

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT FARRIERS AND ANIMAL HEALTH
(AMENDMENT) (EU EXIT) REGULATIONS 2019
DRAFT VETERINARY SURGEONS AND ANIMAL
WELFARE (AMENDMENT) (EU EXIT)
REGULATIONS 2019

Tuesday 5 February 2019

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Saturday 9 February 2019

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The Committee consisted of the following Members:

Chair: SIOBHAIN McDONAGH

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| † Ali, Rushanara (<i>Bethnal Green and Bow</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| † Braverman, Suella (<i>Fareham</i>) (Con) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab) | † Spellar, John (<i>Warley</i>) (Lab) |
| Cunningham, Mr Jim (<i>Coventry South</i>) (Lab) | † Stevenson, John (<i>Carlisle</i>) (Con) |
| † Davies, Glyn (<i>Montgomeryshire</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Watling, Giles (<i>Clacton</i>) (Con) |
| † Drew, Dr David (<i>Stroud</i>) (Lab/Co-op) | |
| † Duguid, David (<i>Banff and Buchan</i>) (Con) | Jack Dent, <i>Committee Clerk</i> |
| † Kendall, Liz (<i>Leicester West</i>) (Lab) | |
| † Mc Nally, John (<i>Falkirk</i>) (SNP) | † attended the Committee |
| † Moore, Damien (<i>Southport</i>) (Con) | |

Ninth Delegated Legislation Committee

Tuesday 5 February 2019

[SIOBHAIN McDONAGH *in the Chair*]

Draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019

2.30 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): I beg to move,

That the Committee has considered the draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019.

The Chair: With this it will be convenient to consider the draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019.

David Rutley: It is an honour to serve with you in the Chair, Ms McDonagh. We have two statutory instruments for the price of one.

Hon. Members: Buy one, get one free!

Dr David Drew (Stroud) (Lab/Co-op): Coming to you at a knockdown price.

David Rutley: I wish I had not gone there, to be honest, given some of the comments I have just received.

I have moved the motion for the draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019, and I will also speak to the draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019. [*Interruption.*]

The Chair: Order. It has been suggested to me that it might be the other way round.

David Rutley: Okay. For the record, I have moved the motion for the draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019, and I will also speak to the draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019.

Both statutory instruments aim to ensure that there will continue to be a functioning regulatory and legislative regime for professional regulation of veterinary surgeons and farriers, and enforcement of legislation for protecting animal health and welfare, if the UK leaves the EU with no deal and no implementation period. I will address both draft instruments in turn.

The draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019 set out the approach for professional regulation of veterinary surgeons from the European economic area, and make a technical change to the Animal Welfare Act 2006 to ensure the continuity of existing enforcement powers. Both changes are needed to ensure operability of the existing legislation.

I acknowledge the vital contribution of veterinary surgeons in maintaining high levels of animal health and welfare in the UK, as well as their role in protecting

public health and food safety and facilitating international trade. On behalf of the Government and, I am sure, the Committee, I sincerely thank them for their important work.

In the UK, the veterinary profession and its standards are regulated by the Royal College of Veterinary Surgeons. Since its passage, the Veterinary Surgeons Act 1966 has provided a mechanism for veterinary surgeons who have qualified outside the UK to register to practise here. That mechanism, in so far as it applied to EEA and Swiss nationals, was subsequently amended to reflect the requirements of the EU recognition of professional qualifications directive when that was adopted in 2005.

Under the European system—our current system—EEA and Swiss nationals who hold degrees from veterinary schools recognised by the EU are entitled to have those degrees automatically recognised in any member state. Once the UK leaves the EU, that reciprocal arrangement will come to an end. The purpose of this statutory instrument is to ensure operability and consistency of the system for registering EEA and Swiss-qualified veterinary surgeons after the UK leaves the EU. EEA or Swiss-qualified persons who wish to register to practise in the UK will still be able to do so. They will, however, have to follow the same process as those who have qualified elsewhere, outside the EEA.

That process is set out in section 6 of the 1966 Act, and requires that an applicant satisfies the Royal College of Veterinary Surgeons and

“has the requisite knowledge and skill...for practising...in the United Kingdom”.

If the royal college is satisfied that the degree held by the applicant meets that requirement and is equivalent to one from a UK veterinary school, there is no further assessment of their knowledge and skill. The royal college estimates that approximately 87% of applicants from the EEA will meet that requirement. That is a very high percentage.

If the applicant does not hold such a degree, they must undertake and pass a professional examination administered by the Royal College of Veterinary Surgeons. That would help to ensure consistency of approach to the regulation of veterinary standards in the future. I stress that the changes will not affect those already registered to practise veterinary surgery in the United Kingdom. Transitional arrangements also ensure that those in the process of registering with the royal college on exit day are entitled to have their application considered under the current rules.

As I mentioned, the draft regulations make a minor technical amendment, to section 29 of the Animal Welfare Act 2006, to ensure that an existing power of inspection remains available in England and Wales after exit day. The power permits the inspection of premises to check compliance with regulations made under section 12 of the Act that implement EU obligations. I recommend this statutory instrument to Committee members.

The draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019 will ensure that the system for recognising farriery qualifications continues to function effectively after the UK leaves the EU. The instrument also amends section 64A of and schedule 3 to the Animal Health Act 1981, as well as three exemption orders under the Veterinary Surgeons Act, to ensure the operability of those pieces of legislation after EU exit.

First, I will talk about changes to the professional regulation of farriers. Farriers are responsible for the shoeing of horses, and therefore are very important to maintain the health and wellbeing of horses. In Great Britain, farriers have been regulated since 1975 by the Farriers Registration Council under the Farriers (Registration) Act 1975. Farriery is not currently regulated in Northern Ireland. Under the European system, EEA and Swiss nationals who hold farriery qualifications, or who have certificates attesting to their experience, are entitled to have those qualifications or that experience recognised in any member state. Once the UK leaves the EU, that reciprocal arrangement will come to an end.

To ensure consistency of professional standards, we propose to use the same system of recognising farriers' qualifications from the EEA as that for farriers from the rest of the world. If a farrier has an overseas qualification recognised as equivalent to that required by the Farriers Registration Council, they can register to practise in the UK. Farriers whose qualifications and training are not equivalent to UK standards, but who have two or more years of professional experience as a farrier, will need to undertake professional assessment. If they have less than two years' professional experience, they will need to undertake full professional training in the UK, followed by a professional assessment, before being registered to practise in the UK. That will help to ensure consistency across the profession, and will help to protect the health and welfare of horses.

We have discussed the proposals with the Farriers Registration Council, which is content with this approach. The amendments do not affect the rights of those already registered to practise farriery in the United Kingdom, or who are in the process of applying to register with the FRC when the UK leaves the EU.

I will briefly outline the technical changes that the statutory instrument aims to make to the Animal Health Act 1981 to ensure its operability after EU exit. The statutory instrument amends section 64A of, and schedule 3 to, the Act. The amendment to section 64A will ensure that, where a power of entry currently exists in Great Britain, an inspector can continue to assess compliance with secondary legislation under the Act.

A further operability amendment, to schedule 3, removes any EU obligation that no longer applies to the UK after exit. The relevant local authority must be satisfied that adequate measures are in place to prevent any risk of the spread of foot and mouth disease before it decides not to slaughter susceptible animals. It is not necessary to express the requirement that European Union interests are not endangered, as there is also a clear interest for the UK to be disease-free to facilitate trade.

Three exemption orders under the Veterinary Surgeons Act 1966 currently permit specific minor veterinary surgery procedures to be carried out in the UK by persons other than veterinary surgeons, provided they have successfully undertaken an approved course. In the UK, before a UK course can be approved, the Secretary of State, rightly, must consult the Royal College of Veterinary Surgeons. However, at the moment, EU law requires us also to recognise any training undertaken in an EEA country that would allow a person to carry out that procedure there. There is no EU minimum standard for such training—no requirement that the member state in question consult its equivalent to the RCVS.

Importantly, there is no guarantee that the course is of the same standard as those undertaken in the UK. In the future, it will be for the Secretary of State—and, in some cases, the Department of Agriculture, Environment and Rural Affairs, as the responsible authority in Northern Ireland—to decide whether any non-UK course meets the appropriate standard, to ensure there is more rigour. That will help maintain high standards of animal health and welfare in the UK.

For the reasons that I have set out, I commend the statutory instruments to the Committee.

2.40 pm

Dr Drew: I am delighted to serve under your chairmanship, Ms McDonagh. I welcome the Minister to his place. We have our issues with SIs, but we had not got to the stage where the Government were trying to freeze the Opposition into submission. This is a first.

I know the Minister was expecting a great audience. I welcome our audience, and I hope they can hear us in this big room. It is the annual dinner of the British Veterinary Association today—I declare an interest as an honorary associate—and perhaps the Minister was expecting all its members to turn up. Vets are an important part of our community, and they might have wanted some sport before their dinner tonight. Sadly, they have not arrived in any great number, so the message obviously did not get through to them.

I have no particular problem with the two statutory instruments—that on farriers is particularly non-contentious—but the situation does not bode well for trying to get through so many SIs before the end of March. I do not know whether the Minister has a checklist, as some must have elsewhere in his Department, where they are counting down the days. It behoves the Opposition, as well as the Government, to do their job, and our job is one of scrutiny and holding the Government to account. That is very difficult with the numbers of SIs coming through, and with some of the technical aspects of those SIs. That concern is shared across the board, and I put that on the record. However, we are doing our best. As I said in business questions to the Leader of the House last week, any additional resource would be greatly welcomed, so that we could be even more effective in what we are trying to do.

At one level, these issues are not contentious. Members will be pleased to know that we are not going to vote against the SIs, but we have some points to make. On the issue of farriers, there is little to argue about. There is no shortage of farriers in this country, and it makes some sense that we try, in advance of whatever happens at the end of March, to bring some order to that particular trade. However, that is not true of vets.

We are already somewhat short of vets—I think the figure is 11.5%—and many of the vets in our abattoirs are European Union vets. That matters, because if there is not a vet on the line, the line shuts. There is a huge potential impact on the way in which our food is provided. If we get this wrong, it will be one of the aspects of our withdrawal from the EU, whenever that may be, that will have quite serious consequences.

As I have pointed out in previous Delegated Legislation Committees, we are, sadly, not taking the opportunity to improve environmental standards. This is really just cutting and pasting what we already have in place as

[Dr Drew]

members of the EU, and hoping that we can do similar things as part of a British legislative approach. It is not improving our environmental standards, which is sad, because the Government always say that they aim to improve environmental standards when we leave the EU. We may see that in the forthcoming environment Bill, and it will be interesting to know where the changes covered in these SIs fit with that primary legislation.

As far as I am concerned, we are going backwards to go forwards. Let us put some figures into perspective. The British Veterinary Association says that, in terms of European economic area veterinary surgeons, who are vital to the UK, something like 50% of new entrants each year who register with the Royal College of Veterinary Surgeons are EU nationals, and 95% of vets in our abattoirs are either EU nationals or foreign-registered vets. That is where we get the figure of an 11.5% shortage, because it is very difficult to recruit foreign vets at the moment. Jason Aldiss, who has been to see me—he is probably known to the Minister—is from Eville & Jones, which is one of the major agencies for supplying foreign vets. He has two British vets and 600 foreign vets on his books. That is why we need a lot of foreign vets. It is important that we get this right.

I will ask some questions in a minute, but I want to put this in perspective. The Lords will consider this issue tomorrow, and I am sure they will have some points to make. The Lords Secondary Legislation Scrutiny Committee came to the following conclusion:

“This instrument proposes to end the preferential access that veterinary surgeons with EEA qualifications currently have when seeking to practise in the UK. The significant change is proposed in the context of the ending of the mutual recognition of qualifications following the UK’s withdrawal from the EU. The Committee notes the assurances provided by the Department regarding the new registration requirements for EEA veterinary surgeons and the introduction of the new role of CSOs”—

certification support officers—

“who are to provide support in relation to export health certificates.”

That is all well and good, but the Committee goes on to say:

“Given the importance of EEA-qualified veterinary surgeons for the UK, especially in public health areas such as disease control and the safeguarding of animal health and welfare, the House may nevertheless wish to explore further the approach the Government have taken with this instrument and the potential impact... We therefore draw the draft Regulations to the special attention of the House, on the ground that they give rise to issues of public policy likely to be of interest to the House.”

Hon. Members will hear more about that tomorrow. It is at least worthy of some reflection that the Lords have identified this as an area of concern. We could likewise say something about the farriers regulations, but this is more contentious.

The Public Accounts Committee report, “Defra’s progress towards Brexit”, identified that as one of a number of issues. It was less than satisfied and said that the Department is “cavalier” about having enough suitably qualified staff to take on the work, particularly in ports and abattoirs.

Vets have previously come here from the EU and from outside the EU, but how does the Minister intend to fill the gap if they stop coming? The PAC recommended that DEFRA

“needs urgently to develop a credible plan for increasing vet capacity for export health certificates that does not add to exporters’ costs including addressing concerns around coverage across the country and whether it is appropriate or possible for non-vets to sign off health certificates.”

Of course, these jobs are statutory; someone else cannot do them. They require veterinary surgeons. That is why the BVA has expressed concern and highlighted how important those vets are—that is where the numbers come from. The same is true of the RCVS, which will oversee the new regulatory arrangement for registering vets from abroad. Those bodies are concerned and want the issue to be addressed.

The BVA and the RCVS referred the issue to the Migration Advisory Committee, to ensure that vets are considered one of the special professions that must be exempted from the rigmarole. As the Minister has rightly said, there is a registration process and some will get through it, but the cost of the exam is £2,500, which is not inconsiderable for someone who, for all sorts of reasons, may not be earning an income until they get to this country. It would be interesting to know who intends to meet those costs.

The Minister may not be able to answer some of my questions now, but I hope he will write to me in the course of time. The explanatory memorandum does not state whether policy is being changed. Are any policy changes required as a result of the SIs? If so, why has no consultation been undertaken with either vets or the businesses in which vets are employed? What changes will the measures lead to in operational delivery? If there are fewer vets, somebody somewhere will have to make some sacrifices.

Will the draft regulations impose additional costs on businesses, individuals or the public sector? We are told that there is no regulatory impact assessment because supposedly the measure will have no impact on those sectors, but the reality is that any such change will have an impact. These businesses are important to us. They actually see the throughput of our meat on to our supermarket shelves. I would have thought that that is worthy of a regulatory impact assessment.

Will the draft regulations result in any additional environmental impacts compared with the legislation being amended or replaced? What would happen in the event of us crashing out? That would affect not just these draft regulations, but the primary legislation covering the way in which veterinary surgeons operate. The sector would be immediately under the spotlight. We hope that such an eventuality will not happen, but what preparatory work have the Department and the Government done?

I have one last question, which I always ask. The main issue for those vets from abroad to whom I have spoken is less to do with what they are going to earn—because they negotiate that—than with their pensionability. What practical measures are the Government putting in place to ensure that pension portability is permitted and encouraged? Otherwise, foreign vets will find that whatever pension they earned during the period they worked here is locked up here, which will not be very helpful if and when they go back to their country of origin. It would be interesting to know the pensionable arrangements, because that, in its own way, will determine whether people come here and, more particularly, whether they stay here. That is all connected to the collection of data

and regular reporting. I hope that the Government will keep us regularly informed about any potential shortfall in the number of vets, particularly in the abattoir sector.

The Minister may not be able to answer a number of those questions, but they are important because vets matter, and not just to our food chain. We all know vets, and foreign vets are at least somewhat quizzical about where their future in this country lies.

2.53 pm

John Mc Nally (Falkirk) (SNP): I do not have much to say. The hon. Member for Stroud (Dr Drew) has already pointed out things that concern me, particularly regarding the RCVS figures, which show that about 20% of UK vets are trained not in the UK but at EU universities, and that there could be an increased demand for vets post-Brexit, especially if inspections are needed at the border and at the ports. An impact assessment does not appear to have been carried out, even though it would give us an idea of what that might mean for animal welfare and trade.

Scotland is a huge exporter in broiler chickens, which are exported to Europe and across to Russia. They are globally renowned chickens. If their welfare was damaged in any way, that would affect the business in my local area. In addition, live shellfish are transported abroad to Europe. If that process is delayed in any way, the people who produce the animals do not get paid at the other end. If they die in transit because there is a lack of vets to make it a seamless, frictionless transition, that is a cost to them and it can affect local communities and their businesses, so I am reticent about that. The regulations relating to farriers are non-contentious, but has an impact assessment been carried out with regard to non-EU people who have registered somewhere else but who work in this country?

2.55 pm

David Rutley: I am grateful for the contributions that have been made, and I am pleased to hear that the hon. Member for Stroud will be attending the BVA dinner this evening.

Dr Drew: You are going as well, are you?

David Rutley: Yes, I will be speaking, and I am little bit worried about the hon. Gentleman's suggestion that I might be the subject of some sport. We shall see, but I am sure he will be well behaved, just as he was trying to be today.

Characteristically, the hon. Gentleman has raised a number of important points—he does his homework, as we well know—but I will touch on the issue of the shortage of vets, because I think that Members on both sides of the House are concerned about that and want to take action. To address concerns that have been raised about the shortage, we in DEFRA have provided evidence to the Migration Advisory Committee, strongly supporting the return of veterinary surgeons to the shortage occupation list. The Migration Advisory Committee is due to report in spring 2019, and while the UK prepares to leave the EU, DEFRA is working closely with the Home Office to ensure that there is a long-term strategy for the veterinary workforce, as part of future immigration policy. I hope that is helpful.

Dr Drew: Will the Minister support me in saying that we can work cross-party on that? We believe very strongly that this must be sorted; it should have been sorted some time ago because of the seasonal agricultural workers scheme, although I know these are not seasonal workers. I do not know whether there is anything the Opposition can do to help, but the Government have to get real. We must make sure that we are recruiting people appropriately.

David Rutley: That point is understood, and I will gladly meet the hon. Gentleman to discuss further his suggestion of working closely on the issue. That leads on to what else we are doing to help vets, in the event of a no-deal scenario, to prepare for increased demand for export health certificates for animals and animal products, because those products will need to pass through border inspection posts. DEFRA's internal estimates suggest that we will need the equivalent of up to 50 full-time official veterinarians to respond to the changes in demand for export health certification.

We are providing free training for 400 official vets, and our very detailed discussions and engagement with the industry indicate that, with their existing capacity, the use of new certification support officers and their ability to bring more vets into the market, we should be in a reasonable position to meet that demand. In addition, we are providing free training for 200 CSOs and we are already starting to put CSOs through that training, so that they can add value and help our vets to focus on those issues to which they can make the biggest contribution in what could be quite challenging circumstances if there is an increased volume of demand for EHCs.

The hon. Gentleman asked about the cost of the statutory exam, which is £2,500. We have looked at other professional regulators, and these fees are fairly comparable. For example, they are cheaper than the General Dental Council's examination fees of about £3,735.

Rushanara Ali (Bethnal Green and Bow) (Lab): How long will it take for those people who are being trained to qualify and be ready? If we crash out—as I understand it, we will not have mutual recognition under the SI—will they be ready and will we have enough people to backfill the shortage? If not, would it not be sensible to be more flexible, here and now, with regard to mutual recognition so that we do not make life more difficult, as my hon. Friend the Member for Stroud has already said?

I also reiterate my hon. Friend's point about impact assessments. A detailed, or even cursory, impact assessment of the implications would have fleshed out the issues and enabled us to engage with them more fully. The consequences are very dire if we do not get it right. A number of Departments, including the Treasury, have failed to provide impact assessments, and I am sick to death of sitting on Delegated Legislation Committees without impact assessments. I do not think that is an appropriate way to scrutinise proposed legislation, which is especially significant given the context in which we find ourselves.

David Rutley: The hon. Lady has also made thoughtful points. I reassure the Committee that we are working incredibly hard to ensure that we are ready for any eventuality, including regarding the availability of vets. There is an ongoing dialogue: I have met the chief veterinary officer and the BVA several times and I am

[David Rutley]

sure I will meet them again tonight. We have worked very closely to make sure that we are in the best possible position for any eventuality come 29 March.

Hon. Members have also asked whether there is a change of policy. The answer is yes, because mutual recognition of qualifications will cease in a no-deal situation. A couple of hon. Members made points about impact assessments, which are required only when there will be a direct impact on business as a result of regulatory change. The SI concerns the registration of individuals only. Those points have been discussed with the RCVS, which is content with the proposals.

I hope that my remarks have answered most of the questions. I am sure that the hon. Member for Stroud will buttonhole me tonight if he has any other points.

Dr Drew: I will.

David Rutley: I look forward to that dialogue, which will be really important. Lord Gardiner is looking forward to tomorrow's debate in the House of Lords, where those points can be considered in even more detail.

As I said in my opening remarks, it is important that these statutory instruments are passed. If they are not, the current system for regulating veterinary qualifications from EEA veterinary schools will not operate effectively,

which would result in an inconsistency of veterinary standards in the UK and the inability of inspectors to enforce certain animal welfare standards. Additionally, the system for recognising farriery qualifications from the EEA, enforcing animal health regulations and approving courses for certain veterinary procedures would not operate effectively.

We know and have discussed at length the importance of the veterinary and the contribution that it makes to public health and to animal health and welfare in the UK. The SIs will help veterinarians to carry out their very important work in a no-deal scenario. For those reasons, I commend both statutory instruments to the Committee.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019.

**DRAFT VETERINARY SURGEONS AND
ANIMAL WELFARE (AMENDMENT)
(EU EXIT) REGULATIONS 2019.**

Resolved,

That the Committee has considered the draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019.—
(David Rutley.)

3.3 pm

Committee rose.