

2020 No. 380

EXITING THE EUROPEAN UNION

ANIMALS

AGRICULTURE

**The Animal Health and Welfare and Official Controls
(Agriculture) (EU Exit) (Scotland) (Amendment) Regulations
2020**

Made - - - - *17th November 2020*

Laid before the Scottish Parliament *19th November 2020*

Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers make these Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(a), paragraphs 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018(b) and all other powers enabling them to do so.

In accordance with paragraph 4(a) of schedule 2 of the European Union (Withdrawal) Act(c), to the extent that these Regulations are made under schedule 2 of that Act and are to come into force before IP completion day, they have consulted with the Secretary of State.

PART 1

INTRODUCTION

Citation and commencement

1.—(1) These Regulations may be cited as the Animal Health and Welfare and Official Controls (Agriculture) (EU Exit) (Scotland) (Amendment) Regulations 2020.

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- (a) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(1) and (3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the 2020 Act”).
- (b) 2018 c.16; paragraph 21 of schedule 7 was amended by the 2020 Act, section 41(4) and schedule 5, paragraph 53.
- (c) Paragraph 4 of schedule 2 was amended by the 2020 Act, section 27(7)(a).

(2) These Regulations, except for regulation 4, come into force immediately before IP completion day.

(3) Regulation 4 comes into force on IP completion day.

PART 2

AMENDMENT OF SECONDARY LEGISLATION IN EXERCISE OF POWERS UNDER SECTION 2(2) OF THE EUROPEAN COMMUNITIES ACT 1972

Amendment of the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012

2. In regulation 2(1) (interpretation) of the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012(a) in the definition of “qualification certificate”, for sub-paragraph (a)(i) substitute—

“(i) recognised and regulated by the Scottish Qualifications Authority(b) or an equivalent body in England, Wales or Northern Ireland; and”.

PART 3

AMENDMENT OF SECONDARY LEGISLATION TO ADDRESS DEFICIENCIES ARISING FROM THE WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION

Amendment of the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019

3.—(1) The Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019(c) are amended as follows.

(2) In regulation 21 (amendment of the Cattle Identification (Scotland) Regulations 2007) after paragraph (6)(a)(i), insert—

“(ia) in sub-paragraph (1), in the opening words, for “another” substitute “a”;

(3) In regulation 22 (amendment of the Bovine Semen (Scotland) Regulations 2007)—

(a) in paragraph (6)(b)—

(i) for paragraph (8)(a)(i)(bb) of the inserted text substitute—

“(bb) in relation to another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,

(ii) for paragraph (8)(b)(i)(bb) of the inserted text substitute—

“(bb) in relation to another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,

(b) in paragraph (11)—

(i) in sub-paragraph (a)(ii), for sub-paragraph (4)(b) of the inserted text substitute—

“(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom,

(a) S.S.I. 2012/321. The definition of “qualification certificate” was amended by S.S.I. 2015/161 and is prospectively amended by S.S.I. 2019/288.

(b) The Scottish Qualifications Authority was established by article 2 of the Scottish Qualifications Authority (Establishment) (Scotland) Order, S.I. 1996/2248.

(c) S.S.I. 2019/71.

for co-ordinating the standards and methods of diagnosis referred to.”,

(ii) in sub-paragraph (b)—

(aa) for sub-paragraph (5)(d)(ii) of the inserted text substitute—

“(ii) in relation to another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,

(bb) for sub-paragraph (5)(e)(ii) of the inserted text substitute—

“(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to;”,

(cc) for sub-paragraph (6)(b) of the inserted text substitute—

“(b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority in another part of the United Kingdom under legislation in force there;”,

(dd) for sub-paragraph (6)(e)(ii) of the inserted text substitute—

“(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,

(ee) for sub-paragraph (7)(b) of the inserted text substitute—

“(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,

(iii) in sub-paragraph (c)—

(aa) for sub-paragraph (3)(b) of the inserted text substitute—

“(b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority in another part of the United Kingdom under legislation in force there;”,

(bb) for sub-paragraph (3)(e)(ii) of the inserted text—

“(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,

(c) in paragraph (12)—

(i) in sub-paragraph (a)(ii), for sub-paragraph (4)(b) of the inserted text substitute—

“(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,

(ii) in sub-paragraph (b)(i)—

(aa) for sub-paragraph (7)(d)(ii) of the inserted text substitute—

“(ii) in another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,

(bb) for sub-paragraph (7)(e)(ii) of the inserted text substitute—

“(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to;”,

(cc) for sub-paragraph (8)(b) of the inserted text substitute—

“(b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority in another part of the United Kingdom under legislation in force there;”,

- (dd) for sub-paragraph (8)(e)(ii) of the inserted text substitute—
 - “(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom for co-ordinating the standards and methods of diagnosis referred to.”,
- (ee) for sub-paragraph (9)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
- (iii) in sub-paragraph (d)(iii), for sub-paragraph (3)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
- (d) in paragraph (14)—
 - (i) in sub-paragraph (a)(ii), for sub-paragraph (4)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
 - (ii) in sub-paragraph (b)(ii)—
 - (aa) for sub-paragraph (2)(d)(ii) of the inserted text substitute—
 - “(ii) in another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,
 - (bb) for sub-paragraph (2)(e)(ii) of the inserted text substitute—
 - “(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to;”,
 - (cc) for sub-paragraph (3)(b) of the inserted text substitute—
 - “(b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority in another part of the United Kingdom under legislation in force there;”,
 - (dd) for sub-paragraph (3)(e)(ii) of the inserted text substitute—
 - “(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
 - (ee) for sub-paragraph (4)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
 - (iii) in sub-paragraph (e)(iii), for sub-paragraph (3)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,
- (e) in paragraph (15)(b), for sub-paragraph (4)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom, for co-ordinating the standards and methods of diagnosis referred to.”,

- (f) in paragraph (16)—
- (i) in sub-paragraph (a)(iii), for sub-paragraph (2)(a)(i) of the inserted text substitute—
 - “(i) the reference to “competent authority” includes the authority of another part of the United Kingdom which approves accommodation for the purpose of that period of quarantine, in accordance with legislation in force in that part of the United Kingdom;”,
 - (ii) in sub-paragraph (b)(iv)—
 - (aa) for sub-paragraph (2)(a)(i)(bb) of the inserted text substitute—
 - “(bb) in relation to another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,
 - (bb) for sub-paragraph (2)(b)(i)(bb) of the inserted text substitute—
 - “(bb) in relation to another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,
 - (cc) for sub-paragraph (2)(c)(iv)(bb) of the inserted text substitute—
 - “(bb) in another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,
 - (dd) for sub-paragraph (2)(c)(v)(bb) of the inserted text substitute—
 - “(bb) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom,
for co-ordinating the standards and methods of diagnosis referred to;”,
 - (iii) in sub-paragraph (c)(ii)—
 - (aa) for sub-paragraph (2)(d)(ii) of the inserted text substitute—
 - “(ii) in another part of the United Kingdom, an equivalent authority under legislation in force in that part of the United Kingdom;”,
 - (bb) for sub-paragraph (2)(e)(ii) of the inserted text substitute—
 - “(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom,
for co-ordinating the standards and methods of diagnosis referred to;”,
 - (cc) for sub-paragraph (3)(b) of the inserted text substitute—
 - “(b) the references to “certification” include a “certificate” as defined in these Regulations or an equivalent certificate published by an authority in another part of the United Kingdom under legislation in force there;”,
 - (dd) for sub-paragraph (3)(e)(ii) of the inserted text substitute—
 - “(ii) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom,
for co-ordinating the standards and methods of diagnosis referred to.”,
 - (ee) for sub-paragraph (4)(b) of the inserted text substitute—
 - “(b) in relation to another part of the United Kingdom, a laboratory approved by an authority under legislation in force in that part of the United Kingdom,
for co-ordinating the standards and methods of diagnosis referred to.”.

(4) In regulation 33 (amendment of the Equine Animal (Identification) (Scotland) Regulations 2019)—

- (a) in paragraph (2), for the substituted text substitute “Great Britain from a third country”,
- (b) in paragraph (4), for the substituted text substitute “Great Britain from a third country”,

- (c) for paragraph (5) substitute—
“(5) Omit regulation 19(1)(c).”
- (d) in paragraph (6)—
 - (i) in sub-paragraph (a)—
 - (aa) for “Union” substitute “the Union”,
 - (bb) for “United Kingdom” substitute “Great Britain”,
 - (ii) in sub-paragraph (b)—
 - (aa) for “Union” substitute “the Union”,
 - (bb) for “United Kingdom” substitute “Great Britain from a third country”,
 - (iii) in sub-paragraph (d) for “the United Kingdom” substitute “Great Britain”.

Amendment of the Official Controls (Agriculture etc.) (Scotland) Regulations 2019

4.—(1) The Official Controls (Agriculture etc.) (Scotland) Regulations 2019(a) are amended as follows.

- (2) In regulation 2 (interpretation)—
 - (a) for “EU Regulation” in each place where it occurs substitute “Official Controls Regulation”,
 - (b) in paragraph (1), in the definition of “relevant legislation” omit “European and domestic”.
- (3) In regulation 4 (disclosure of information)—
 - (a) omit “ in the United Kingdom and other member States”,
 - (b) for “EU Regulation” substitute “Official Controls Regulation”.
- (4) In regulation 5(1) (powers of auditors), for “EU Regulation” substitute “Official Controls Regulation”.
- (5) In regulation 7(1) (powers of Food Standards Scotland undertaking audits), for “EU Regulation” substitute “Official Controls Regulation”.
- (6) In regulation 9 (facilitating assistance and co-operation)—
 - (a) in paragraph (1), omit “of another member State” in both places where it occurs,
 - (b) omit paragraph (2),
 - (c) in paragraph (3), for “EU Regulation” substitute “Official Controls Regulation”.
- (7) In regulation 11 (enforcement and prosecution), for “EU Regulation” in both places where it occurs substitute “Official Controls Regulation”.
- (8) In regulation 12(1) (powers of enforcement officers), for “EU Regulation” in both places where it occurs substitute “Official Controls Regulation”.
- (9) In regulation 13 (powers of entry), for “EU Regulation” in each place where it occurs substitute “Official Controls Regulation”.

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
17th November 2020

(a) S.S.I. 2019/412.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made principally in exercise of the powers conferred by paragraphs 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018. These Regulations address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union.

Regulation 2 is made in exercise of powers under the European Communities Act 1972, and amends the definition of “qualification certificate” in the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 to update the list of qualification authorities who issue qualification certificates that are recognised in Scotland for the purposes of obtaining a certificate of competence. This amendment comes into force immediately before IP completion day.

Regulation 3 is made in exercise of powers under the European Union (Withdrawal) Act 2018, and makes amendments to the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019, which in turn make amendments to secondary legislation in the field of animal health. These amendments to the Animal Health (EU Exit) (Scotland) (Amendment) Regulations 2019 are required so as to prevent, remedy or mitigate deficiencies arising from the withdrawal of the United Kingdom from the European Union. These amendments come into force immediately before IP completion day.

Regulation 4 is made in exercise of powers under the European Union (Withdrawal) Act 2018, and makes amendments to the Official Controls (Agriculture etc.) (Scotland) Regulations 2019 in order to prevent, remedy or mitigate deficiencies arising from the withdrawal of the United Kingdom from the European Union. These amendments come into force on IP completion day.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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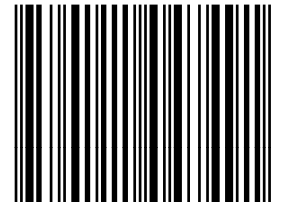
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