



## In Focus

### Farriers (Registration) Bill (HL Bill 118 of 2016–17)

The [Farriers \(Registration\) Bill](#) is a private member's bill introduced by Byron Davies (Conservative MP for Gower), and sponsored in the House of Lords by the Earl of Caithness (Conservative). The Bill has completed all its stages in the House of Commons and is scheduled to have its second reading in the House of Lords on 6 April 2017. The Bill is backed by the Government, who have drafted the Explanatory Notes which accompany it.

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#### Background and Purpose of the Bill

The purpose of the Bill is to make provision about the constitution of the Farriers Registration Council (FRC), and its committees. The FRC is the regulatory body for the farriery profession in Great Britain. Its statutory responsibilities, as provided for by the Farriers (Registration) Act 1975, include to maintain a register of farriers; determine who is eligible for registration; and to regulate farriery training. Further, the FRC investigates and, where necessary, determines disciplinary cases through its statutory Investigating Committee, and its Disciplinary Committee.<sup>1</sup>

It is the contention of Mr Davies, and the Government, that developments since the introduction of the 1975 Act, and reforms to the regulation of other professions, have left a number of the arrangements for farriers out of date and at risk of legal challenge.<sup>2</sup> Further, the FRC has contended that the constraints imposed upon it by the 1975 Act are overly prescriptive, causing significant operational difficulties.<sup>3</sup> As such, the aims of the Bill, as described by Mr Davies, are as follows:

The purpose of the Bill is to protect and maintain the public interest and protect the welfare of equines by modernising the governance, structure and operation of the Farriers Registration Council and its statutory committees. That will enable the council to overcome practical difficulties caused by out-of-date legislation, reduce the risk of legal challenge and modernise the council's structure and operations in line with the Government's better regulation principles and the practices of other regulators.<sup>4</sup>

A consultation on potential reform of the FRC was conducted by Defra in 2013. In its summary of responses, Defra stated that it would progress proposed reforms to the FRC's constitution, and that of its committees, through a draft bill, though this was not tabled by the general election in 2015.<sup>5</sup> The draft Bill was subsequently picked up by Mr Davies in the ballot for private member's bills in May 2016.

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#### Key Provisions

As introduced in the House of Lords, the Bill has three clauses and one schedule. Clause 1 introduces the schedule, which proposes changes to the constitution of the FRC; its Investigating Committee; and its Disciplinary Committee. Clause 2 would give the Secretary of State for Environment, Food and Rural

Affairs powers to change the constitution of the FRC, and its committees, through regulations, without resorting to further primary legislation. Clause 3 provides for the territorial extent of the Bill, which would apply to England, Wales and Scotland.

The schedule of the Bill has three parts, which would replace the respective sections in the 1975 Act dealing with the relevant constitutional arrangements. Part 1 of the schedule, on the constitution of the FRC, would provide for the same number of members to be retained, at sixteen. However, of that membership four practising farriers will be elected; two farriers will be appointed by the British Farriers and Blacksmiths Association; three members will be appointed by the Worshipful Company of Farriers (with a new requirement that at least one must be a practising farrier); there will be two veterinary surgeons appointed by the Royal College of Veterinary Surgeons; and five lay representatives will be appointed by various interested bodies, (eg the RSPCA and the British Horseracing Authority).

The Bill would also introduce a fixed four-year term of office for all members; stipulate that a member may serve on the council only twice; and introduce fitness-to-serve conditions. Parts 2 and 3 of the schedule make changes to the constitution of the Investigating and Disciplinary Committees.

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## Consideration in the House of Commons

The Bill received a second reading in the House of Commons without debate. No amendments were tabled to the Bill during its consideration in Committee, and there was cross-party support for the Bill. Mary Glendon (Labour MP for North Tyneside) said that her Party endorsed the Bill as a result of the transparency and modernisation it would bring:

We support the Bill as it introduces a greater level of fairness and transparency to the FRC and its committees that will underpin its progress as a modern and professional regulator for its members, and for those who rely on the industry well into the future.<sup>6</sup>

Similarly, speaking for the Government, the Minister of State, George Eustice, reiterated the Government's support for the Bill for the record.<sup>7</sup> Seeking to address points raised by Huw Merriman (Conservative MP for Bexhill and Battle) on the role of the Worshipful Company of Farriers, Mr Eustice said the Government had listened to those who felt it had too strong a role—particularly in appointing a chairman to the FRC—and to those who were happy with its current powers. In response, Mr Eustice said the Government had sought a compromise whereby the Worshipful Company of Farriers would no longer directly appoint a chairman of its choosing, but rather that this would now be for the members of the Council to decide. Mr Eustice also noted the further change contained in the Bill which would require that at least one of the three appointees made by the Worshipful Company is a working farrier, which the Minister believed “struck the right balance” with the remaining composition of the Council.<sup>8</sup> There was no debate at report stage, and the Bill received a third reading on 24 March 2017 without division.

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<sup>1</sup> [Explanatory Notes](#), p 2.

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> [Public Bill Committee, Farriers \(Registration\) Bill, 7 March 2017, session 2016–17, 1st sitting, col 3.](#)

<sup>5</sup> House of Commons Library, [Farriers \(Registration\) Bill 2016–17](#), 14 March 2017.

<sup>6</sup> [Public Bill Committee, Farriers \(Registration\) Bill, 7 March 2017, session 2016–17, 1st sitting, col 6.](#)

<sup>7</sup> *ibid.*, col 7.

<sup>8</sup> *ibid.*, col 8.

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