

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Thirteenth Delegated Legislation Committee

DRAFT ANIMAL WELFARE AND INVASIVE  
NON-NATIVE SPECIES (AMENDMENT ETC.)  
(EU EXIT) REGULATIONS

*Wednesday 9 December 2020*

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**Sunday 13 December 2020**

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**The Committee consisted of the following Members:**

*Chair:* JUDITH CUMMINS

Begum, Apsana (*Poplar and Limehouse*) (Lab)  
 † Campbell, Sir Alan (*Tynemouth*) (Lab)  
 † Carter, Andy (*Warrington South*) (Con)  
 † Davison, Dehenna (*Bishop Auckland*) (Con)  
 Evans, Chris (*Islwyn*) (Lab/Co-op)  
 † Fletcher, Mark (*Bolsover*) (Con)  
 † Henry, Darren (*Broxtowe*) (Con)  
 Johnson, Dame Diana (*Kingston upon Hull North*)  
 (Lab)  
 † Johnson, Gareth (*Dartford*) (Con)  
 † Jones, Fay (*Brecon and Radnorshire*) (Con)  
 † Longhi, Marco (*Dudley North*) (Con)

McGinn, Conor (*St Helens North*) (Lab)  
 † Morris, James (*Lord Commissioner of Her Majesty's Treasury*)  
 † Prentis, Victoria (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)  
 † Sambrook, Gary (*Birmingham, Northfield*) (Con)  
 Thompson, Owen (*Midlothian*) (SNP)  
 † Zeichner, Daniel (*Cambridge*) (Lab)  
 Yohanna Sallberg, *Committee Clerk*  
 † **attended the Committee**

# Thirteenth Delegated Legislation Committee

Wednesday 9 December 2020

[JUDITH CUMMINS *in the Chair*]

## Draft Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations

2.30 pm

**The Chair:** Before we begin, I remind Members to observe social distancing and to sit only in the places clearly marked. *Hansard* colleagues would be grateful if Members could send their speaking notes to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

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

That the Committee has considered the draft Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations.

It is a pleasure to serve under your chairmanship, Mrs Cummins. This statutory instrument amends earlier EU exit regulations in three areas: animal welfare, leghold traps and pelt imports, and invasive non-native species. The amendments ensure that retained EU law continues to remain effective and operable at the end of the transition period and in accordance with the Northern Ireland protocol.

The SI amends the regulations relating to the welfare of animals during transport, at control posts and at slaughter, to ensure that they remain operable in accordance with the Northern Ireland protocol. It will end recognition in Great Britain of transporter authorisations, driver and attendant certificates of competence, vehicle approvals and journey logs that are issued by an EU member state. From the end of the transition period, EU transporters will have to apply to a competent authority for those documents in order to be able to continue to transport animals in and through GB. That will allow for better enforcement, create a level playing field and ensure that GB transporters are not commercially disadvantaged, because the EU is applying similar rules. Transport documents issued in Northern Ireland will continue to be acceptable for use in Great Britain.

Additionally, the SI ensures that we meet obligations under the UK-Ireland common travel area by making provision for training that is carried out in the Republic of Ireland to be recognised as equivalent to that in GB for the purpose of giving a driver or attendant certificate of competence in GB. It makes amendments to regulations protecting animals at slaughter and will ensure that slaughterers' certificates of competence issued in any part of the UK will continue to be recognised across GB.

Without the SI, EU transporters could continue to move animals into and through the UK, but we would lack the ability to take enforcement action if they breached the rules on the welfare of animals in transport. Following an animal welfare incident, the ability to suspend or revoke a certificate of competence or a transporter authorisation until that transporter has been retrained is an important enforcement mechanism. Live

animal movements should be carefully planned, based on predicted journey times. Long journeys must be approved by the competent authority, as any delay could result in significant welfare issues. The SI will ensure that from the start of the year, EU transporters will need to apply to the GB competent authority to gain approval for their planned journeys.

The existing exit instruments amend the retained EU leghold trap regulation. The regulations that prohibit the use of leghold traps and the import of pelts and manufactured goods from certain wild animal species make the retained legislation compatible with the Northern Ireland protocol, and they ensure that the import of pelts and pelt products from the EU will be treated in the same way as imports from any other third country. The regulations will continue to prohibit the use of leghold traps in Great Britain and to ensure that only pelts sourced from captive-bred animals, or pelts from approved countries that abide by humane trapping standards, are imported. They will maintain the high standards and controls that are currently in place for pelt imports.

On invasive non-native species, the SI makes technical amendments to ensure the proper working of retained EU law and the management of the Northern Ireland protocol. The changes make provision for the devolved Administrations to be consulted properly about species listing and decisions on reserved matters. That is particularly important in relation to grey squirrels in Scotland, for example, where they have particularly strong views as they are working hard to promote red squirrels. The changes also allow traders in Northern Ireland to continue to use established rules on the sale of commercial stocks after a species has been listed.

The regulations ensure that specimens seized at the UK border do not have to be transported to England or Wales: border officials in Northern Ireland and Scotland, for example, may send seized animals to local facilities instead of having to ship them to England or Wales. They also make a minor change relating to civil sanctions to bring clarity on the procedure and appeal rights for non-compliance. Furthermore, the changes allow for temporary emergency restrictions on previously unlisted species to be introduced and enforced promptly where that is necessary.

The draft regulations will ensure that the Northern Ireland protocol is upheld and that, in line with Government policy, we can enhance and continue to enforce our high animal welfare standards and protect the UK's biosecurity at the end of the transition period. I commend them to the Committee.

2.36 pm

**Daniel Zeichner (Cambridge) (Lab):** It is a pleasure to serve with you in the Chair, Mrs Cummins. Last week I commented on the eclectic grouping of statutory instruments and today we have an eclectic group of things within a statutory instrument—never let it be said we do not have variety in our lives.

The regulations have already been discussed in the Lords, so let me echo some of the points made by my colleague, Baroness Hayman. It is clear that the SI makes necessary changes in three areas: to secure the continuity of an effective regime for animal welfare in transport, slaughter and other areas; to continue the ban on leghold traps and the import of pelts obtained

by that method; and to ensure that the strict protections placed against invasive non-native species are maintained. It also, importantly, provides continuity to business in those areas after the end of the transition period.

Much in the SI is about the reciprocal arrangements being discussed with the Republic of Ireland. Last week, Baroness Hayman inquired about progress and, of course, there was a statement in the Chamber earlier today, but will the Minister say whether those arrangements have any impact on the areas under consideration? This is perhaps a bit mischievous, given that the Prime Minister seemed unwilling or unable to answer a direct question earlier, but can she perhaps tell us how many of the 50,000 promised customs agents are in place? I am sure that Ministers in the Department for Environment, Food and Rural Affairs follow that closely.

To return to the detail, as the Minister explained the SI will end the recognition in Great Britain of a number of documents that relate to animal welfare maintenance, including transport authorisations, driver and attendant certificates of competence, vehicle approvals and journey logs. EU transporters will need to apply for those documents to be issued by a competent authority in Great Britain if they wish to continue to transport animals in Great Britain after the end of the transition period. According to the explanatory memorandum:

“Doing so will cause these individuals to incur a small cost.”

However, it seems that no impact assessment has been prepared for the provisions relating to the changes in documentation. Why is that? What might the impact be? How many such EU transporters are there? Are they expected to continue to operate? If not, what effect would that have? How have the new procedures been communicated to them?

The regulations are about ensuring that welfare in transport is respected. The Secondary Legislation Scrutiny Committee looked at them and the Government responded to its questions by saying:

“Although EU and GB standards will remain aligned at the end of the transition period, we have ambitions to strengthen welfare in transport standards in the near future.”

Of course, that was a prescient observation on the Government’s part, because last week DEFRA announced its welcome consultation on how to improve animal welfare during transport. Of course, that was intended partly to trumpet the great triumph of Brexit that we can now end the live export of animals; for some of us, that is one of the few tangible benefits that has been discernible, which is doubtless why it is cited so frequently. But let us be grateful, because although live exports may have declined considerably over the years to some 35,000 animals a year—although I am told that the figure varies—that is 35,000 too many, and we want to see an end to it.

I will point out a couple of issues on which the Minister might be able to provide clarity. Compassion in World Farming has long campaigned for an end to live exports. CIWF is puzzled and disappointed, as we are, by the proposed length of maximum journey times within the UK, which in our view are far too long. It is proposed that pigs could be transported for 18 hours or sheep and cattle for 21 hours, and for even longer with permission from the Animal and Plant Health Agency. CIWF says that in its view that is ridiculous. There are few journeys within the UK of that length. It argues

that the maximum for each species should be eight hours, with a maximum of six hours for unweaned calves. I would be interested to hear the Minister’s views on that.

CIWF also says:

“The underlying principle should be that animals should be slaughtered as near as possible to the farm of rearing and fattened on or near the farm of birth.”

I suspect that, like me, the Minister would largely agree with that principle, but, as was raised in the Lords, that hinges on the availability of local abattoirs, and I wonder if the Minister could therefore comment on both the journey times, and the Government’s policy on the availability of local abattoirs, for which I think a powerful case has been made by campaigners in recent times.

To return to the detail of the SI and the transport arrangements, it seems likely, as with any new system when it is introduced, that there will be teething problems. Is there any form of discretion that can be exercised if a transporter arrives at a port without the relevant paperwork? If not, have the Government considered what kind of delay this is likely to cause and at what potential cost? What plans are in place to deal with such potential problems?

Turning to leg traps, I think we will all agree that we want to ensure that there are strong provisions against these barbaric traps and that we exclude products associated with them. In paragraph 7.5 of the explanatory memorandum there is a fairly standard claim about our wonderfully high welfare standards. I do not entirely agree with the Government’s view. In some aspects of animal welfare, we frankly are not world leading.

I am told that we are only one of five countries in Europe that do not prohibit the use of snares, which, in the words of the League Against Cruel Sports are “cruel and indiscriminate”. In the league’s view, they are “used extensively for the extermination of native animals simply to produce as many birds as possible to be short for sport”.

The league has calculated, based on the Government’s own research, that 1.7 million animals a year are killed in these traps. Although the Wildlife and Countryside Act 1981 states that they should be set only for rabbits and foxes, many other animals are regularly caught in them, and, as Baroness Bennett noted in the Lords debate on this SI, there is particularly horrific film footage of badgers being entrapped, and frequent reports about domestic pets being caught in, injured by and sometimes even killed by snares. Will the Government take the opportunity, when reconsidering animal welfare, to look at the whole issue of snares and to consider joining most of the countries of Europe in banning them?

On the invasive non-native species element of the SI, the Government say that an impact assessment has not been prepared for the provisions on invasive non-native species, because this instrument relates to the maintenance of existing regulatory standards. However, they also say in paragraph 2.24 of the explanatory memorandum that they are making improvements to the domestic enforcement legislation relating to invasive non-native species. In that case, why has no assessment been carried out of the impact of these changes?

We recognise the need to ensure that retained EU legislation in these important areas remains operable, and therefore will not oppose the draft regulations, but we would like clarification on the points raised.

2.43 pm

**Victoria Prentis:** It is always a pleasure to follow the hon. Gentleman. I will do my best to answer the many questions he raised. On the impact assessment on live animal exports, we have not done a formal public consultation, but we have engaged directly with industry representatives on the issue. The SI relates to the maintenance of an existing regulation. We would not anticipate an enormous amount of impact as a result. There are, as the hon. Gentleman said, limited impacts on European business, but there is no effect on GB public services, for example. The EU has made it quite clear that the provision is reciprocal. We are quite clear that we have extra staff in APHA to process any new EU business applications, so we feel that we have done what is necessary there.

On the Chancellor of the Duchy of Lancaster's statement, I was pleased to be in the Chamber and hear what he had to say. He announced a really useful grace period for supermarkets and those in their supply chains. We have not yet got all the details of what the Joint Committee has agreed, but I look forward to engaging with them fully in the coming days as they become available. It is a welcome statement and I am pleased that we came to that level of agreement.

On live animal exports, I heard what the Member had to say on the consultation. It is an eight-week consultation and I look forward to the hon. Gentleman joining in with it. We will also be consulting on transport for animals more generally, for example on maximum journey times, the amount of space available for animals while they are being transported, stricter temperature controls and the specific rules for sea transport. It is important that we view this as about not just live animal exports, but the whole conglomeration of issues about animals being moved. On that note, on small and local abattoirs, I noticed that the all-party parliamentary group for animal welfare has produced a useful report on the role of the small abattoir, which is something that I personally have long been interested in, and indeed the role of the mobile slaughterer.

**Daniel Zeichner:** I, too, was very impressed by that report. Going back to those journey times, there is genuine puzzlement—it was not simply a criticism—as to why

those long times have been proposed. It might help some of the people responding to understand the thinking behind that.

**Victoria Prentis:** I will not go into the ins and outs of the consultation, but I encourage those responding to be forthright and frank and to make their views clearly felt, and the evidence behind them. Of course, the Government acknowledge the important role of small abattoirs. The decline in their numbers is due to a combination of factors including, for example, consolidation in the retail sector and the drive for greater efficiency, which has led to consolidation in a small number of large abattoirs. Officials in DEFRA and the Food Standards Agency are working with the Sustainable Food Trust to understand why that has happened and to see whether steps can be taken to reduce regulatory burdens, which might help small abattoirs to survive.

I come to the INNS part of this SI, on non-native species. The policy change, which is not related to EU exit, relates to a sensible provision that means that enforcement officers in Scotland and Northern Ireland who seize a cargo of live animals that should not be there will not have to transport them a long distance to England or Wales to be processed. This is not something that will be often used, we very much hope, but it is a completely sensible and practical provision to reduce the stress and burden on those live animals. That is why we feel an impact assessment is not necessary. The whole point is to improve animal welfare and prevent the associated costs and bureaucracy caused by sending the animals on a long journey to where they have to go at the moment to be correctly processed—that is the purpose of that.

I reiterate that these regulations will not amend any current animal welfare standards. They make operability changes to ensure that existing EU law works appropriately at the end of the transition period. With that in mind, I commend them to the Committee.

*Question put and agreed to.*

2.49 pm

*Committee rose.*



