

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT ANIMAL WELFARE (MISCELLANEOUS  
AMENDMENTS) REGULATIONS 2022

*Monday 4 July 2022*

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**Friday 8 July 2022**

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

*Chair:* STEWART HOSIE

- |  |   |
|--|---|
| † Aiken, Nickie ( <i>Cities of London and Westminster</i> )<br>(Con) | Gardiner, Barry ( <i>Brent North</i> ) (Lab)                            |
| † Aldous, Peter ( <i>Waveney</i> ) (Con)                             | † Glendon, Mary ( <i>North Tyneside</i> ) (Lab)                         |
| † Anderson, Lee ( <i>Ashfield</i> ) (Con)                            | † Howell, Paul ( <i>Sedgefield</i> ) (Con)                              |
| † Bailey, Shaun ( <i>West Bromwich West</i> ) (Con)                  | Nichols, Charlotte ( <i>Warrington North</i> ) (Lab)                    |
| † Benton, Scott ( <i>Blackpool South</i> ) (Con)                     | † Prentis, Victoria ( <i>Minister for Farming, Fisheries and Food</i> ) |
| † Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)                           | † Saxby, Selaine ( <i>North Devon</i> ) (Con)                           |
| † Byrne, Liam ( <i>Birmingham, Hodge Hill</i> ) (Lab)                | † Sobel, Alex ( <i>Leeds North West</i> ) (Lab/Co-op)                   |
| † Colburn, Elliot ( <i>Carshalton and Wallington</i> ) (Con)         | Liam Laurence Smyth, Chloe Smith, <i>Committee Clerks</i>               |
| † Dines, Miss Sarah ( <i>Derbyshire Dales</i> ) (Con)                |   |
| Doogan, Dave ( <i>Angus</i> ) (SNP)                                  | † <b>attended the Committee</b>   |

# First Delegated Legislation Committee

Monday 4 July 2022

[STEWART HOSIE *in the Chair*]

## Draft Animal Welfare (Miscellaneous Amendments) Regulations 2022

4.30 pm

**The Minister for Farming, Fisheries and Food (Victoria Prentis):** I beg to move,

That the Committee has considered the draft Animal Welfare (Miscellaneous Amendments) Regulations 2022.

It is a great pleasure to serve under your chairmanship, Mr Hosie. This instrument makes several minor, technical amendments to retained European Union regulations. They relate to the protection and welfare of animals during transport, and to official controls on the import of animals, animal products, plants and plant products, including food and other imports relevant to the agri-food chain; they do not bring about any change in standards.

In Great Britain, the Animal and Plant Health Agency issues authorisations to commercial transporters of animals who can show that they meet the regulatory requirements—for example, by having appropriately trained and competent staff. For long journeys, APHA also approve journey plans, known as journey logs. Approval depends on the transporters demonstrating that they can meet the welfare needs of the animals they are transporting.

The draft regulations clarify the role and powers of the competent authority deal with requests for journey logs and transporter authorisations. They also change a power of the competent authority to recover costs. Instead of being mandatory, the order will be discretionary. This allows the particular circumstances of those subject to enforcement measures to be taken into account and allows the authority not to enforce cost recovery, for example, where that would not be financially sensible.

The draft regulations also remove defunct references to various EU systems and organisations—for example, contact points, mutual assistance schemes and an oversight committee. They also remove the legal requirement to report to the European Commission. Multiple references to “EU member states” are replaced with “Great Britain”. An outdated requirement to provide rules on penalties for infringements of animal welfare in transport regulations by 5 July 2006 is removed, as those rules were laid by that date, I am glad to say, and are currently in force. Finally, outdated references to other regulations relating to training for competent authority staff, other veterinary legislation, and animal welfare inspections for animals destined for slaughter are corrected, ensuring that the regulators’ ability to enforce welfare standards is maintained.

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): Before the Minister concludes, will she give way?

**Victoria Prentis:** I would be delighted to give way to the right hon. Gentleman.

**Liam Byrne:** I am grateful. Obviously, the debate in the House over the coming week is about the law-breaking Northern Ireland Protocol Bill. It is a matter of great concern to Members in all parts of the House that there is an appropriate inspection regime, especially of live animals crossing into Northern Ireland. How will the amendments the Minister is describing interrelate with that Bill?

**Victoria Prentis:** The amendments relate to existing EU regulation, which has been in force for some time, and to animal welfare in transport regulations that are already enforced. I do not see any read-across from these draft regulations, which are technical measures to address matters such as changing the competent authority from the European Commission to a GB competent authority. They have no bearing on the debate to which the right hon. Gentleman refers. He may be comforted to know that the devolved Administrations have consented to the draft regulations.

The amendments contained in these regulations are necessary to ensure that, in line with current Government policy, we can enforce our high animal welfare standards and protect the UK’s biosecurity.

4.34 pm

**Alex Sobel** (Leeds North West) (Lab/Co-op): Thank you for officiating in our deliberations this afternoon, Mr Hosie. Just as the Minister is substituting for a colleague, I am, too. Clearly, I am not my hon. Friend the Member for Newport West (Ruth Jones). She tested positive for covid last week and is leading by example, isolating at home. I know we all wish her a speedy recovery.

We will not oppose the draft regulations, but our being here is another case of too little, too late, and a Government who are just are not delivering. This is the Government who, back in 2019, supposedly “got Brexit done”, but here we are now, with Ministers using vital parliamentary time to correct their mistakes—mistakes made in Downing Street—rather than discussing bold policy, new ideas and a proper vision. Her Majesty’s Government are being forced to table legislation that gives effect to changes that are broadly technical in nature but, unsurprisingly, are necessary to correct their own failures and deficiencies in EU law now retained following Brexit.

As my noble Friend Lady Jones of Whitchurch said when this instrument was before the other place, these failures should and could have been spotted earlier. Will the Minister make it crystal clear to the Committee when these errors first came to light and why they were not identified earlier? I would be grateful if she also let us know whether there has been any detriment to animal welfare controls since the passage of the European Union (Withdrawal) Act 2018 as a result of this incorrect wording. Many campaigners and stakeholders in the community will be watching for answers, and if the Minister cannot provide them today, I hope she will write to me and my hon. Friend the Member for Newport West at the earliest opportunity.

I would also like the Minister to explain the rationale for changing mandatory cost recovery to discretionary cost recovery. On the face of it, this seems sensible, but will she say something more about the types of case

where it would not be in the public interest to pursue cost recovery? Is there a danger that, if we now switch to what Lord Benyon described as a “case-by-case basis”, it could lead to broader failure in enforcement action, with many authorities making a financial calculation that the cost is just not worth the effort, particularly if it is a marginal benefit. Could there be an overall drop in enforcement as a result?

Such an effect would not surprise the Opposition, as time and again Ministers have been weak on language, weak on impact and weak on delivery. Take the Environment Act 2021, or the “may not must” Act: at every turn, rather than being bold and ambitious and demanding action and change through the use of the word “must”, Ministers were happy to satisfy their personal interest by settling for “may”. Missed opportunities and no ambition—that sums up this Government and this Prime Minister.

I would like to draw the Minister’s attention to paragraph 7.5 of the explanatory memorandum, which I know she will have read in considerable detail. It says that the outdated references have been updated to refer to current legislation. For ease of reference, would she provide some examples, please? Does she think the current standards are equivalent to or better than the old ones?

The Minister is destined for Cabinet in the next reshuffle, I am sure, so she will know that this is rather a complex area of regulation. As part of the audition, can we have an assurance that it will not be on the Minister for Brexit Opportunities and Government Efficiency’s target list? We all know he has a list. We can picture him now, in the tower of the constituency residence, burning the midnight oil, writing on parchment—no doubt with a quill made in the west country—night cap in place upon his head, with some hot cocoa beside him, pursuing his bonfire of regulations.

As we approach 12 July, talking about bonfires can of course stoke the interest of some, although I suspect the hon. Member for North Antrim (Ian Paisley) and some of the Democratic Unionist party crew will be in a minority this on 12 July this year and in the years ahead, but this is important. Why? Because if legislation like this is on the target list, we need answers. What will the process be and when will we hear more about how Her Majesty’s Government intends to conduct that review?

I hope that the Minister will follow up in writing on that specific point, and that by asking in this way I have drawn it to the attention of her officials, who I know are following proceedings. I ask more than anything because such a letter will make for excellent reading on my return home to Leeds on a Thursday in the weeks ahead.

Last, I want to acknowledge and thank the campaigners and stakeholders who I know work closely with my hon. Friend the Member for Newport West, the shadow Minister on all things to do with animal welfare. I think of Sonul at Four Paws, Andy at the league and of course David at the RSPCA, all of whom I know have been in close contact with my hon. Friend and her office. Their support for the animal welfare agenda and

their campaigning work is vital as we hold Ministers to account. They play a leading role in helping to shape policy that furthers the fight for better animal protections and, most important for the Opposition, their work influences what we are doing. It is very good to see the Minister today, but I wish we were not having to clear up the mess that has been created

4.39 pm

**Victoria Prentis:** It is always delightful to see the hon. Gentleman. Clearly I have not been engaged in enough statutory instrument debates with him, and I look forward to many more.

It has been interesting to hear the exposition of Labour party policy on leaving the European Union today. A long series of SIs have been needed to make highly technical changes to secondary legislation written when we were a member state. I have no need to write to the hon. Gentleman; I can give him examples now ad infinitum. The phrase “member state” in legislation is being changed to “GB”, and the competent authority is being changed to the new competent authority. Instead of matters being referred to the European Commission, we have to replace that with the GB authority that is to take over that role. A large quantity of regulation has had to be, not corrected, but updated in this way.

However, I can assure the hon. Gentleman that there has been absolutely no detriment to animal welfare in transport. The protections are exactly the same, and they will not be affected by the Northern Ireland Protocol Bill. What is important is that regulatory background meets the current situation, which is that we are no longer a member state of the EU.

On cost recovery, I can give two examples of when the competent authority might choose not to go for mandatory recovery. The first is if the company subject to enforcement became bankrupt. Secondly, the company may be from a third country where we do not have enforcement rights. I am not saying that the authority would make that decision—it would be a matter for the authority—but we thought it sensible to give it the flexibility and the discretion to make a choice, on behalf of the taxpayer, only to enforce where that would be a financially sensible thing to do.

We have a plan for animal welfare in transport and we have been working on this whole area very hard for the past 18 months or so. The hon. Gentleman will be aware of the Government response to the extensive consultation that we carried out on animal welfare in transport, which we published at the end of last summer. Currently, we are engaged in a large number of workshops with stakeholders, conducting detailed work, which we aim to conclude this calendar year so that we can regulate for the welfare of animals in transport where we need to do so. We are proud of our standards of animal welfare, and the amendments made by the draft regulations will ensure that existing regimes for animal welfare during transport will continue to operate effectively.

*Question put and agreed to.*

4.42 pm

*Committee rose.*





