

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Thirteenth Delegated Legislation Committee

DRAFT CAT AND DOG FUR (CONTROL OF
IMPORT, EXPORT AND PLACING ON THE
MARKET) (AMENDMENT) (EU EXIT)
REGULATIONS 2019

Tuesday 26 March 2019

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Saturday 30 March 2019

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The Committee consisted of the following Members:

Chair: IAN PAISLEY

† Afolami, Bim (*Hitchin and Harpenden*) (Con)
 † Campbell, Sir Alan (*Tynemouth*) (Lab)
 † Churchill, Jo (*Bury St Edmunds*) (Con)
 † Cunningham, Alex (*Stockton North*) (Lab)
 † Esterson, Bill (*Sefton Central*) (Lab)
 † Harper, Mr Mark (*Forest of Dean*) (Con)
 † Hoare, Simon (*North Dorset*) (Con)
 † Hollingbery, George (*Minister for Trade Policy*)
 † Johnson, Dr Caroline (*Sleaford and North
 Hykeham*) (Con)
 Johnson, Diana (*Kingston upon Hull North*) (Lab)

† Knight, Sir Greg (*East Yorkshire*) (Con)
 † Lopez, Julia (*Hornchurch and Upminster*) (Con)
 Mann, John (*Bassetlaw*) (Lab)
 † Monaghan, Carol (*Glasgow North West*) (SNP)
 † Slaughter, Andy (*Hammersmith*) (Lab)
 † Thomas, Gareth (*Harrow West*) (Lab/Co-op)
 † Warman, Matt (*Boston and Skegness*) (Con)

Anwen Rees, *Committee Clerk*

† **attended the Committee**

Thirteenth Delegated Legislation Committee

Tuesday 26 March 2019

[IAN PAISLEY *in the Chair*]

Draft Cat and Dog Fur (Control of Import, Export and Placing on the Market) (Amendment) (EU Exit) Regulations 2019

2.30 pm

The Minister for Trade Policy (George Hollingbery): I beg to move,

That the Committee has considered the draft Cat and Dog Fur (Control of Import, Export and Placing on the Market) (Amendment) (EU Exit) Regulations 2019.

The regulations are necessary to maintain the ban on trade in cat and dog fur following withdrawal from the European Union. Without them, the legislation imposing the ban would be inoperable. The regulations were laid before Parliament on 4 March and are made under the powers in the European Union (Withdrawal) Act 2018. The Committee knows, given the context, that the powers are limited. All that they allow us to do is to correct technical deficiencies in existing EU law that, by the operation of the Act, will be retained in UK law following withdrawal.

Sir Greg Knight (East Yorkshire) (Con): Most of us would welcome the continuation of the ban, but is the Minister looking to widen the issue in any way? There is a growing campaign against the consumption of dog meat and I wonder whether he has given any consideration to banning the import or consumption of dog meat.

George Hollingbery: The simple fact is that today we are able to deal only with the legislation before us. We are bringing the regulation across operably into the UK context. In fact, we are specifically prohibited under the withdrawal Act from considering further policy implications. That does not mean that the Government do not have an interest in the area, although policy judgments on that front would fall not to the Department for International Trade but to the Department for Environment, Food and Rural Affairs. I am sure that my right hon. Friend's remarks will have been heard in the right quarters and I will ensure that I mention them to the Secretary of State when I see him next.

As I was saying, the regulations will correct such deficiencies, for example, by replacing references to the European Union, its institutions and its legislation with the appropriate UK references. To ensure that the ban on the trade in cat and dog fur is maintained, I commend the regulations to the Committee.

2.32 pm

Bill Esterson (Sefton Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Paisley, on an issue that is of extreme interest to many of our constituents. The brevity of the Minister's opening remarks possibly does not do justice to the size of the mailbag that many of us receive on such occasions.

I was struck by how odd it was that we were given this statutory instrument to scrutinise while we have not been asked to scrutinise certain others, such as the 42-page and 79-page trade remedies statutory instruments that the Minister's Department laid before the House of Commons on 5 March and brought into force the following day, missing the 21 days for which it is custom and practice to let such instruments be laid before us to consider and, if we so wish, object to. It is odd to compare such a small, uncontroversial SI as the one that we are considering—we will support the Government in what they propose—with such significant documents as those on trade remedies, with their far-reaching implications. Frankly, that shows what a bizarre situation we are in.

Mr Mark Harper (Forest of Dean) (Con): Will the hon. Gentleman give way?

The Chair: Order. I will not allow the Committee to stray from the scope of the legislation that we are considering, as much as that will be a temptation, if not to the right hon. Gentleman, perhaps to others. I will give the shadow Minister some rope, but I do not want to hand it out such that others hang themselves.

Mr Harper: I will keep my remarks focused on this Committee. Is not the reason why we are considering this statutory instrument that the European Statutory Instruments Committee, which scrutinises the range of European statutory instruments and makes a judgment about whether they should be considered using the negative or affirmative procedure, decided that it should be considered in this way and, I presume, that the others should not?

Bill Esterson: I shall not be drawn too far in responding to that intervention, Mr Paisley, but of course it is not just the statutory instruments Committee that can decide whether an SI is considered using the negative or the affirmative procedure. The Government can decide, in the first instance, whether an SI is dealt with using the affirmative procedure.

We will move on. The detail of the European Union's impact assessment, when it brought the regulation in, acknowledged just how straightforward, important and uncontroversial that was, and its assessment was extremely thorough. That is in stark contrast to the fact that the Government did not feel the need even to revisit what was in the EU's impact assessment of some years ago and to make similar points about the desirability of these regulations in removing the trade in cat and dog fur and the implications for trade in the fur of other animals. It is regrettable that yet again we have an SI without an impact assessment, especially given the quality and depth of the EU's work, even on something so straightforward and uncontroversial.

I shall explain why I am raising the matter now. I am sure that all hon. Members will reach the same conclusion: this measure is straightforward and clearly something that we need to adopt in UK law and will all want to support. However, without the evidence that we could have been given in a thorough impact assessment and without the engagement of a full consultation process, how can we, as laymen and women without the necessary expertise, really be in a position to judge whether these regulations deliver the technical detail needed to achieve

what the Government say they want to achieve? We are having to take this as an item of faith, without the necessary scrutiny to back up the decision making. I place on record that that is a concern we have, but we will have to put that to one side later on.

I am aware that this instrument replaces a similarly named instrument previously laid and subsequently withdrawn because of a technical error. That sort of makes the point that I was alluding to about concerns regarding the technical nature of such regulations. I would therefore be grateful if the Minister could advise the Committee of what error was made in the initial drafting and how the amended drafting rectifies the errors or individual error.

That said, the regulations before us seem right and proper to ensure that the UK maintains the existing ban on the import and export and placing on the market of products that use cat or dog fur, with the attached criminal penalties for any breach of the ban. It is entirely right that steps are being taken to ensure that the ban remains in place once the UK has withdrawn our membership of the EU and where we are no longer covered by the existing legislation, which comes by way of EC regulation 1523/2007 as adopted in domestic law under the Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008.

The issue brought to our attention by the sifting Committee is the power conferred on the Secretary of State to

“make regulations allowing the placing on the market or the import or export of cat and dog fur or products containing such fur for educational or taxidermy purposes.”

I therefore ask the Minister whether the Government have any plans to bring forward regulations to that effect, and if so, how they propose to determine the intended purpose of such imports and how they would ensure that any such future concession is not subject to abuse.

The ban was introduced due to public indignation and moral outcry about the trade in fur products and is considered a potential test case for future efforts to end the trade in furs, pelts, skins and other products that have been subject to animal cruelty concerns about the way in which they are harvested. As the right hon. Member for East Yorkshire pointed out at the start of the Minister's remarks, there is great public interest in this—so much so that 400,000 people signed the “Fur Free Britain” petition.

It would be helpful to know the Government's policy intention in that respect and whether the regulations may be followed in due course by other measures to bring about an end to the fur trade or the importing of goods that are considered to be in contravention of our domestic standards on environmental animal welfare or sanitary and phytosanitary grounds. Recent public opinion polls suggest that fewer than one in 10 people in the UK find it acceptable to buy or sell dog, cat or seal fur products.

There is, of course, a risk that cat and dog fur products may still enter the UK market, having been mislabelled or otherwise, and I ask the Minister to clarify what efforts the Government are making to police that. He will remember that great concern was raised in the European Union's impact assessment about the challenge of products from outside the EU in the trade in cat and dog fur.

What efforts have been made and what analysis have the Government carried out to determine how much of a problem this trade from outside the EU has been, and what plans do the Government have to address that after we have left the EU?

My party has been clear that a Labour Government would ban fur imports entirely. Do the Government intend to bring forward their own policy proposals in that respect? Article 20 of the general agreement on tariffs and trade lists the general exceptions under which members may introduce restrictions on trade, which include measures:

“(a) necessary to protect public morals”

and

“(b) necessary to protect human, animal or plant life or health”.

As such, the EU and US bans on cat and dog fur products have not been challenged through the World Trade Organisation since their introduction more than 10 years ago.

Mr Harper: The hon. Gentleman just made a point about the Labour party's policy. If we were to have a permanent customs union with the European Union, would a Labour Government be able to introduce a unilateral ban on dog and cat fur without the European Union's permission?

Bill Esterson: We are very clear that we want to maintain minimum standards and alignment with the EU as part of that customs union, as I am sure the right hon. Gentleman knows. It is as important to influence what goes on in the European Union as it is to develop our own domestic policy.

Mr Harper *rose*—

Bill Esterson: He is going to have another go. All right.

Mr Harper: I promise I will desist shortly, Mr Paisley. The problem is that if we are in a permanent customs union and are no longer in the European Union, we will have no say over the rules. If the European Union did not want to ban this stuff, we could not do it unilaterally, and if the European Union woke up one day and decided to allow this stuff to be imported, we would have no ability to stop it if we were in a permanent customs union. Is that not correct?

Bill Esterson: I will say what I should have said in answer to the right hon. Gentleman's first remark: it is not membership of the customs union, but access to the internal market that would affect such regulations. I was making a point about the WTO, and perhaps the Minister can tell us about the assessment his Department has made of the likelihood of a challenge being made against the United Kingdom as a consequence of the regulations being transferred from the EU to UK-only competence. Assuming that the Minister confirms that such a challenge is unlikely and certainly could not be successful, will he explain why the Government have not sought to ban other imports into the EU such as hormone-fed beef or chlorine-washed chicken in line with existing EU bans once we have left the EU? There is a clear and demonstrable public opposition to such imports on morality and animal welfare grounds, let alone outstanding questions about the impact on human health.

The Chair: Order. We really are going out of scope.

Bill Esterson: I am about to conclude my remarks. We welcome the Government's efforts to introduce these measures. There are serious concerns about the Government's future policy intentions. When the Minister responds, perhaps he will address those concerns and state whether he will rule out imports of agricultural products now or in the future, including those that I mentioned, that are not produced to the same standards as our own and that offend our national moral sentiments.

2.46 pm

George Hollingbery: I am going to limit myself to the scope of this instrument.

The Chair: You are dead right to.

George Hollingbery: Exactly. I will briefly answer one or two of the questions that I was asked. The hon. Member for Sefton Central asked about an impact assessment. I can do an impact assessment in front of this Committee instantly: if we do not transfer these regulations today, there will be no control on the import of cat and dog fur into the UK, and the impact will therefore be that it is lawful to import cat and dog fur to the UK for sale at any time by anybody, wherever they wish. I suspect that the Opposition would not particularly want that to happen.

The hon. Gentleman asked about the Secretary of State's right to bring forward a statutory instrument to allow importation for education and taxidermy—indeed, that is part of the current EU legislation. The Secretary of State taking on the duty has taken that away from the slightly complex solution in which countries report to the European Commission, and so on. I confirm that the Secretary of State has no plans to bring such exceptions forward. We will not be using that part of the legislation, but it is brought through simply because

we cannot change policy through the powers in the European Union (Withdrawal) Act that allow us to do what we are doing today.

Policing of the importation of cat and dog fur is done through DNA analysis. Her Majesty's Revenue and Customs conducts inspections at the border under the powers in the 2008 regulations. That will continue to have effect. HMRC will continue to have the same role that it had previously. It can seize goods and start criminal proceedings, and so on.

I have made no particular assessment about the World Trade Organisation and any potential challenge, but if I stood in front of the Committee today and said that there has never been—

Gareth Thomas (Harrow West) (Lab/Co-op): Will the Minister give way?

George Hollingbery: Of course.

Gareth Thomas: Can the Minister give us any indication of the number of investigations being undertaken by HMRC in this area and the extent to which it has asked for additional resources post-Brexit to cope with a potential increase in the need for inspections?

George Hollingbery: The straight answer is that I do not know. Plainly, that is in the hands of the Treasury and HMRC. If the hon. Gentleman wishes me to write to HMRC to make such an inquiry, I would be very happy to do so. All I can say finally is that I welcome the Opposition's support for the motion.

The Chair: Who would have thought that Delegated Legislation Committees could be such fun?

Question put and agreed to.

2.49 pm

Committee rose.

