
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 347

**The Agriculture Market Measures (EU Exit)
(Scotland) (Amendment) (No. 2) Regulations 2019**

Citation and commencement

1.—(1) These Regulations may be cited as the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 and come into force in accordance with paragraphs (2) and (3).

(2) Regulations—

- (a) 4(2)(b) to (e),
- (b) 4(9)(b),
- (c) 4(10)(c)(iv)(bb) and (vi),
- (d) 5(2),
- (e) 5(9)(b), and
- (f) 5(9)(c)(i) and (iv),

come into force on 9 December 2019.

(3) All regulations not listed in paragraph (2) come into force on the later of—

- (a) exit day, or
- (b) 9 December 2019.

Amendment of the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003

2.—(1) The Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “the Directive”.

(3) In regulation 4 (register of establishments and provision of distinguishing number)—

- (a) in paragraph (2), for “paragraph 2 of the Annex to the Directive” substitute “paragraph (4)”,
- (b) in paragraph (3), for “in accordance with paragraph 2 of the Annex to the Directive” substitute “which meets the requirements of paragraph (4)”, and
- (c) after paragraph (3), insert—

“(4) The distinguishing number must be composed of the appropriate farming method code, determined in accordance with paragraphs (6) to (8), followed by the letters “UK”, followed by a unique identification number allocated to the establishment by the Scottish Ministers.

(1) [S.S.I. 2003/576](#); relevant amending instrument is [S.S.I. 2004/27](#).

(5) Where it appears appropriate to the Scottish Ministers to do so, the Scottish Ministers may add further characters to the unique identification number required by paragraph (4), including characters which identify single flocks kept in separate buildings of an establishment.

(6) Except where paragraph (7) applies, when the farming method in column A is used, the appropriate farming method code is the corresponding number in column B.

<i>Column A</i>	<i>Column B</i>
Free range	1
Barn	2
Cages	3

(7) Where the farming method used in the establishment produces eggs under the conditions set out in Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91(2), the appropriate farming method code is “0”.

(8) For the purposes of paragraph (6), the farming method used in an establishment is to be determined in accordance with Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs(3).”.

(4) In regulation 5(1) (procedure for application for registration) for “paragraph 1 of the Annex to the Directive” substitute “the schedule”.

(5) At the end insert the schedule set out in the schedule of these Regulations.

Amendment of the Reporting of Prices of Milk Products (Scotland) Regulations 2005

3.—(1) The Reporting of Prices of Milk Products (Scotland) Regulations 2005(4) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “Commission Regulation”, and
- (b) for the definition of “milk products” substitute—

““milk products” means whey powder, skimmed milk powder, whole milk powder, butter, cheeses (including commodity cheeses) and raw milk.”.

(3) In regulation 3 (provision of information on prices of milk products)—

- (a) in paragraph (1) omit the words “for” to the end, and
- (b) in paragraph (2) for “at a frequency determined by the Commission Regulation” substitute “on a regular basis”.

Amendment of the Eggs and Chicks (Scotland) (No. 2) Regulations 2008

4.—(1) The Eggs and Chicks (Scotland) (No. 2) Regulations 2008(5) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) omit the definition of “Council Directive 1999/74/EC”,

(2) OJ L 189, 20.07.2007, p.1, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

(3) OJ L 163, 24.6.2008, p.6, as last amended by Commission Delegated Regulation (EU) 2017/2168 (OJ L 306, 22.11.2017, p.6).

(4) S.S.I. 2005/484, amended by S.S.I. 2011/81 and S.S.I. 2019/73.

(5) S.S.I. 2008/395, amended by S.S.I. 2010/450, S.I. 2011/1043, S.I. 2013/3235 and S.S.I. 2014/312.

- (b) for the definition of “Council Regulation 2013” substitute—
- ““Council Regulation 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007(6), as amended from time to time,”
- (c) in the definition of “Regulation (EU) No 1169/2011” at the end insert “, as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council(7)”,
- (d) after the definition of “Regulation (EU) No 1169/2011” omit “and”,
- (e) in the definition of “Regulation (EC) No. 2160/2003” at the end insert “, as last amended by Council Regulation (EU) No 517/2013(8)”, and
- (f) after the definition of “Regulation (EC) No. 2160/2003” insert—
- ““the Scottish welfare regulations” means the Welfare of Farmed Animals (Scotland) Regulations 2010(9), and
- “third country” means any country or territory other than—
- (i) the United Kingdom,
 - (ii) the Bailiwick of Guernsey,
 - (iii) the Bailiwick of Jersey, and
 - (iv) the Isle of Man.”
- (3) In regulation 4 (compliance with EU provisions on eggs for hatching and chicks), in the heading omit “EU”.
- (4) In regulation 5(1) (registration of establishments) for “agency” substitute “authority”.
- (5) In regulation 7 (compliance with EU provisions on eggs in shell for consumption), in the heading omit “EU”.
- (6) In regulation 11(3) (derogation relating to free-range eggs)—
- (a) for “Article 4(1) of Council Directive 1999/74/EC (provisions applicable to alternative systems)” substitute “schedule 3 of the Scottish welfare regulations”, and
 - (b) for sub-paragraphs (a) to (e) substitute—
- “(a) the second and third conditions of paragraph 17(d),
 - (b) paragraph 17(e),
 - (c) paragraph 18,
 - (d) paragraph 19(a)(i), and
 - (e) paragraph 19(b)(i).”
- (7) In regulation 12(3) (derogation relating to barn eggs)—
- (a) for “Article 4(1) of Council Directive 1999/74/EC” substitute “schedule 3 of the Scottish welfare regulations”, and
 - (b) for sub-paragraphs (a) to (e) substitute—
- “(a) the second and third conditions of paragraph 17(d),
 - (b) paragraph 17(e),

(6) OJ L 347, 20.12.2013, p.671.

(7) OJ L 327, 11.12.2015, p.1.

(8) OJ L 158, 10.6.2013, p.1.

(9) S.S.I. 2010/388, as amended on exit day by S.S.I. 2019/34.

- (c) paragraph 18,
 - (d) paragraph 19(a)(i), and
 - (e) paragraph 19(b)(i).”.
- (8) In regulation 12A (compliance with EU provisions), in the heading omit “EU”.
- (9) In schedule 1 (community provisions relating to eggs for hatching and chicks contravention of which is an offence)—
- (a) in the schedule heading for “COMMUNITY” substitute “RETAINED EU”,
 - (b) in Part 1 (provisions of the single CMO regulation or Council Regulation 2013), in the Table, in the first row (Article 74 of the Council Regulation 2013), in column 1 for “Article 74 of the Council Regulation 2013” substitute “Article 116 of the Single CMO Regulation”, and
 - (c) in Part 2 (provisions of [Commission Regulation \(EC\) No. 617/2008](#)), in the Table, omit the sixth row (Article 3(7)).
- (10) In schedule 2 (community provisions relating to eggs in shell for consumption contravention of which is an offence)—
- (a) in the schedule heading for “COMMUNITY” substitute “RETAINED EU”,
 - (b) in Part 1 (provisions of Council Regulation 2013), in the Table—
 - (i) in the ninth row (Articles 75(2) and (3) of Council Regulation 2013), in column 3 for “EU legislation” substitute “retained EU law”, and
 - (ii) in the tenth row (Articles 75(2) and (3) of Council Regulation 2013), in column 3 for “EU legislation” substitute “retained EU law”,
 - (c) in Part 2 (provisions of [Commission Regulation \(EC\) No. 589/2008](#)), in the Table—
 - (i) in the second row (Article 2(2)), omit the text in column 2,
 - (ii) omit the eighteenth, nineteenth and twentieth rows (relating to Article 8),
 - (iii) in the twenty-first row (Article 9(1)), for the text in column 2 substitute “regulation 4 of the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003⁽¹⁰⁾”,
 - (iv) in the twenty-fourth row (Article 12(2), first and second sub paragraphs), in column 2—
 - (aa) omit “and Part A of Annex I,”, and
 - (bb) for the words “Article 2 of [Council Regulation \(EEC\) No. 2092/91](#)” to “foodstuffs” substitute “Article 23 of Council Regulation [\(EC\) No 834/2007](#) on organic production and labelling of organic products and repealing Regulation [\(EEC\) No 2092/91](#) ⁽¹¹⁾”,
 - (v) in the twenty-sixth row (Article 12(2), fourth sub paragraph)—
 - (aa) for the text in column 2 substitute “Part 4 of schedule 3 of the Scottish welfare regulations”, and
 - (bb) in column 3, for the words from “listed” to the end substitute ““enriched cages””,
 - (vi) in the thirty-third row (Article 17), in column 2, for “Annex 11” substitute “Annex II”, and

⁽¹⁰⁾ S.S.I. 2003/576.⁽¹¹⁾ OJ L 189, 20.07.2007, p.1, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

- (vii) in the forty-sixth row (Article 30(3)), in column 3, for “EU legislation” substitute “retained EU law”.

Amendment of the Poultrymeat (Scotland) Regulations 2011

5.—(1) The Poultrymeat (Scotland) Regulations 2011⁽¹²⁾ are amended as follows.

(2) In regulation 1(4) (citation, commencement, extent and application), at the end, before the full stop insert “, excluding poultrymeat described in point I(2) of Part B of Annex XIV to the Single CMO Regulation”.

(3) In regulation 2(1) (interpretation), in the definition of “European poultrymeat provision” for “European” substitute “retained EU”.

(4) In regulation 3 (offences), for “European” substitute “retained EU”.

(5) In regulation 8 (enforcement), for “European” in each place where it occurs in paragraphs (1) to (3) substitute “retained EU”.

(6) In regulation 10 (powers of entry), for paragraph (2) substitute—

“(2) The authorised officer may be accompanied by such other persons as the authorised officer considers necessary.”.

(7) In regulation 11 (powers of an authorised officer)—

(a) in paragraph (9)(a) for “European Union” substitute “United Kingdom”, and

(b) omit paragraph (12).

(8) In regulation 13 (compliance notices), for “European” in each place where it occurs substitute “retained EU”.

(9) In schedule 1 (European poultrymeat provisions contravention of which is an offence)—

(a) in the schedule heading for “EUROPEAN” substitute “RETAINED EU”,

(b) in Part 1 (provisions of the Single CMO Regulation or the Council Regulation 2013), in the Table—

(i) in the first row (Article 74 of the Council Regulation 2013, first sub-paragraph, insofar as it relates to the marketing of poultrymeat)—

(aa) for the text in column 1 substitute “Article 116 of the Single CMO Regulation”, and

(bb) in column 2 for “Article” to “2013” substitute “Points I(2) and (3) and III(1) of Part B of Annex XIV to the Single CMO Regulation”, and

(ii) after the first row insert—

“Point III(1) of Part B of Article 7 of the Commission Quality grading.”, and
Annex XIV to the Single Regulation
CMO Regulation

(c) in Part 2 (provisions of the Commission Regulation), in the Table, in column 2 of—

(i) the tenth row (Article 7(1)), for the text substitute “Point III(1) of Part B of Annex XIV to the Single CMO Regulation”,

(ii) the twelfth row (Article 10), omit the text,

(iii) the thirteenth row (Article 11(1), first sub-paragraph), for “Annexes IV and V” substitute “Annex V”,

- (iv) the twenty-third row (Article 16(1), second sub-paragraph), for “XI” substitute “IX”,
- (v) the twenty-seventh row (Article 16(6)), omit the text, and
- (vi) the thirty-fourth row (Article 20(4) in so far as it applies Article 16(6) of the Commission Regulation), omit the text.

Amendment of the Milk and Other Products (Pupils in Educational Establishments) (Scotland) Regulations 2017

6.—(1) The Milk and Other Products (Pupils in Educational Establishments) (Scotland) Regulations 2017(13) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “applicant” insert—

““Aid” means aid granted pursuant to Article 23(1) of the Council Regulation, (whether before or after exit day),”

(b) omit the definition of “National aid”, and

(c) omit the definition of “Union aid” .

(3) Omit regulation 3 (additional payment under Article 23a(6) and 217 of the “Council Regulation”).

(4) In regulation 4 (withholding or recovery)—

(a) in paragraph (1), for “Union aid or National aid” in each place where it occurs substitute “Aid”, and

(b) after paragraph (1) insert—

“(1A) For the purposes of paragraph (1), Aid includes an additional payment under Articles 23a(6) and 217 of the Council Regulation (as it had effect immediately before exit day).”.

(5) In regulation 7 (revocation and saving provision)—

(a) in paragraph (1) omit “Subject to paragraph (2),” , and

(b) omit paragraph (2).

St Andrew’s House,
Edinburgh
29th October 2019

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Authorised to sign by the Scottish Ministers