

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

FARRIERS (REGISTRATION) BILL

First Sitting

Tuesday 7 March 2017

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CLAUSES 1 to 3 agreed to.
THE SCHEDULE agreed to.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Saturday 11 March 2017

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The Committee consisted of the following Members:

Chair: JAMES GRAY

Chapman, Douglas (*Dunfermline and West Fife*)
(SNP)

† Davies, Byron (*Gower*) (Con)

† Davies, Glyn (*Montgomeryshire*) (Con)

† Eustice, George (*Minister of State, Department for
Environment, Food and Rural Affairs*)

† Glindon, Mary (*North Tyneside*) (Lab)

† Green, Chris (*Bolton West*) (Con)

† Harris, Carolyn (*Swansea East*) (Lab)

† Hoare, Simon (*North Dorset*) (Con)

† Jones, Gerald (*Merthyr Tydfil and Rhymney*) (Lab)

Matheson, Christian (*City of Chester*) (Lab)

† Merriman, Huw (*Bexhill and Battle*) (Con)

† Morton, Wendy (*Aldridge-Brownhills*) (Con)

† Murray, Mrs Sheryll (*South East Cornwall*) (Con)

Owen, Albert (*Ynys Môn*) (Lab)

† Paterson, Steven (*Stirling*) (SNP)

† Tolhurst, Kelly (*Rochester and Strood*) (Con)

Dr Glenn McKee, *Committee Clerk*

† **attended the Committee**

Public Bill Committee

Tuesday 7 March 2017

[JAMES GRAY *in the Chair*]

Farriers (Registration) Bill

9.30 am

The Chair: I welcome you all to the Committee. Before we begin, I will make a couple of introductory remarks. You know that I take a very old-fashioned view with regard to behaviour in Committee, and anyone caught taking their clothes off or drinking coffee or anything else will be asked not to do so, if that is all right by everyone concerned.

No amendments have been tabled to the Bill. That means that we will have one debate on clause 1 stand part, if that is agreeable, during which it will be perfectly sensible to discuss clauses 2 and 3 stand part, and indeed the schedule to the Bill. At the end of the debate, if it is agreeable to the Committee, we will take clauses 2 and 3 and the schedule formally, having already debated them, rather than taking each separately.

Hon. Members *indicated assent.*

The Chair: I see from nods around the room that that is indeed an acceptable way of proceeding.

Clause 1

CONSTITUTION OF FARRIERS REGISTRATION COUNCIL
AND ITS COMMITTEES

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clause 2 stand part.

Clause 3 stand part.

That the schedule be the schedule to the Bill.

Byron Davies (Gower) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I am delighted to be able to present the Bill, to which I have some attachment, as my father started life as a farrier before the second world war. When he came back from the war, things had changed and he followed another career, but I am delighted to have this opportunity to introduce the Bill.

The purpose of the Bill is to protect and maintain the public interest and protect the welfare of equines by modernising the governance, structure and operation of the Farriers Registration Council and its statutory committees. That will enable the council to overcome practical difficulties caused by out-of-date legislation, reduce the risk of legal challenge and modernise the council's structure and operations in line with the Government's better regulation principles and the practices of other regulators.

Clause 1 introduces the schedule, which amends the Farriers (Registration) Act 1975 and makes changes to the constitution of the Farriers Registration Council and its committees: the investigating committee and the disciplinary committee. The schedule has three parts, which replace the respective sections in the original Act dealing with the constitution of the council, the constitution of the investigating committee, and the constitution of the disciplinary committee. I will summarise the key points of those parts and highlight the changes that the Bill makes.

Part 1 of the schedule deals with the constitution of the council. The Bill retains the existing number of members—16—but makes some changes to their make-up. It removes the distinction between employed and self-employed farriers, as virtually all farriers are self-employed these days, so the distinction is out of date and no longer representative or valid. Four practising farriers will be elected, and two farriers will be appointed by the British Farriers and Blacksmiths Association. Three members will still be appointed by the Worshipful Company of Farriers, but there will be a new requirement that at least one must be a practising farrier. That means that the minimum number of farriers on the council will be seven, and there may be as many as nine if the worshipful company chooses to appoint more than one farrier. The remainder of the council will be made up of two veterinary surgeons and five lay representatives appointed by various interested bodies, such as the Royal Society for the Prevention of Cruelty to Animals and the British Horseracing Authority. The worshipful company will no longer appoint the chairman, who will be elected by the council from its members.

The Bill also tightens some of the provisions for serving on the council. It introduces a fixed four-year term of office for all members and stipulates that a member may serve on the council only twice. It introduces fitness-to-serve conditions. Members may be removed from office if they fail to comply with those conditions.

Turning to the changes in the constitution of the investigating and disciplinary committees set out in parts 2 and 3 of the schedule, part 2 deals with the investigating committee, which carries out preliminary investigations of cases or complaints against farriers that could amount to professional misconduct. If the investigating committee deems that to be so, the case is sent to the disciplinary committee, which determines whether the charges are proven. It can, where appropriate, apply sanctions—in the most serious cases, up to and including the removal of someone from the register of farriers. That would mean that that person would no longer legally be able to practise farriery.

The function of those committees is vital to the regulation of the farriery profession, and the Bill seeks to make changes to modernise the law and ensure that they are fit and proper for regulation in the 21st century. In particular, the Bill seeks to impose a full separation of powers, as I shall now explain. As the law stands, the investigating committee and the disciplinary committee are made up of members of the council. That does not fulfil the principle of separation of powers and the removal of possible bias and impartiality. The body that sets the standards for the profession is also responsible for investigation and adjudication on possible breaches of those standards.

As such, decisions of the investigating committee or the disciplinary committee may be subject to legal challenge by those whose cases are determined on the basis that they did not have the right to a fair trial. Equally, members of the public may view the lack of impartiality as farriers looking after their own. Consequently, it is vital that changes are made to bring the law up to date. The Bill proposes that members of the investigating and disciplinary committees are not members of the council; nor may they be an officer or servant of the council—that is, paid staff of the Farriers Registration Council.

The provision will be retained that a person on the disciplinary committee cannot sit on a case if they served time on the investigation committee in respect of the same case. That will ensure that full separation of powers is met and that the investigation and disciplinary committees meet the requirements of a modern regulator.

To summarise the remainder of the Bill: the investigating committee will consist of six people appointed by the council, of whom at least two must be registered by the council. The chair will be appointed by the council, and the quorum for a meeting will be three, at least one of whom must be a registered person. As with the council itself, the Bill would introduce a fitness-to-serve provision and powers to remove those who do not comply.

The constitution of the disciplinary committee, set out in part 3 of the schedule, follows similar lines. The principal difference from the investigating committee is that the disciplinary committee will consist of nine members appointed by the council, at least three of whom must be registered persons. The quorum for a meeting will be five members, at least one of whom must be registered. Otherwise, the same rules apply as for the investigating committee: the chair will be designated by the council, and a fitness-to-serve provision introduced, with powers to remove those who cannot comply.

Clause 2 inserts new section 17A into the Farriers (Registration) Act 1975 and gives powers to the Secretary of State to make regulations to amend or replace those parts of the measure that deal with the constitution of the council, the investigating committee and the disciplinary committee. In short, the clause would allow future amendment of the legislation to be made by secondary legislation, should that become necessary.

The clause also recognises the devolved nature of the legislation and would require that, if any future legislative change is made, the Secretary of State must gain the consent of Scottish and Welsh Ministers. The Secretary of State must also consult the FRC and any other relevant parties. Legislative changes will be by statutory instrument and subject to the negative procedure.

Clause 3 provides for the Bill to extend to England and Wales and Scotland, and states that the main body of the Act will come into force when introduced by statutory instrument at a date determined by the Secretary of State.

Mary Glendon (North Tyneside) (Lab): It is an honour to speak under your chairmanship, Mr Gray. It is more than three years since the coalition Government carried out the consultation on reforming the governance structure and operation of the Farriers Registration Council. Unfortunately, they were not able to allocate time in the previous Parliament for a draft Bill to reform the Farriers (Registration) Act 1975.

I, therefore, congratulate the hon. Member for Gower on taking up the draft Bill. It was wonderful to hear—and he must be proud to be able to speak on this—about something that his father was involved in during his early life. He spoke in depth about the Bill's clauses, so I will be brief, the Committee will be pleased to hear. The Bill will modernise the Government's structure and operation of the FRC and its statutory committees to protect and maintain the public interest.

Under the Farriers (Registration) Act 1975, the FRC not only has a responsibility to maintain, regulate and approve membership of the register, but it has a responsibility for the preliminary investigation of disciplinary cases through its investigating committee, and it determines cases through its disciplinary committee. The arrangements are out of date and are not in line with the regulation of other professions. In the Bill, members of both the investigating committee and the disciplinary committee will not be members of the FRC, which will result in an acceptable separation of powers. There will also be a fitness-to-serve requirement for all members, similar to that in other regulatory bodies. There are also defined terms of office, and the chair will no longer be appointed but will be elected by members of the council.

The Bill will reduce the risk of legal challenge, and bring the regulation of the farrier profession into line with the regulation of other professions. It will introduce a new flexibility, and will allow future changes to the FRC to be made by the Secretary of State under secondary legislation, thus allowing the FRC and its committees to be kept up to date and fit for purpose. We support the Bill, as it introduces a greater level of fairness and transparency to the FRC and its committees that will underpin its progress as a modern and professional regulator for its members, and for those who rely on the industry well into the future.

Huw Merriman (Bexhill and Battle) (Con): I, too, shall be brief. I congratulate my hon. Friend the Member for Gower on bringing forward this private Member's Bill. As a result of an interaction I had with a constituent of mine who is a farrier, I seem to have got to know more farriers in the country along the way. Perhaps this is a good example of how democracy works: we are here to serve our constituents, and I promised that if I could not get him the answer he needed, I would apply to get on the Bill Committee. Here I am today as a result.

My constituent, Mr Jeffrey Newnham, has concerns about the composition of the Farriers Registration Council, particularly the requirement that the worshipful company provide three members. It appears that the Government have also looked at this issue. The changes are welcome, and should be welcomed by my constituent. By ensuring that one of the three members from the worshipful company must be a farrier, the number of farriers on the council is increased. The Government seem to recognise that there should be greater representation of farriers within the worshipful company.

It may seem strange to some hon. Members, but it is not a requirement for the Worshipful Company of Farriers to actually provide farriers to the council. As a result, farriers feel that they are under-represented among the 16 members. They want 50% of the council to be farriers, rather than the seven out of 16 that will be the

[*Huw Merriman*]

case under the Government's change, which at least raises it from six. Farriers themselves feel that they are under-represented.

The point I would make to my hon. Friend the Member for Gower, and perhaps to the Minister, is that there seems to be a lack of harmony between the farrier industry and its own worshipful company. Knowing some of these companies, I would say that its rules can at times be outmoded and its constitution might not necessarily reflect the industry that it was originally set up to serve. There may need to be a bringing together of farriers and their own worshipful company. I recognise that it is not the Government's job to intervene so closely, but where farriers have real concerns about a lack of representation on their own council, I would like the Government to take steps to bring the sides together in the event that the Government are unwilling to put the make-up up to 50%.

9.45 am

The regulation of this industry is important and has legal consequences, so I can understand why the Government would not do so. Any industry that effectively regulates itself does not necessarily provide the independent regulation that is required. I recognise the concerns that the Government may have, but I ask whether there are measures they can take to try to bring the industry together.

The Minister of State, Department for Environment, Food and Rural Affairs (George Eustice): May I begin by congratulating my hon. Friend the Member for Gower on bringing forward this Bill, which enjoys full Government support? As the shadow Minister pointed out, we held a consultation on this issue in 2013. The intention is, at the request of the Farriers Registration Council, to revisit the legislation to enable the council to modernise its procedures. The Farriers Registration Council is an important organisation. It was established by the 1975 Act to maintain a register of farriers, to determine who is eligible to practise and to approve farrier training. The Farriers Registration Council is a light-touch regulatory body that focuses on regulating the individual and leaves the farrier free to adopt the business model of their choice.

I will not rehearse the detailed intention behind each clause because my hon. Friend the Member for Gower has outlined that. In summary, first, the Bill establishes a new schedule that enables us to revisit the constitution of the Farriers Registration Council. I will return to that in a moment, given the points made by my hon. Friend the Member for Bexhill and Battle. Secondly, in order to establish a degree of independence that it was felt was wanted, the Bill makes changes to the constitution of the disciplinary committee and the investigating committee to ensure that members of those committees cannot also be members of the council. Thirdly and importantly, clause 2 establishes a power for us to revisit issues such as the constitution of the Farriers Registration Council and its committees through secondary legislation. Most of us here today would probably think it unnecessary to have primary legislation to make decisions about the constitution of a particular committee of the Farriers Registration Council.

The original 1975 Act sought to maintain some continuity with the very good work done by the Worshipful Company of Farriers, which can trace its origins right back to 1356. In fact, the company is No. 55 on the register of the City of London livery companies. The 1975 Act always intended to maintain a link between the Worshipful Company of Farriers and the Farriers Registration Council. That is why it charged the Worshipful Company of Farriers with the function of

“securing adequate standards of competence and conduct”

among farriers, and the duty of promoting, encouraging and advancing the

“art and science of farriery”.

As my hon. Friend the Member for Bexhill and Battle pointed out, under the legislation, it is the role of the Worshipful Company of Farriers to provide three appointees to the Farriers Registration Council, but we are making a number of important changes.

I reassure my hon. Friend that I, too, have had meetings with farriers on both sides of the debate. I have met those who felt that the Worshipful Company of Farriers had too great a role. They raised two particular issues. First, they felt there should be 50% representation of working farriers. Secondly, they had concerns about the ability of the Worshipful Company of Farriers, under the original Act, to directly appoint a chairman of the Farriers Registration Council. I listened to those concerns, but I reassure him that they are not felt universally by all farriers. I have also had farriers contact me to say that they are perfectly happy with the current arrangements, that they have great confidence in the Worshipful Company of Farriers, and that they would not want to break that link.

We have therefore sought to build a compromise that addresses all of those concerns. First, we have made it clear that the Worshipful Company of Farriers will no longer directly appoint a chairman of its choosing. In future, the members of the council will decide who is their chairman. That does not prevent there being a convention, if it is the will of the members of the council, for the Worshipful Company of Farriers to advance options or nominations to be considered alongside others. However, it means that the worshipful company will no longer have the power to directly appoint a chairman.

The second change is that, of the three appointees the worshipful company must make, at least one must be a working farrier. It is possible for all three to be working farriers, meaning that, of the 16 members, a minimum of seven and a maximum of nine will be working farriers. It is likely that, more often than not, the majority of council members will be working farriers, which I think strikes the right balance. If the council were predominantly constituted of farriers and did not, as currently, have veterinary experts, representatives of the horse industry and other experts in the field, there would be the danger of regulatory capture. That is the counter-argument that has been made by others in the worshipful company. I hope that the compromises we have made strike the right balance in that regard and mean that hon. Members feel able to support the Bill.

Finally, I simply say that it is important that councils such as this have a collegiate manner and work together, based on the evidence of individual cases and particular problems. We do not want a system in which there is a

bloc vote of working farriers versus the rest; that would clearly not be a healthy state of affairs. I hope I have reassured hon. Members about the changes we are making and the reasons for them. In doing so, we make no comment at all about the Worshipful Company of Farriers. It is an organisation with a proud history. I have met its representatives and have a huge amount of respect for them. The Bill will maintain the close link with the Worshipful Company of Farriers while, I hope, striking the right balance in other areas. I am happy to say that I support the Bill and hope it is passed quickly.

Byron Davies: I am grateful for the shadow Minister's kind words, her support for the Bill and her assistance in allowing for its smooth transition. I am grateful to

the Minister for addressing the point raised by my hon. Friend the Member for Bexhill and Battle, and I hope that that matter has been put to rest for him and his constituent, Mr Jeffrey Newnham. That is about all I have to say.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Schedule agreed to.

Bill to be reported, without amendment.

9.53 am

Committee rose.

