in the UK, is severely impacting Scotland's agriculture, food, and drink sector. In 2022, there were an estimated 10,000 vacancies in food manufacturing and 40,000 vacancies in hospitality with an estimated GBP 60 million worth of food wasted on farms (i.e., left in the ground or destroyed) due to a lack of workers in particular seasonal fruit and vegetable pickers [22]. Recent inflationary pressures have driven unprecedented rises in the cost of food (across the UK including Scotland), up 25% since 2019 [20], with recent research estimating that 30% is directly attributed to Brexit at an average annual cost of GBP 250/household [22].

### 3. Food Policy in Scotland 1999–2023

Bringing our focus back to food policy, let us consider Scotland's food policy journey since 1999 and the creation of the new Scottish Parliament (and Government) with devolved legislative powers including most agriculture, food, public health, and environmental policy and regulation. In practice, Scotland now, for the first time in modern political history, had some policy and legislative autonomy and resources to develop Scottish-specific policy and legislation for, drive development across, and where permitted and necessary, intervene in its own agriculture, food, and drink sector. In 2009, the first tentative GFN policy steps were taken with the publication of "Recipe for Success Version 1" [11] and the first formal reference to the term "Good Food Nation". Scotland's first National Food and Drink Policy [10] followed in 2014 built around five core pillars, namely: health and wellbeing; environmental sustainability; local economic prosperity; resilient communities; and fairness in the food chain, including provision for the establishment of a non-statutory, advisory Good Food Nation Scottish Food Commission with a remit to provide advice on, and advocate for, the importance of good food to Scotland's health and wellbeing, environment and quality of life [12]. Meeting quarterly between February 2015 and June 2018 (last meeting 14 June 2018), the non-statutory GFN Scottish Food Commission published three reports [23–26] and was instrumental in advocating for new legislation to underpin Scotland's GFN ambitions and drive food systems transformation in Scotland.

A formal GFN (Scotland) Bill consultation was launched in 2018 reporting in September 2019 [27,28] with the GFN (Scotland) Bill listed on the 19/20 legislative programme for the government published on the 3 September 2019 [29]. Unfortunately, due to the COVID-19 pandemic, the planned introduction of the GFN Bill (alongside other planned legislation) was temporarily suspended in March 2020. Scottish parliamentary elections in May 2021 delivered a new governing coalition between the Scottish National Party and the Scottish Greens with the new governing coalition agreement (known as the Bute House Agreement), committing to the GFN (Scotland) Bill returning to, and being included on, 21/22 legislative programme for the government (7 September 2021). On 7 October 2021, the GFN (Scotland) Bill was introduced to the Scottish parliament with the formal process initiated on 3 November 2021 under the management of the Rural Affairs, Islands and Natural Environment (RAINE). After 7 months of scrutiny, evidence collection, oral hearings, parliamentary debate, and bill amendments, the Scottish Parliament unanimously passed the GFN (Scotland) Bill (113 (of 129 MSPs) for, 0 against, 0 abstained, and 16 absent (not present in the chamber)) on the 15 June 2022 and the GFN (Scotland) Act became Scots Law (on receipt of royal assent) on the 26 July 2022 [30–37]. Formal responsibility for the commencement and delivery of the GFN (Scotland) Act lies with the Scottish Government's GFN Team who initiated formal commencement in June 2023.

### 4. The Good Food Nation (Scotland) Act—Key Principles, Provisions, and Timescales

In short, the GFN (Scotland) Act is a legislative framework that provides an integrated governance structure to support food systems transformation in Scotland. It creates a statutory requirement for the production, publication, and evaluation schedule for national, and associated local, GFN plans. A legislative requirement for biannual reporting to parliament or relevant authority and review every 5 years (one from each relevant authority) is built into the legislation. As of April 2023, only Health Boards and Local Authorities are listed as the specified relevant authorities who will be required to produce local food plans with formal commencement for local GFN plans expected in 2024. There is a provision in the Act for additional specified public authorities to be added in the future if deemed appropriate for them to be required to produce GFN plans, requiring Scottish Ministers and relevant authorities, in developing their GFN plans, to have in regards to the following high-level principles [37]:

1. The fact that each part of the food system and supply chain plays an important role in the provision of food;

2. The role of a sustainable food system and supply chain in contributing to the mitigation of climate change, halting and reversing loss of biodiversity, and improving animal welfare;
3. The ability of high quality, nutritious, and culturally appropriate food to improve the health and physical and mental wellbeing of people;
4. The fact that adequate food is a human right and essential to the realisation of other human rights;
5. The importance of the food business sector to be a thriving part of the Scottish economy, having resilient supply chains, operating with fair work standards, and contributing to resilient local economics across Scotland.

Critically, it makes formal provision for (1) the establishment, staffing, and resourcing of a new independent, statutory Scottish Food Commission and (2) essential parliamentary scrutiny and other consultative processes. These provisions, it is argued, should remove the political jeopardy that has beset previous Scottish food policy attempts by placing statutory requirements for national and local GFN plans and reducing ministerial discretion over how food policy is planned, delivered, and evaluated in Scotland.

To realise these principles, the GFN (Scotland) Act articulates seven desired outcomes that Scottish Ministers and relevant authorities must have regard for when developing their GFN plans, namely: (1) Social and Economic Wellbeing; (2) the Environment, including in particular in relation to (a) Climate Change and (b) Wildlife and the Natural Environment; (3) Health and Physical and Mental Wellbeing (health and social care); (4) Economic Development; (5) Animal Welfare; (6) Education; and (7) Child Poverty [37].

The new independent statutory Scottish Food Commission (expected late 2024/early 2025) will be led by a Chief Executive (and secretariat). A publically appointed Chair and up to four commissioners and in exercising its functions, it will not be subject to the direction or control of any member of the Scottish Government. It will have strong powers of (1) oversight and scrutiny for tracking and evaluating progress towards stated GFN outcomes and (2) making formal recommendations to Scottish ministers and relevant authorities regarding plans (and associated actions and progress) it considers relevant to delivering the GFN vision, principles, agreed outcomes, and published national and local GFN Plans [37].

After extensive parliamentary debate and scrutiny, no explicit targets and/or indicators of progress were included in the final GFN (Scotland) Act. Instead, the national and local GFN plans are required to set out (a) the main outcomes (as listed above) in relation to food-related issues, which Scottish Ministers and relevant authorities want achieved; (b) the indicators, or other measures by which progress in achieving the outcomes, will be measured; (c) the policies Scottish Ministers and relevant authorities intend to pursue to deliver the outcomes, and measure progress; and (d) their plans for ensuring that implementation of the policies are informed by the food business sector [37].

The first National GFN plan is under development and expected in late 2024/early 2025 following an intensive 5-month period of public consultation and parliamentary scrutiny. The first local GFN plans will follow in 24/25 with each local GFN plan having regard for the national GFN plan and publishing a statement outlining how it complies with the requirements of the GFN (Scotland) Act [37].

## 5. Stepping Cautiously towards Food Systems Transformation in Scotland

In passing the GFN (Scotland) Act, the Scottish Government should be highly commended for leading the way globally in developing an integrated, systems-inspired legislative framework, governance structure, and scrutiny mechanism to deliver food systems transformation in Scotland. Placing statutory responsibilities on Scottish Ministers and relevant authorities to drive food systems transformation was both brave and necessary. These plans, and the associated processes for developing, consulting, implementing, and evaluating, will help foster, empower, and connect the already vibrant (yet disparate) food systems transformation community of practice across Scotland to deliver the GFN's vision of a fairer, healthier, and more sustainable Scottish food system for all [1]. The new statu-

tory Scottish Food Commission has the necessary advisory, scrutiny, and recommendation powers to challenge, and unravel, incoherent policy and incompatible legislation, and hold to account the Scottish Government and relevant authorities for their progress (or lack thereof) in delivering a Good Food Nation for Scotland.

That said, we must be very careful not to underestimate how much work remains to be done. Key decisions are urgently required on the design of, indicators of progress for, prioritisation in, and methods of evaluating, the national and local GFN plans and the Scottish Food Commission. Unresolved issues and tensions remain in particular regarding data and baselines; targets and indicators of progress; siloed organisational culture and working practices (especially within the national government and relevant authorities); unclear financial and human resource requirements for GFN delivery; and the explicit privileging of the “business” sector over other interested parties and stakeholder groups within the legislation. The absence of additional responsibilities, constraints, and regulatory requirements on the private food and drink sector, whilst politically and practically understandable, constrains the GFN (Scotland) Act and is likely to limit the magnitude of impact this legislation can deliver across the agreed outcomes.

Central to the design, prioritisation, and evaluation of the national and local GFN plans is the selection of an agreed set of common targets and/or indicators of progress. Clarity is needed as to how (and using what criteria) targets and/or indicators should be selected, their role in, and methods for, measuring direction of travel and associated progress, their transformational potential to deliver across multiple outcomes, and how intended and unintended consequences can be evaluated. At the heart of this debate is data—the lack of it, collection of it, access to it, sharing of it, gaps in it, and how, and by whom, it is used to track and evaluate progress. An urgent agreement is needed between the Scottish Government and relevant authorities on the agreed set of outcomes, targets, and/or indicators of progress, how local differences can, and should, be accommodated, what additional resources and systems will be required for delivery and monitoring, and the ways in which targets and/or indicators (existing and new) should be reviewed, revised, and/or created over time.

In principle, the GFN (Scotland) Act demands the breakdown, and transformation, of established, and hard-to-break, siloed food policy structures and working practices within the Scottish Government and relevant authorities. To succeed, more systems-based policies, competencies, and working practices are urgently required across multiple policy areas, directorates, and levels of national and local governance. Through the national and local GFN plans, and with strong leadership from the Scottish Food Commission, new, systemic ways of thinking through, and doing food policy must be fostered and resourced to deliver greater policy coherence, stronger legislative compatibility, productive intra- and inter-governmental collaborations, more creative partnerships, and better use of public funds.

Whilst the GFN (Scotland) Act makes explicit provision for stakeholder and public consultation and parliamentary scrutiny, the “business sector” is the only stakeholder group formally and explicitly listed in the legislation and whom Scottish ministers and relevant authorities must have regard for when developing their GFN plans. This privileging of the “business sector” has raised real concerns, in particular across civil society organisations, who argue the business sector has been granted greater power and influence over the development, and implementation of the GFN (Scotland) Act, and in particular, the ambitions, and direction of travel, of the national and local GFN plans.

## 6. Conclusions

To conclude, the GFN (Scotland) Act is a ground-breaking attempt to legislate for and empower food systems transformation in Scotland carrying a heavy weight of expectation and responsibility. To succeed, it must challenge existing power structures and policy silos, reframe how food has the potential to drive positive social, environmental, economic, and public health outcomes, and hold in respectful, dynamic balance the array of competing

interests, institutional structures, cultural nuances, local geographies and lived experiences at play [1]. Through a strong clarity of purpose, a common set of outcomes, an agreed direction of travel, sufficient time, and independent oversight, the GFN (Scotland) Act can foster greater understanding and collaboration across all interested parties. It can deliver stronger partnerships working, making space for, and embracing the views of, communities across Scotland and holding local and national government to account. It can provide a basis for navigating the many junctures where difficult and often contentious trade-offs will need to be made in the pursuit of a healthier, fairer, and more sustainable Scottish food system for all [1].

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