

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Seventh Delegated Legislation Committee

ANIMAL HEALTH, PLANT HEALTH, SEEDS AND
SEED POTATOES (AMENDMENT) (EU EXIT)
REGULATIONS 2019

ANIMAL HEALTH, ALIEN SPECIES IN
AQUACULTURE AND INVASIVE NON-NATIVE
SPECIES (AMENDMENT) (EU EXIT)
REGULATIONS 2019

Thursday 9 May 2019

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The Committee consisted of the following Members:

Chair: JOAN RYAN

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|---|---|
| † Aldous, Peter (<i>Waveney</i>) (Con) | † Martin, Sandy (<i>Ipswich</i>) (Lab) |
| Clwyd, Ann (<i>Cynon Valley</i>) (Lab) | † Pollard, Luke (<i>Plymouth, Sutton and Devonport</i>) (Lab/Co-op) |
| † Debbonaire, Thangam (<i>Bristol West</i>) (Lab) | † Rutley, David (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>) |
| Doughty, Stephen (<i>Cardiff South and Penarth</i>) (Lab/Co-op) | † Sandbach, Antoinette (<i>Eddisbury</i>) (Con) |
| Ellman, Dame Louise (<i>Liverpool, Riverside</i>) (Lab/Co-op) | † Seely, Mr Bob (<i>Isle of Wight</i>) (Con) |
| † Huddleston, Nigel (<i>Mid Worcestershire</i>) (Con) | † Stewart, Iain (<i>Milton Keynes South</i>) (Con) |
| † Kerr, Stephen (<i>Stirling</i>) (Con) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| † McCarthy, Kerry (<i>Bristol East</i>) (Lab) | Sarah Rees, <i>Committee Clerk</i> |
| † Maclean, Rachel (<i>Redditch</i>) (Con) | |
| † Mc Nally, John (<i>Falkirk</i>) (SNP) | † attended the Committee |

Seventh Delegated Legislation Committee

Thursday 9 May 2019

[JOAN RYAN *in the Chair*]

Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019

11.30 am

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

That the Committee has considered the Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019, No. 809).

The Chair: With this it will be convenient to consider the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 (S.I. 2019, No. 813).

At the end of the debate, I will put the question on the first motion, and then ask the Minister to move the remaining motion formally.

David Rutley: It is a pleasure to serve with you in the Chair, Ms Ryan. Thank you for clarifying the situation. I thank hon. Members on both sides of the Committee for their participation at such short notice. Both statutory instruments were made under the urgency procedure, as they were required to support the UK's application to the EU Commission for third country listed status for exports of animals and animal products. The Government have made it clear that we seek to negotiate a deal with the EU, but we are also taking responsible action to prepare for other eventualities. The UK's third country listing application was a particularly important part of our no-deal preparations, as third country listed status would have guaranteed that the export of animal products and most live animals from the UK to the EU could have continued, had we left the EU without a deal on 12 April.

The EU called a meeting of the standing committee on plants, animals, food and feed on 9 April to consider the UK's third country listing application, which covered most live animals and animal products. It was made clear that all relevant animal health legislation was to be in place by that date. Both SIs therefore had to be made in a short window of time, as both contained amendments to animal health legislation. They were laid before Parliament on 4 April and made using the urgency procedure, so the UK was able to assure the EU that all relevant legislation had been made, enabling member states to vote unanimously on 9 April to list the UK as a third country in the event of a no-deal scenario on 12 April. That was a positive outcome.

The Government have taken care to avoid using the urgency procedure under the European Union (Withdrawal) Act 2018, but we considered its use appropriate in these instances. Our biosecurity controls for animals and

plants are paramount, and these instruments contribute towards ensuring that we will have the most robust arrangements in place to protect public health and the environment when the UK leaves the EU. These instruments make technical operability changes covering animal health, plant health, agriculture, invasive non-native species, seed marketing and seed potatoes, and they will ensure that the legislation that protects our biosecurity is fully operable.

The first set of regulations cover animal health, plant health, seed marketing and seed potatoes. They primarily make technical amendments to ensure that recent EU decisions will be operable on exit day. Regulation 2 implements recent updates on animal health control measures relating to African swine fever in certain member states. It relates to Commission implementing decision 2014/709, and requires the appropriate Minister in the UK to display public information notices regarding the importance of biosecurity measures to prevent this pig disease from being brought into the UK. It also prohibits the movement of live feral pigs.

Regulation 3 amends retained EU law to ensure that transmissible spongiform encephalopathies functions operate correctly, by replacing a reference to production and manufacturing processes being approved by the EU Commission to those approved by the Secretary of State. That was omitted from a previous EU exit SI.

Part 3 of the SI covers plant health. It amends the Plant Health (Amendment) (England) (EU Exit) Regulations 2019 and the Plant Health (EU Exit) Regulations 2019 to recognise arrangements with the Crown dependencies and deal with new EU plant health decisions, such as controls on the red-necked longhorn beetle, preventing its introduction and spread.

Regulations 4 and 5 give effect to the arrangements with the Crown dependencies, following planned meetings that were concluded early in 2019, that will continue to facilitate the import and movement of regulated plants and plant products into the UK from Jersey, Guernsey and the Isle of Man. Agreement came late in those negotiations, and the provision could not be put into a previous SI, passed back in December. Regulation 5 also provides for the import of ash wood from the USA and Canada to continue under the same stringent derogation provisions after exit, ensuring continuity of supply for UK businesses without compromising biosecurity. That follows a recent EU decision.

The Plant Health (Amendment) (England) (EU Exit) Regulations 2019 are also being amended to enable UK plant passports to contain certain details relating to the marketing of fruit plant propagating material and fruit plants, to avoid the need for dual labelling.

Part 4 of the first statutory instrument covers marketing of seed potatoes and vegetable seed. It applies to England, as this is a devolved matter. Regulations are being amended to ensure that growers in England have continued access to new varieties of vegetables and a continued supply of seed potatoes after EU exit. These provisions are needed to ensure continued access to seed potatoes of relevant varieties during the one-year interim period. I am sure that we will speak more about that in the course of these proceedings.

With your permission, Ms Ryan, I turn to the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019.

This instrument amends four previously made EU exit SIs, to ensure that the previous instruments work fully as intended. The instruments being amended are the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019, the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019, the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019 and the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019.

The invasive species instrument is being amended to correct a small number of drafting and typographical errors. An amendment has been made to regulation 7(3)(e) of the invasive species instrument, to ensure consistency with the Invasive Alien Species (Enforcement and Permitting) Order 2019. The order provides for recovery of enforcement-related costs from importers by enforcement authorities. This amendment provides certainty that importers are responsible for those costs.

The aquatic instruments previously contained minor errors, for which I apologise. They have been corrected by this instrument.

The instrument relating to animal imports is being amended to reinstate the 2006 Commission decision, which was revoked in error. That decision imposes the import requirements for fruit bats, cats and dogs from Peninsular Malaysia and Australia. I should say to hon. Members that the UK does not import any fruit bats, but a number of cats and dogs are imported from those countries, so it is clearly imperative that the issue be rectified. We have absolutely no intention of weakening biosecurity standards.

The lists of animal product commodities subject to checks at UK border inspection posts were intended by the Department to be published outside the EU retained legislation, for ease of later amendment. However, those were not removed as intended from the appropriate 2007 Commission decision. This instrument will now take the lists out, so that they can be more readily updated in response to future circumstances.

The final change of note is the removal of earlier amendments to a 2014 Commission implementing regulation, because it has been determined that the whole regulation is not required as EU retained law. It relates to a health certificate for wild game carcasses, including gazelles, that has not been used for 10 years. The regulation has already been revoked in another EU exit SI from another Department, so we are removing our amendments, as they are no longer required. The animal imports instrument additionally makes a small number of further very minor corrections.

I emphasise that this corrective instrument makes purely technical changes to the four EU exit instruments, to ensure that they will operate correctly when we leave the EU. This instrument does not introduce new policy. It simply amends the original instruments, so that they operate as originally intended.

The decision to use the urgency procedure was not taken lightly; its use was deemed necessary to protect the biosecurity of the UK, to prevent financial losses, and to maintain trade by ensuring that the UK could achieve EU third country listed status, in the event of our leaving the EU without a deal on 12 April. The regulations will ensure that our strict biosecurity controls with regard to animal health, plant health, agriculture,

invasive non-native species, seed marketing and seed potatoes are maintained when we leave the European Union. For the reasons I have set out, I commend the statutory instruments to the Committee.

11.40 am

Sandy Martin (Ipswich) (Lab): I intend to speak to SI 2019, No. 809; my hon. Friend the Member for Plymouth, Sutton and Devonport will speak to the other SI.

I believe that the Minister told us that the measures in today's SIs were intended to have been covered in previous ones. Perhaps he can confirm that. It can surely never have been the plan to deal with African swine fever and seed potatoes in the same SI. I also assume that the reference to the EU Commission in relation to the production and manufacturing processes in transmissible spongiform encephalopathies is simply an omission that was not picked up by a previous SI.

Is all that confusion not indicative of other possible omissions, one or two of which may turn out to be seriously damaging? Was there ever any serious possibility that the Crown dependencies would not want to be covered by the regulations? The explanatory memorandum states that it was agreed that they would be covered

“Following recent discussions”—

well, they were recent in February—

“with the Crown Dependencies”.

Perhaps the Minister will enlighten us as to whether the discussions started with, “After careful consideration, would you like to change your mind and be included in the UK regulations?”. Or was it more a case of, “Oh dear, we seem to have left you out of the regulations. We can put that right with a catch-all mopping up SI, but we need your consent”?

We are here to make amendments to amendments because the previous amendments fell short of what was needed. On *aromia bungii*, the EU regulations were changed in October. The SI was originally laid before Parliament on 12 February, but we could all be forgiven for having lost track, because it has been scheduled and pulled so many times, with or without minor amendments, and with or without the added complication of there being completely different SIs with the same title that dealt with Northern Ireland.

The Plant Health (EU Exit) Regulations 2019 were passed on 19 March. Will the Minister explain why they did not include the changes necessary to cover the new EU regulation in this area, given that SI 2019, No. 809, which was originally laid before Parliament on 12 February, mentioned things that were not in the regulations passed on 19 March? Why was no mention made of the fact that further changes needed to be made when we debated this on 19 March?

This all sounds minor and pettifogging, but if infestations of *aromia bungii*, also known as red-necked longhorn beetles, were to spread unchecked, that would have a serious effect on our fruit growers. Hopefully, the further amendment before us today will help to prevent its spread, but are there other pests for which preventive regulations have inadvertently not been accurately amended, and how can we tell? Ms Ryan, you would be forgiven for believing that we had passed the SI already. Can the Government be sure that they have, at last, got it right?

[Sandy Martin]

We have concerns about the changes proposed in the SI. In line with the series of concerns raised by the House of Lords Committee, will the Minister tell us whether the need to facilitate trade post Brexit will be allowed to compromise the UK's biosecurity in any way? Will the Minister explain how checks on biosecurity will be made at the Northern Ireland border in the absence of a hard border and of any legal requirement for checks on material in transit to the UK to be done at the first point of entry to the EU?

The SI demonstrates that there have been omissions in previous SIs. Will the Minister commit to a complete review of all EU exit SIs once we have passed them, in order to identify any other errors or omissions? This repeat SI also gives us the opportunity to follow up on questions that I asked on 19 March. I asked whether the Government had any plans for information sharing with other EU countries on biosecurity. The Minister mentioned that the UK was developing its own database. Can he tell us whether that is now available, and if so, how much does it cost? I asked about the preferential treatment for roll-on roll-off plant shipments. The Minister mentioned the increased biosecurity afforded by containerisation. Could the Minister tell us whether that would also apply to containers being shipped directly by rail?

I asked about the volume of trade for which this SI is relevant. The Minister replied that the Government do not have data on the volume of EU transit trade in plants, which makes the point that I had intended to raise, namely that as they do not know what volume of checks will be needed, the Government will have to plan for significantly greater capacity than they expect to need. Otherwise, there is a very real danger that the capacity will not be sufficient. I would like to remind the Minister that the aforementioned red-necked longhorn beetle was introduced into this country from China in a consignment of decorative plants, so the lack of checks has already proven to be an issue, and may well become more of an issue. Following the previous Minister's reply on 19 March, has the Minister asked for an assessment of the volume of checks that will be necessary?

No purpose would be served by voting against this SI, as it does not contain any provisions that we object to. However, as with all these SIs, the problem lies more with what might not be in them than with what might be in them. Our fear remains that if we do crash out of the EU without a deal, it will be extremely difficult to overcome these omissions.

11.46 am

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Ms Ryan. As my hon. Friend the Member for Ipswich has laid out, the Opposition will not be opposing the SIs, because they fix the Government's own mistakes.

Regular watchers of these SI Committees on the parliamentlive.tv website—I am sure there are many—will know of the concerns shared by my hon. Friends the Members for Stroud (Dr Drew), for Workington (Sue Hayman), and for Ipswich—the shadow Department for Environment, Food and Rural Affairs team—that these SIs are being rushed through with mistakes, or gremlins, as I called them in our last SI debate, being

inserted into the statute book. There is too little time for scrutiny. There is widespread and understandable stakeholder fatigue, so many of these problems, which might otherwise have been spotted by stakeholders, are not being highlighted, because there is such an avalanche of them on their desks.

This raises a number of concerns in relation to the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019, because time and again, when the elements of these instruments have been considered by SI Committees, the Opposition have raised concerns that poorly drafted and hurried secondary legislation is polluting the statute book. Those concerns have again been proven valid, because we are being asked to correct the mistakes of a Government who got Brexit badly wrong, and got these SIs badly wrong.

The purpose of this SI is to amend mistakes to the four EU exit SIs rushed through by the Government ahead of the 29 March deadline. In discussion on each of those SIs, the Opposition raised concerns about the breakneck speed at which we were asked to wave the provisions through. We know that at least 515 Brexit-related SIs have been laid before Parliament since 26 June. What we do not know, as my hon. Friend the Member for Ipswich said, is how many of those have errors in them. In Committee, the Opposition warned about the lack of scrutiny. We are now using precious additional parliamentary time to pass legislation that was poorly drafted and approved in a rushed manner only a few weeks ago.

The fact that we are being asked to approve corrections to these errors highlights the concerns that were raised repeatedly about the lack of proper scrutiny. Before I come on to those concerns, I would like to say that I am grateful to the Minister for today apologising to the Committee for these errors. I assume that it was not his pen making these typographical errors, but I am grateful for his admission of them. Will he reassure hon. Members that any other errors found in these SIs or additional ones will again be brought to the House, so that they can be clearly and transparently admitted to and corrected, and so that no errors or mistakes, inadvertent legislation, surprise provisions or curious interpretations due to spelling and grammar errors will stand on the statute books in perpetuity?

The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019, which is contained in this SI, corrects the imports instrument in respect of Commission decision 2006/146EC, on certain protections and measures regarding fruit bats, dogs and cats coming from Malaysia and Australia. Dogs and cats are certainly something that a number of my constituents have written to me about; they have largely written about ensuring that these animals are not eaten in the UK. Sadly, that is not what this provision does. The imports instrument revokes the decision. A single article from this decision, article 5, was intended to be revoked, but instead the entire decision was revoked in error. Regulation 5 of this SI fixes that mistake, which should have been spotted in the sifting process.

This instrument also corrects the imports instrument in respect of Commission decision 2007/275, concerning the list of animals and products to be subjected to controls at border inspection points. The explanatory note says:

“The Imports instrument was intended to remove lists of commodities subject to checks at border inspection posts from the annexes of this Decision so that they can be published elsewhere and amended more easily, but they were left in the legislation in error.”

I am glad that such errors have been spotted, and that we have the opportunity to fix them.

In regulation 5(11)(b) in the instrument before us, which replaces 2006/65 with 2006/605, a number of errors have been corrected, including the one I mentioned. I am glad that it has been spotted. My hon. Friend the Member for Stroud took the instrument on invasive non-native species through Committee last time; he said the major objective was

“taking out the words ‘Member State’ and sticking in their place the words ‘appropriate authority’.”

However, the Government failed to do that, which is why the instrument before us sets out to do this under regulation 2(3)(b). Microsoft Word’s find-and-replace tool is useful; I suggest that the Minister familiarises himself with it.

My hon. Friend the Member for Stroud also said:

“someone has had to do an awful lot of work, and I do not know whether they have done it well or whether they have covered all the bases.”—[*Official Report, Fifth Delegated Legislation Committee*, 29 January 2019; c. 5.]

It seems he was correct to say that all those bases were not covered by the previous Minister.

The invasive non-native species instrument is important, and it is legislation that we cannot afford to get wrong. From foot and mouth disease to agricultural diseases, we need to ensure that our laws are correct. There are 1,820 notifiable tree diseases that affect various species in this country, and we know disease is ever present. Ash dieback and the oak processionary moth have taken out major trees in this country, and we must ensure that the regulations on their protection, and actions against diseases, are up to date. That is why this legislation is so important, and why it is fundamental that we get the detail of these SIs right, and not confuse the word “biogeographical” with “biographical”—a basic error that seems to have slipped through the system. That relates directly to the concerns I raised in my opening remarks about the breakneck speed at which these SIs have been pushed through. It is embarrassing for the Government to have to correct such basic errors in this SI, but I am glad that they have ‘fessed up to their mistakes and are correcting them.

The preamble to much of the European regulation on invasive alien species was not included in this instrument, yet the Minister will know it is quite an important element of the way we lay down how such species are dealt with. On the concerns raised my hon. Friend the Member for Stroud, have the Government considered whether they could include the preamble in a future SI, to ensure that that really important part of the legislation is not lost? It is quite detailed and a bit techy, but it is important for the overall setting of this SI.

I turn to mistakes in the aquatic health SIs, addressing regulations 3 and 4 of the instrument before us. These SIs were approved through the negative procedure and were not subject to scrutiny in Committee. Although they had only minor typographical errors, such errors could have an impact on how the law is operated and enforced. I will repeat the question posed by my hon. Friend the Member for Ipswich, but in relation to this

SI. How can we be confident that there are not more errors, especially in SIs that have been approved through the negative procedure? Does the Department intend to review SIs that have come through the negative procedure—in a similar way to this SI, with this mistake—to ensure that no further errors are polluting our statute books?

My final point is on the impact assessment of these SIs. The Minister will know, because I have said it once or twice in SI Committees, that I am not a fan of the phrase

“no, or no significant impact”

in explanatory memorandums. I encourage him to work with the House authorities and the Leader of the House to try to correct that. There is a big difference between no impact and no significant impact. We should not allow that catch-all phrase in explanatory notes, because it reduces their validity. It reduces the information by which it might be determined that there is no impact. “No significant impact” implies that there is some impact.

As we have said, the Opposition will not oppose the instruments. The situation is embarrassing for the Minister, but I am grateful to him for coming to ‘fess up and correct the mistakes. I should be grateful if he offered a commitment that any future mistakes spotted in these hurried and rushed SIs will be corrected in a similar manner.

11.55 am

John Mc Nally (Falkirk) (SNP): It is always a pleasure to serve under your chairmanship, Ms Ryan. I have a couple of thoughts on matters of concern. I share the concern about the errors. We all agreed at the time that statutory instruments were getting far too rushed and it was anticipated that there would be far too many mistakes. I agree generally with the two Members who have just spoken.

Will the Minister outline what would have happened if the exit day—whichever one it might have been—had happened; or what might happen on whatever date it might be in the future? What disruption could it have caused, in his opinion? I anticipate that there still might be some disruption, if errors occur in future. How will we handle it if errors are made, and what disruption will that cause to businesses?

11.56 am

David Rutley: I am grateful to members of the Committee for their contributions and, indeed, their forensic questioning under severe time pressure.

As has been said in previous Committees, we have had to deal with a huge amount of legislation in a short period to prepare for an EU exit that we thought would be on 29 March, and then 12 April. It is right that we got the legislation in place. I think everyone would recognise that not only have we had to work incredibly hard, but so have DEFRA officials and the DEFRA legal team.

The hon. Member for Plymouth, Sutton and Devonport talked about a number of errors. There have been errors and I have apologised for those, but I stress, particularly in relation to the first of the two SIs we are considering, that most of the amendments were not due to errors. They were to catch up with EU regulation. [*Interruption.*] It is true. That is clearly something that, collectively, we will have to watch, and on which DEFRA will take the

[David Rutley]

lead. As EU regulations develop, change and progress, we will need to make sure that rolling SIs catch up on that law.

When we leave—whenever that time is, before 31 October—we need to make sure that the UK statute book is in the right place. Indeed, the hon. Member for Falkirk talked about the need to avoid disruption. That is the reason for what we have done collectively, across both sides of the Committee. Countless other MPs and colleagues were involved in the process as well. The aim of that exercise was to minimise disruption. I think, collectively, we did important work on that.

On the point about disruption, work also needed to be done to communicate to business and other stakeholders. Again, we have made good progress, but I assure members of the Committee that we will continue to work to be prepared for EU exit. We will have to redouble our efforts to engage with stakeholders and businesses in the relevant industries to make sure they are ready whenever, and in whatever scenario, we leave the EU.

We will have to continue to work on the matters in question. While I apologise for the errors, there was a need for some of the changes—particularly in the first of the SIs. In fact, we always said that a number of SIs would use the urgent procedure under the European Union (Withdrawal) Act 2018, but that it would be used only as a last resort. However, we recognised the necessity of laying a few critical SIs, which were required to provide certainty in advance of EU exit day.

The hon. Member for Ipswich asked a number of questions. Our intention to retain relevant EU legislation has inevitably meant that it was not possible to include everything in earlier SIs. Some of the timelines were difficult to meet, because of the gap between SIs that had already been prepared and EU regulations that had been made. We did our best to put the updates into the previous SIs, but not all of them could be included. That is why there were always going to be some SIs laid under the urgent procedure. We have worked incredibly hard to ensure that the number is minimal.

Some Members may ask why the affirmative procedure means that these SIs have been brought forward so quickly. It is because the procedure means that the SIs have to be debated within 28 days and we needed to ensure that we met that deadline.

Questions were asked about why different subjects or issues were grouped together. I accept that some of the links are not completely obvious; that is probably an understatement. The reason is that we need to make sure that the UK statute book is as fully operational as possible. I will make every effort, with the DEFRA team, to ensure that as we move forward, those SIs are as clear and distinct as possible.

A number of issues were raised regarding biosecurity at the Northern Ireland border. Biosecurity risks for animals and animal products from the EU have not changed. In order to allow trade to continue to flow smoothly, animals and animal products will be able to move freely from the EU to the UK, as they do now. The UK remains committed to not imposing a hard border between Northern Ireland and Ireland under any circumstances. That may require limited additional arrangements. Further information will be made available as soon as possible.

Sandy Martin: This is quite an important point. The issue being dealt with here is imports from third countries that are currently checked at the first EU point of entry. If they come via the United Kingdom, and then go into the Republic, how can they be checked at the first EU point of entry if there is no hard border between Northern Ireland and the Republic?

David Rutley: With the hon. Gentleman's permission, I will come back to that point later. I will seek a more detailed explanation.

The hon. Gentleman raised some other points, which I will get on to right away. On his point about systematic inspection of regulated goods, in future those goods will be accompanied by a phytosanitary certificate, which is an official document issued by the relevant national plant protection organisation confirming that prescribed requirements have been met. These requirements will be the same as those under the plant passport scheme, and the phytosanitary certificate will be required for each consignment exported. This will require a greater level of official oversight than is currently necessary under the plant passport scheme, and is necessary to meet international obligations. I hope that gives comfort to the hon. Gentleman.

The hon. Gentleman also made points about databases and systems. We are developing our own database to capture details of interceptions and incursions from day one, to inform our decision making. All EU systems have publicly available elements, which the UK will continue to be able to access after EU exit. Our dedicated UK-wide horizon-scanning team will continue to gather intelligence on plant health risks, including information from other organisations, agencies and networks, by increasing bilateral relationships with key trading partners and nearest neighbours. Functionality has been added to the UK plant health portal to replace some of the EU notification system functions.

The hon. Member for Ipswich made a point about red-necked longhorned beetles. We have general powers to act against such pests, but the EU has recently introduced specific emergency measures and we wanted to make sure that those elements were added to the UK statute book. He also made points about importers' readiness to change around inland inspection posts. To date, 33 viable applications have been received for premises wishing to be authorised as places of first arrival for regulated plant material from third countries arriving via the EU into the UK, by our roll-on/roll-off ports. These applications are under assessment and we expect that they will be completed by EU exit day.

The hon. Gentleman also raised concerns around transmissible spongiform encephalopathies errors and wondered why they had been included in this SI. This correction refers to a requirement for the owner or keeper of animals placed under movement restrictions, in accordance with these regulations, to comply with the prohibitions in the new TSE law on feeding certain products to such animals. This amendment will transfer the power for approval to the Secretary of State, following EU exit.

I hope that I can now answer the question from the hon. Member for Ipswich about Northern Ireland border issues. We have always been clear that there will be no physical infrastructure or related checks and controls at the border, and this will be a key part of our ongoing negotiations.

Notifications will be required for live animals. Germplasm and animal by-products not for human consumption, and high-risk food and feed are subject to vet checks. Live animals and these other elements that travel through the EU are subject to vet checks from third countries before arriving in the UK, and will need to be notified and checked at the UK border inspection post, or BIP.

High-risk food and feed not of animal origin will need to be notified and checked at the UK BIP or designated port of entry. If the hon. Gentleman has further questions on that issue, I will be happy to answer, either in writing or outside the Committee. I hope that I have addressed his questions.

I will move on to a couple of the other questions; I have taken quite a lot of the Committee's time already. I will just try to answer the last question from the hon. Member for Plymouth, Sutton and Devonport. Notwithstanding his concern about corrections, we will make sure that lessons are learned from what has taken place. The head of our legal department within DEFRA will review the process but also our current status. All I can say is that there are multiple layers of checking—I am sure that was the case—and lots of scrutiny. So the number of errors that we have come up with, while massively regretted, is small in comparison to the sheer volume of work that we have been through over recent weeks and months.

The hon. Gentleman raised concerns about invasive species. Article 15.6 of the EU Invasive Alien Species Regulation states that costs incurred during enforcement of the import controls in regulation are to be met by the importer, unless the member state concerned determines otherwise in a domestic enforcement and permitting

order, which supports the EU regulation and was made earlier this year. The UK Government decided that importers will be responsible for these costs.

The invasive species instrument, which was made earlier this year to correct operability deficiencies in the EU regulation, corrected article 15.6, but not in a way that was compatible with the provisions in the enforcement and permitting order. The amendment to regulation 7(3)(e) of the invasive species instrument made by this instrument corrects that oversight and ensures that the EU regulation and the domestic order are compatible after we leave the EU. I will carefully consider the hon. Gentleman's suggestion that there should be a future "review"; I think that was the word he used, but I will clarify afterwards.

I hope that we have been able to answer in some detail the questions that have been put, and for the reasons that I have set out, I commend these SIs to the House.

Question put and agreed to.

Resolved,

That the Committee has considered the Animal Health, Plant Health, Seeds and Seed Potatoes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019, No. 809).

**ANIMAL HEALTH, ALIEN SPECIES IN
AQUACULTURE AND INVASIVE NON-
NATIVE SPECIES (AMENDMENT)
(EU EXIT) REGULATIONS 2019**

Resolved,

That the Committee has considered the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 (S.I. 2019, No. 813).—(*David Rutley.*)

12.8 pm

Committee rose.

