PARLIAMENTARY DEBATES

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OFFICIAL REPORT

Tenth Delegated Legislation Committee

DRAFT ANIMALS (LEGISLATIVE FUNCTIONS) (EU EXIT) REGULATIONS 2019

DRAFT AQUATIC ANIMAL HEALTH AND PLANT HEALTH (LEGISLATIVE FUNCTIONS) (EU EXIT) REGULATIONS 2019

Wednesday 27 February 2019

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Sunday 3 March 2019

The Committee consisted of the following Members:

Chair: David Hanson

† Beresford, Sir Paul *(Mole Valley)* (Con)
Blackman, Bob *(Harrow East)* (Con)
Champion, Sarah *(Rotherham)* (Lab)
† Debbonaire, Thangam *(Bristol West)* (Lab)
† Hollinrake, Kevin *(Thirsk and Malton)* (Con)
† Latham, Mrs Pauline *(Mid Derbyshire)* (Con)
† Mc Nally, John *(Falkirk)* (SNP)
Mahmood, Shabana *(Birmingham, Ladywood)* (Lab)
Mann, John *(Bassetlaw)* (Lab)
† Moore, Damien *(Southport)* (Con)
† Pollard, Luke *(Plymouth, Sutton and Devonport)* (Lab/Co-op)
† Quince, Will *(Colchester)* (Con)
Reynolds, Emma *(Wolverhampton North East)* (Lab)
† Rutley, David *(Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs)*
† Sobel, Alex *(Leeds North West)* (Lab/Co-op)
† Stewart, Iain *(Milton Keynes South)* (Con)
† Watling, Giles *(Clacton)* (Con)

Medha Bhasin, *Committee Clerk*

† attended the Committee

Tenth Delegated Legislation Committee

Wednesday 27 February 2019

[David Hanson *in the Chair*]

Draft Animals (Legislative Functions) (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 Animals (Legislative Functions) (EU Exit) Regulations 2019.

The Chair: With this it will be convenient to consider the draft Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019.

David Rutley: As always, it is a pleasure to serve under you in the Chair, Mr Hanson. There are two sets of regulations for members of the Committee to consider. These statutory instruments are made under the enabling power in the European Union (Withdrawal) Act 2018 to take powers currently held by the European Commission and transfer them to the appropriate Ministers in the UK.

I should first make it clear that neither instrument makes any change to policy. The instruments are technical and ensure a smooth transfer of powers from the EU to the UK. I should secondly make it clear that the instruments in no way diminish our controls in the important subject areas covered. There is no proposal to alter or reduce our biosecurity controls for animals or plants, our animal welfare standards or our capacity to protect public health.

Thirdly, Ministers will be able only to make negative resolution statutory instruments on specific procedural or technical matters—I stress that it will be technical matters—that are laid down in the various legislative functions currently exercisable by the Commission. The new enabling powers in these SIs will therefore be confined to only those matters that the EU Parliament and Council have delegated to the Commission to implement by way of tertiary legislation, with input from relevant experts.

Legislative functions are currently conferred on the Commission by EU legislation. They enable the Commission to set out the technical details of the regimes in what is known as tertiary legislation. These two instruments take the powers currently held by the Commission and transfer them to the appropriate UK Ministers. Therefore, the instruments are correcting measures enabled by the 2018 Act. The crucial point is that they do not introduce new policy. They preserve the current animal, fish and plant health regimes and simply ensure that we will continue to operate effectively when we leave the European Union.

The Animals (Legislative Functions) (EU Exit) Regulations 2019—the first instrument we are considering—cover animal health and welfare. They provide for legislative functions to be exercisable by UK authorities. The exercise of those functions will principally be by way of domestic secondary legislation by the appropriate authorities that is made under the negative resolution procedure because it will involve minor technical amendments to the EU retained law. This instrument transfers existing functions currently conferred on the Commission in the areas of animal transport, which is regulations 2 and 6; livestock identification, which is regulations 3 and 5; transmissible spongiform encephalopathies—TSEs—which is regulation 4; seal products, which is regulation 7; animal slaughter, which is regulation 9; animal by-products—ABPs—which is regulations 8 and 10; and zootechnical conditions, which is regulation 11. That allows us to react and develop the legislation in line with changes in technical requirements and in response to any relevant developments in the future.

The functions include such matters as amending implementation rules and procedures when amending detailed rules in respect of sampling and laboratory methods; approval of new scientific disease-related tests; revisions to disease monitoring and surveillance; setting down rules for breeding programmes to recognise disease resistance in livestock; determining feed safety practices; amendment of training and educational programmes; and the uniform application of disease contingency plans. The functions also include the powers to amend the welfare requirements for transporting live animals and to amend animal slaughter methods to take account of scientific and technical progress.

Regulation 12 is a cross-cutting regulation applying across this instrument generally. It contains transitional and saving provisions relating to standard form documents. For example, new forms will be introduced for the UK, but under these regulations it will be permissible to use the current EU forms after exit day for a period of time, so that the movement of products can continue unhindered in a pragmatic way while new forms are being considered and published.

Turning to the Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019—the second statutory instrument before us—I wish to draw to hon. Members' attention to one matter relating to the explanatory memorandum, which has been amended. The amended version, which was published last week on 18 February, merely deletes incorrect references to powers not included in the SI, and therefore does not affect the content of the SI itself.

The first of these powers—to edit the criteria of listing diseases—was not included in the SI because the focus of the instrument is to ensure day one readiness. The power to amend the criteria, as listed in directive 2006/88, does not require being transferred at this stage, as the current criteria are well established and effective. The power to edit the criteria may be transferred to UK Ministers in future, but it is not required in the short term.

The second change involves the power to set out detailed rules for the introduction into the EU from third countries of aquaculture animals and related products. This was moved from this instrument and covered in the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019, debated in the House on 19 February, which contains a number of similar amendments. I apologise to members of the Committee for the inconvenience that might have caused.

The second instrument ensures that a series of legislative functions currently conferred by EU legislation upon the European Commission will be exercisable instead by Governments in the United Kingdom. The difference is that this instrument relates to EU directives, while the previous instrument—the first one we discussed—covers EU regulation brought into UK law by the European Union (Withdrawal) Act 2018.

Directives in this SI are transposed into domestic law by UK regulations and, in some cases, primary legislation when they come forward, so they are already on the UK statute book. However, the functions conferred on the Commission in those directives were not transposed, as it would not have been appropriate to do so, because they refer to EU institutions. They are now being brought in by these regulations to the appropriate Ministers in the UK.

I reiterate my earlier point that Ministers will only be able to make negative resolution statutory instruments on the various legislative functions currently exercisable by the European Commission in specific procedural or technical matters that are laid down. The new enabling powers will therefore be confined to only those matters that the European Parliament and Council have delegated to the European Commission to implement by way of tertiary legislation with input from relevant experts. As with the previous instrument, there is no change in policy.

Part 2 of the second instrument relates to aquatic animal health and part 3 relates to plant health. The regulations relating to plant health do not extend to Scotland—plant health is devolved and Scottish Ministers have chosen to bring forward their own legislation to deal with technical operability issues solely arising from EU exit from plant health legislation.

In part 2, which transfers functions relating to aquatic animal health, the instrument transfers existing European Commission legislation functions to appropriate UK Ministers. It will enable them to amend the list of diseases for disease control purposes, and draw up and, importantly, update this for third countries or parts of third countries, from which aquaculture animals and related products can be introduced into the UK post-exit.

In part 3, which deals with transferring functions in relation to plant health, this instrument transfers the legislative functions to appropriate Ministers in England, Wales and Northern Ireland to make amendments, keeping pace with developments in scientific knowledge or changes in risks in plant health. The appropriate Ministers will also be able to specify import conditions that apply to plants and plant products originating in a third country. This is important in enabling international trade based on an assessment of the risk. It also enables appropriate Ministers to put in place temporary emergency measures for the purposes of preventing the introduction or spread of a plant pest. As I have said, there is no lessening of our prior security controls and these measures will enable us to respond to emerging threats.

These instruments will ensure that an operable legal framework is in place for exit day. They make no policy changes. For the reasons set out, I commend them to the Committee.

2.40 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to serve under your chairmanship again, Mr Hanson. The Minister will be relieved to know that the Opposition will not vote against either of the two statutory instruments, but I have a number of questions, which I will be grateful if the Minister can address in his remarks, about the additional resources required for the new duties, the vague nature of some of the new appropriate authorities that the SIs refer to and the potential loss of scientific expertise.

I want to put on the record the Opposition's general concern about how the Government are rushing through so many statutory instruments and pieces of secondary legislation, which means that scrutiny is often very limited. I note what the Minister said about errors in the explanatory notes. I am grateful to him for setting out what went wrong, but I carefully suggest to him that one reason why mistakes are being made may be the speed and pace of SIs being pushed through his Department. I have a lot of sympathy for the plight of Ministers in the Department for Environment, Food and Rural Affairs, because that Department is most affected by Brexit legislation and has the most SIs to get through. My concern is that, given the speed that they are being pushed through, mistakes can be made and there can be unintended consequences.

The Minister said that all these SIs do is simply transpose EU law into UK law, deleting "Europe" and inserting "the Secretary of State in the United Kingdom", for instance. Secondary legislation should be used for technical, non-partisan, non-controversial changes, but the Opposition are concerned that the SIs could contain contentious elements that are not being scrutinised sufficiently. Some 400 statutory instruments have been tabled since June 2018. I would be grateful if the Minister can update us on how DEFRA's SIs are doing. I understand that we are barely a quarter of the way through the pile of DEFRA SIs that is being considered by the House of Commons. My hon. Friends on the Back Benches are very good at turning up for these Delegated Legislation Committees, and they will want to know about them.

The Chair: Order. We are dealing with just these two today.

Luke Pollard: Indeed, which brings me to the lack of scrutiny that comes with the frequency and volume of the instruments we are being asked to consider.

On the surface, this SI does not seem particularly controversial, but I fear that we run the risk of exposing ourselves to unintended consequences if we continue to pass rushed legislation. There are elements in these two SIs that deal with some severe and important issues, so it is right that we ask about the scrutiny of them. In particular, I want to ask the Minister about the pre-legislative scrutiny of both SIs. For previous statutory instruments, I have invited the Minister to open the DEFRA reading room to allow parliamentarians and not just invited stakeholders the opportunity to review draft SIs to ensure sufficient scrutiny.

Both SIs deal with very important aspects of biosecurity and animal and plant health, and a certain level of technical expertise is required to understand their full implications. I note that the Minister has said in the past that DEFRA would be looking at opening its reading room so parliamentarians can carry out pre-legislative security, but has since decided against that. I invite him to revisit that decision, because in technical areas such as this, the greater the scrutiny, the better the legislation that comes out of it at the end.

[Luke Pollard]

Part 4 of the plant health regulations states:

"Regulations made by the Secretary of State…are to be made by statutory instrument",

which leads to a number of questions about both SIs. Will the statutory instruments be affirmative or negative? What will their sequence be? Given the volume that is still to be introduced and the separation of key topics across a number of different SIs, we might not see the aggregated effect of the regulatory changes. For instance, today we are dealing with both plant health and animal health. That is a broad range of topics to consider. We know that there will be subsequent SIs on both topics, which means that we are not able to see the whole picture. I invite the Minister to think about whether the sequencing of SIs can be looked at to enable greater scrutiny.

I have mentioned previously my concerns about the loss of expertise and information-sharing with our EU friends as we leave the European Union. At the moment we have access to much EU-wide research and analysis to shape our decisions. The Minister has mentioned the transfer of competences from the Commission to relevant UK authorities, but I would be grateful if he could answer a few questions on scientific advice about plant animal health.

What steps are being taken to ensure that the scientific advice will be of the same technical and authoritative standard after this legislation is transposed? The European Commission has very high data quality, and I expect the UK Government to have similar. Will the Minister set out how he intends to ensure that the data quality will be the same? Will he tell us whether there will be additional funding allocated to authorities to look at the research and data collection that would be required under both statutory instruments? The UK has world-leading science. I do not meant to do down our science, but there is real value in peer-reviewed Europe-wide data that enables us to benchmark ourselves, particularly because plant health and animal health have cross-border implications on biosecurity.

I am concerned that there is additional demand on the resources of the competent authorities that the statutory instruments deliver additional powers to. They create new responsibilities for what will be deemed appropriate authorities after Brexit. In parts 2, 3 and 4, considerable powers are conferred to UK authorities, but it is not entirely clear where those mysterious authorities are and who will exercise those powers. I am reminded of Tony Benn's five basic questions for democracy on allocation of powers. They include: what powers will they have? In whose interests will they be used? Who are they accountable to? How can we get rid of them if they cross the line? What is not certain about the powers created is the accountability and who will exercise them. I would be grateful if the Minister could respond to that.

There are concerns about the toothless nature of the new environmental protection agency. The Opposition understands why that is necessary following our exit from EU institutions, but we need to ensure that the competent authorities that will exercise those powers are sufficiently well resourced and have accountability and scrutiny of those decisions. Part 2 of the draft Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019 creates new powers for the appropriate authority—without naming it—to amend Annex 1A and Annex 3 to Commission regulation 1251/2008. Having the authority to amend that annex means that the appropriate authorities will be responsible for adding, varying or removing an exotic or non-exotic disease in Annex 1A where necessary. At what point will that be open to scrutiny to make sure the scientific basis of those decisions is appropriate? The EU Commission provides much of that but it is not certain how that will be done in future.

Part 3.10 confers to the appropriate authority

"Power to modify the lists of regulated plant pests and relevant material"

where modification is

"necessary or appropriate in the light of developments in scientific or technical knowledge"

and

"technically justified and consistent with the risk to plant health."

Part 3.11 confers:

"Power to make further derogations".

There are an awful lot of powers there. After many years of austerity and cuts to competent authorities in DEFRA land, what additional funding will be allocated? Has any assessment been made of whether any additional funding will be required for the proper exercise, scrutiny and data collection and reporting of the new duties? Has the Minister made any estimates of additional staffing that will be required?

Part 3.13 confers

"Power to make provision in relation to emergency measures".

I am of the view that it is best to scrutinise emergency powers before they are used rather than at the point of use. The appropriate authority will have the ability to modify plant health regulations to make temporary provision for the purpose of preventing the introduction of a plant pest into a relevant territory. What additional resources can we put in place to ensure that those emergency powers can be scrutinised?

I was very concerned to read in the explanatory notes that the powers under directive 2006/88/EC and directive 2000/29/EC have not been transferred in this SI, given the lack of urgency. It says that they may be transferred in due course. I would be grateful if the Minister can set out, in relation to my concern about sequencing, when he expects those powers to be exercised in conjunction with the ones we are considering today. As a package, they work together, and individually they do not provide the full picture.

I echo the remarks made by my noble Friend Baroness Jones of Whitchurch in the other place. She made the point that the circumstances in which these controls are put in place in aquaculture seem to relate solely to the adverse economic impact and the likely production or export losses. There is no reference to the welfare or suffering of the species concerned. Could the Minister not have a wider responsibility to ensure good animal husbandry and disease-free environments for those fish and species, regardless of the economic consequences? I realise that this SI transfers current EU regulations, but the Minister knows that there is cross-party concern to ensure that high levels of animals husbandry for all species are transferred appropriately into UK law after we leave the EU. I hope the Minister will take into account the increasing evidence that fish that are farmed

in an aquaculture environment that closely replicates their natural environment and are kept disease-free are less stressed, more productive and more robust in the longer term. There is a benefit all round to ensuring that the regulatory environment is appropriate.

The Animals (Legislative Functions) (EU Exit) Regulations 2019—hon. Members will be relieved to hear that I am now 60% of the way through my remarks—is about animal health and welfare, and food composition and labelling. Although it amends a wide breadth of legislation, as with the SI on aquatic animal and plant health, there has been no impact assessment. In previous Delegated Legislation Committees, I have raised concerns about the wording used in explanatory notes about impact assessments, and I would like to repeat them now. The explanatory memorandum says that there is no impact, or little impact, and therefore the Government have not carried out an impact assessment. The precise wording is:

"There is no, or no significant, impact on business".

Given the volume of SIs that we need to get through, that is an unhelpful phrase, because those are two different things. I realise that the Minister is bound by the duties of the House, and that is the set terminology. I am sure he will blame the House authorities for it. There is a distinction between "no impact" and "no significant impact". I would be grateful if the Minister can set out which of the two he believes it is, and how he can make that decision in the absence of an impact assessment.

This SI amends 10 pieces of EU legislation and transfers new powers to UK authorities. Individually, they do not seem to be huge changes, but I am concerned about the incremental change and the unintended consequences. I am especially concerned about how, as a nation, we provide identification, keep records, issue health certificates and transport animals. In aggregate, that creates a huge amount of work for the relevant institutions that will be receiving those powers.

My questions are similar to those that I asked about the previous SI. I would be grateful if the Minister can set out what assessment he has made of the requirement for any additional resources to ensure that these powers are appropriately used, and that the results of that work is appropriately reported. We currently rely on EU institutions to do that and aggregate that data, but that responsibility will now be transferring to UK authorities. I am not certain what the implication is of that transfer.

It would also be helpful to know what the appropriate authority referred to in these regulations is, the extent to which its advice is given independently, and whether that advice will be made public. One of the advantages of the fact that the EU scrutinises much of this is that many of its decisions are available on the European Commission website. It is quite a website, and it is not necessarily the easiest place to find that advice, but it is published. Does the Minister plan to transfer over that element of transparency? It is not within the SI per se, but it relates to how the powers in the SI will be delivered.

There are concerns about the level of scrutiny. There is a degree of stakeholder fatigue about the level of scrutiny and expertise that we have in reviewing some of these elements. Understanding the full implications of this SI requires a high level of technical knowledge. I do not for one moment pretend that I have such expertise, so the Opposition rely on outside expertise. That is one of the reasons why the sequencing of this particular SI with the other ones to come creates not only uncertainty about the proper scrutiny of this SI, but also the ones to follow. Will the Minister set out how he intends to address stakeholder fatigue and provide the robust scrutiny that certainly the Opposition and, I am sure, Members on both sides of the House rely on to make sure that what we are passing is appropriate?

The Minster has set out elements of the regulations. Regulations 2 to 9 and 11 give powers to the Minister to push through more statutory instruments. The Minister has set out what those particular SIs enable him to do. As we heard earlier, they range from implementation rules and scientific tests to disease resistance and food safety practices. Feedback from stakeholders in general is that dealing with a jigsaw puzzle one piece at a time does not enable us to see the bigger picture. There are elements here about how the competent authorities will use those individual regulations to create a full picture of the effect on the sectors that will be regulated by them. Will the Minister address that?

My noble Friend Baroness Jones raised a point in discussing this SI a few days ago about transmissible spongiform encephalopathies. You and I, Mr Hanson, might know them as mad cow disease or zombie deer disease in deer and elk. The Opposition are concerned that the regulations on TSE seem to water down the requirement in the annual monitoring programme to check animals in remote areas with low animal density. They also allow the overall programme to be revised based on a comprehensive risk analysis. There seems to be a slightly different effect in contrast to what the Minister set out as a simple cut and paste of EU legislation. On the TSE elements, why has there been no impact assessment on the potential monitoring reduction? Who will carry out any risk assessment to look at TSE? Mad cow disease and its similar forms in other species is an area where it is right and proper that additional questions are asked because of the potential effects. I represent an urban seat in a very rural part of the world in the south-west, so can the Minister give some reassurance to the people who want to know there is no reduction in the monitoring?

In relation to animal welfare, why have cows, goats and sheep been lumped together in an SI on aquatic plant health and disease? I echo the concerns of my noble Friend in the other place who said last week:

"It seems a bit of an act of desperation to produce these composite SIs, which have completely different subject matters, particularly when there are other SIs in the pipeline covering more specific regulations relating to these individual topics."—[*Official Report, House of Lords,* 20 February 2019; Vol. 795, c. 484.]

We will not oppose this SI today, but we have concerns about the pace at which the SIs are being pushed through. We simply cannot afford to get it wrong when it comes to plant and animal health and the impact that may have on the environment, consumer welfare and public health. For example, in part 2, regulation 9 refers to Council regulation 1099/2009 on the protection of animals at the time of slaughter. These matters are not trivial and legislation dealing with slaughterhouses requires the utmost scrutiny. Will the Minister confirm that there is nothing in the regulations that will roll back animal welfare standards, especially in relation to slaughter?

[Luke Pollard]

In Monday's REACH debate in the main Chamber, the Minister was unable to satisfy the House that no deal would not risk animal testing having to be duplicated. Some of the implementation of these particular regulations may add additional costs, not just to the public competent authorities mentioned in the SIs, but to those who work in aquaculture and agriculture and associated settings. Can the Minister set out whether he expects there to be any additional costs to those communities?

My general concern about many of the DEFRA SIs that we are considering, including the two before the Committee, is that future animal welfare still looks uncertain under this Government. There are lots of good warm words, but I am concerned about the aggregate effect of many of the changes, and about how they work as an overall picture. There are particular concerns about how one element of animal welfare consideration works with another and what the aggregate effect of changes to responsibilities will be on organisations that will receive additional powers.

To ease my concern, I would be grateful if the Minister spoke about how the SIs will be implemented. Is he asking the competent authorities, once identified, to implement them as they come out of the parliamentary process, or will he look at aggregating them to be implemented en bloc? Knowing whether the SIs will be aggregated for implementation or will be implemented in turn along the way will address how much scrutiny needs to be applied to each.

To conclude, I am concerned that there has been insufficient scrutiny of many statutory instruments, including the two before the Committee. We know that Brexit must not be used as an excuse to reduce or weaken our environment protections. There is a distinction between the protections in law and on the face of regulation, and those that are actually implemented by authorities that have the resource and powers to do so. I would be grateful if the Minister sets out answers to those concerns, particularly on funding for the organisations that may receive additional powers. The Opposition will not vote against the two instruments, but we have laid out our concerns, which I would be grateful if the Minister addressed.

3.2 pm

David Rutley: I am grateful to the hon. Gentleman for his characteristically in-depth and thoughtful contributions and his extensive questions, which I will endeavour to address to his satisfaction. I also thank hon. Members for their presence on the Committee.

As we have discussed, the two instruments transfer specified functions to the UK Minister. Without establishing those powers in United Kingdom law, respective UK Ministers would be unable to bring forward measures for which the European Commission currently has authority on behalf of member states.

The hon. Gentleman kindly referred to the fact that DEFRA is under a lot of pressure with respect to SIs. Let us be absolutely clear: as part of leaving the EU, we are onshoring environmental, agricultural and fisheries policy in one go, so there will inevitably be a lot of SIs on the back of that. I am grateful to him and his team for bearing with us, which they have generally done in good spirit in the light of the amount of work going on, as has the ministerial team. I should more than anything pay tribute to officials at DEFRA for the huge amount of work that they do to make this possible.

We have laid out the SIs that are required for day-one exit. Final scrutiny by the Joint Committee on Statutory Instruments determines what needs to happen, and the final few SIs are passing that hurdle as we speak. We are getting most of the SIs into the Joint Committee on Statutory Instruments' hopper, so we are well through the programme and making good progress. We sorted instruments that are legislative in nature into the affirmative procedure and decided that it was more efficient to pass others via the negative procedure, as hon. Members would expect. The drafts are considered in detail by the JCSI and are published several weeks before the parliamentary debate, so there is time to consider them, but I understand what the hon. Gentleman says.

A huge amount of work is going on, and I ask the hon. Gentleman to bear with us. I have not personally come across what he calls stakeholder fatigue, but I am conscious that there is a lot going on, and we are working very closely with stakeholders to try to provide the information that is required to help them.

It is important to recognise that, given the amount of work that is going on, we are trying to focus on the right piece of legislation at the right time. The policies within the SIs we have brought forward remain unchanged. The hon. Gentleman asked whether there was little or no significant change. I do not want to dance on the head of a pin, but I assure him that these are incredibly minor technical amendments. I know he has gone through them in great detail, and I am sure he can see that they are incredibly technical.

The hon. Gentleman requested further clarity on the appropriate authorities. They are the Secretary of State, the Welsh Ministers, the Scottish Ministers and the Northern Ireland Department. The definition of "other responsible authorities" depends partly on which part of the SIs we are talking about, but in the aquatic animal health and plant health SI they are simply other Ministers or the Northern Ireland Department.

As I said, these are minor technical amendments to retained EU legislation. The hon. Gentleman talked about sequencing. I think—I hope I have got this right—he is concerned about when the future negative SIs that are referred to in the two instruments would come into place. They would come forward when there was a need. We are transferring powers so that the Minister—the UK Minister or the Minister in a devolved Administration—can recognise that there has been a change in circumstances and update the technical requirements as a result. That is what we are talking about. We are not looking at a tsunami of future SIs all in one go. We are transferring powers to respond. At the moment we are in a very good place—we have good positions in place on plant and aquatic health and animal welfare—but we want to ensure that we have the power to make amendments in the future.

The hon. Gentleman asked about consultation and impact assessments. There was no consultation because there is no policy change. These changes are very technical and forward looking. For similar reasons, there was no impact assessment either.

The hon. Gentleman asked a number of very important questions about science. We have outstanding science, which is supported by the Government and the taxpayer,

and we are considering how best to allocate resources. The Chancellor of the Exchequer is well aware of our demands, or suggestions, and no doubt of those of other stakeholders.

The hon. Gentleman also mentioned our science agencies. We are very fortunate to have outstanding Government agencies and expert committees, which have genuinely worldwide recognition for undertaking risk assessments and advising the Government. They have been doing that work for many years, and we will be able to retain that expertise. We have the expertise of the Animal and Plant Health Agency and the Centre for Environment, Fisheries and Aquaculture Science. We want to ensure that we retain that and, in time, build on it.

I think I have already answered the hon. Gentleman's question about the various authorities that would be passed on to different Ministers, and about who those Ministers would be. I hope I did so to his satisfaction. He also talked about ensuring that we have the necessary resources in place. In debates on previous SIs, I have discussed with some of his counterparts what we are doing to support vets, for example. That includes ensuring that there is enough training to enable vets to step up and do what will be required on export health certificates, and we have also made strong representations to the Migration Advisory Committee about returning veterinary surgeons to the shortage occupation list, which I know the hon. Gentleman strongly supports.

The hon. Gentleman also mentioned fish husbandry. The Animal Welfare Act 2006 made it an offence to cause animals, including fish, avoidable pain or suffering. There are mechanisms to ensure that welfare standards are in place. We have no current plans to extend animal welfare legislation to cover specific husbandry requirements for fish, but we do not rule out making such additions in the future.

The hon. Gentleman also made important points about TSEs. I can assure him and other members of the Committee that the TSE monitoring programme will not be watered down by the amendments and will continue unchanged after EU exit. The regulations exactly reflect the current EU programme, and the Government have no plans to revise our existing annual monitoring programme for TSEs, which will remain at pre-EU exit levels for the foreseeable future.

I hope that I have answered just about all the questions. Of course, the hon. Gentleman and I have a good relationship, and I can answer any other questions afterwards—or it can be done in writing. I hope that hon. Members are now more fully aware of why the regulations are needed. Overall, the regimes will continue to function similarly to how they did before. For the reasons that I have set out, I trust that members of the Committee will give the regulations their support.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Animals (Legislative Functions) (EU Exit) Regulations 2019.

DRAFT AQUATIC ANIMAL HEALTH AND PLANT HEALTH (LEGISLATIVE FUNCTIONS) (EU EXIT) REGULATIONS 2019

Resolved,

That the Committee has considered the draft Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019.—*(David Rutley.)*

3.12 pm

Committee rose.