

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT PLANT HEALTH ETC.
(MISCELLANEOUS FEES) (AMENDMENT)
(ENGLAND) REGULATIONS 2023

Tuesday 5 December 2023

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Saturday 9 December 2023

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The Committee consisted of the following Members:

Chair: PHILIP DAVIES

Ali, Tahir (*Birmingham, Hall Green*) (Lab)
† Britcliffe, Sara (*Hyndburn*) (Con)
Butler, Dawn (*Brent Central*) (Lab)
† Djanogly, Mr Jonathan (*Huntingdon*) (Con)
† Duguid, David (*Banff and Buchan*) (Con)
† Edwards, Ruth (*Rushcliffe*) (Con)
† Fell, Simon (*Barrow and Furness*) (Con)
† Fletcher, Colleen (*Coventry North East*) (Lab)
† Gibson, Peter (*Darlington*) (Con)
† Graham, Richard (*Gloucester*) (Con)
† Loder, Chris (*West Dorset*) (Con)

† Mearns, Ian (*Gateshead*) (Lab)
† Perkins, Mr Toby (*Chesterfield*) (Lab)
Qureshi, Yasmin (*Bolton South East*) (Lab)
† Spencer, Mark (*Minister for Food, Farming and Fisheries*)
† Trickett, Jon (*Hemsworth*) (Lab)
† Wheeler, Mrs Heather (*South Derbyshire*) (Con)

Luanne Middleton, *Committee Clerk*

† **attended the Committee**

Third Delegated Legislation Committee

Tuesday 5 December 2023

[PHILIP DAVIES *in the Chair*]

Draft Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2023

9.25 am

The Minister for Food, Farming and Fisheries (Mark Spencer): I beg to move,

That the Committee has considered the draft Plant Health etc. (Miscellaneous Fees) (Amendment) (England) Regulations 2023.

It is a pleasure to serve under your chairmanship, Mr Davies.

The regulations were laid before the House on 26 October. They amend the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 and the Plant Health etc. (Fees) (England) Regulations 2018 to extend an exemption, in certain circumstances, from the payment of fees in connection with applications for a phytosanitary certificate. The 2015 regulations and the 2018 regulations set fees for the delivery of plant health services in England by the Forestry Commission and the Department for Environment, Food and Rural Affairs respectively, including fees for phytosanitary certification services required to comply with entry requirements relating to plant health controlled material. All businesses that use the services are charged a fee to recover the cost of delivery.

Earlier this year, the UK Government and the European Union announced the Windsor framework, which fundamentally amends the old Northern Ireland protocol to restore the smooth flow of trade within the UK internal market, and safeguard Northern Ireland's place in the Union. Under the Windsor framework, the new schemes allow for the smooth movement of retail agrifood goods, plants and seeds for planting, seed potatoes, and used agricultural and forestry machinery and vehicles from Great Britain to Northern Ireland. Where goods do not move within the new NI plant health label or via the new NI retail movement scheme, they must meet different requirements—including, in the case of plants and plant products, being accompanied by a phytosanitary certificate. Such goods move through what is sometimes referred to as the red lane, where fees and certification requirements apply.

For businesses that move goods from Great Britain to Northern Ireland outside the new scheme but where the goods remain in the United Kingdom, in December 2020 the UK Government introduced the movement assistance scheme, which waives the cost of inspections and certification for businesses moving agrifood goods from Great Britain to Northern Ireland. This underlines our ongoing support for the agrifood and horticultural sectors in the UK, as well as to consumers in Northern Ireland.

In September, as part of a financial package provided to support the industry with the implementation of the Windsor framework, we confirmed that the scheme would be extended. The regulations make an amendment

to extend an exemption from the payment of fees for certification services where goods move from England to a business or private individual in Northern Ireland. The exemption also applies to movements of goods by private individuals in their passenger baggage. Although this statutory instrument applies in England, as this is a devolved matter, both the Scottish and Welsh Governments are currently taking forward their own parallel legislation.

The regulations will ensure that trade from England to Northern Ireland is not subject to additional plant health costs until 1 July 2025, giving businesses time to adapt to the new movement routes now available thanks to the Windsor framework. I commend them to the Committee.

9.28 am

Mr Toby Perkins (Chesterfield) (Lab): We do not intend to divide the Committee, but I have a few questions for the Minister that hon. Members might be interested in—and it gives his civil servants a bit of work to do!

What assessment has the Minister made of the impact of not lifting the exemption now, and is it the Government's view that the charges are a good idea but that now is not the right time to apply them? If so, why will June 2025 be a good time to do so? What assessment has he made of the impact on Britain's competitiveness of applying the charges, and the impact on small and large-scale exporters, and on small and large businesses in the UK market?

Is this another example of the Government effectively pushing a decision down the road to face a new Government, because they are not capable of taking the decision now? Why, in 2018, was 2023 was the right time to get rid of these charges, but the Government are now saying that that time should be 2025? Is the reason for the extension because the Government believe that there will be a competitive disadvantage to UK exporters or internal UK suppliers from applying the fees, or do the Government not yet have the administrative regime in place to apply them?

What assessment has the Minister made of the cost to the UK taxpayer of not applying the charges? How much do the Government estimate the charges would have raised had the exemption not been in place, and how much would it cost the Government to apply them? And, in the event that the UK populace is misguided enough to choose to elect a Conservative Government again after the next general election, is it the Government's policy to introduce these charges in June 2025, or does the Minister anticipate that we will return once again to extend the exemption in the run-up to June 2025?

I would be interested to hear the Minister's answers to those questions. It is important that the industry can have long-term sight of the Government's policies. Is this another temporary exemption, leading ultimately to the charges being applied, or is it a case that we will constantly give the industry exemptions from the charges of about 18 months at a time, which is a pretty unsatisfactory way to provide Government policy?

9.31 am

Mark Spencer: I thank the shadow Minister for his engagement and his support on these matters. This is one of those rare occasions where the Government did consult and 100% of respondents were supportive of

the proposed extension. It is quite rare in government to have a consultation on a proposal that 100% of people agree with, but that is what happened in this case.

We have not done a full impact assessment, because we are simply extending the existing measure, but it is worth bearing in mind that when we were members of the EU, the island of Ireland was already a phytosanitary unit, so there were costs of getting an EU certificate to transport goods of this nature to Northern Ireland—just as if someone were sending a tree, for example, to Paris, they would have needed certification.

When it comes to extending again—the question of what we will do in 2025—of course we will continue to work with and listen to the sector. We are very proud to be part of Great Britain and Northern Ireland as a United Kingdom, and we want Northern Ireland to

remain part of the United Kingdom. We will always work with our colleagues and friends in Northern Ireland to help and protect their economy, and ensure that they remain part of a United Kingdom. I think we will reflect in 2025 on whether we want to extend again; we will consider that at that moment, but at this moment in time this seems the right thing to do to support nursery and horticultural businesses to access goods, and to make sure that the island of Ireland remains a safe phytosanitary environment.

I commend the regulations to the Committee and I hope Members will support them.

Question put and agreed to.

9.33 am

Committee rose.

