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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 361**

**The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022**

**PART 3**

Amendment of EU derived domestic legislation

**The Aquatic Animal Health (Scotland) Regulations 2009**

**16.**—(1) The Aquatic Animal Health (Scotland) Regulations 2009(1) are amended as follows.

(2) In regulation 3(1) (interpretation), in the definition of “[Directive 2006/88/EC](#)”, after “from time to time” insert “(2), but subject to regulations 3(4), 13(7) and (8), 18(7) and 24(4)”.

(3) After regulation 3(3) (interpretation) insert—

“(4) In the definition of “processing establishment” in paragraph (1), the reference to Article 33 of Chapter V of [Directive 2006/88/EC](#) is to be read in accordance with paragraph 1A of schedule 1E of these Regulations.”.

(4) In schedule 1E (modifications to [Directive 2006/88/EC](#))—

(a) in the sub-heading, for “Regulations 13(7) and (8), 18(7) and 24(4)” substitute “Regulations 3(4), 13(7) and (8), 18(7) and 24(4)”, and

(b) after paragraph 1 (modifications to Article 29)(3) insert—

**“Modification to Article 33**

**1A.** Article 33 is to be read as if in paragraph 1 the reference to “the competent authority” were a reference to “the Scottish Ministers”.

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**Commencement Information**

**II** [Reg. 16](#) in force at 2.2.2023, see [reg. 1](#)

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- (1) [S.S.I. 2009/85](#), as amended by [S.S.I. 2011/259](#), [S.S.I. 2011/427](#), [S.S.I. 2015/100](#), [S.S.I. 2019/412](#), [S.S.I. 2020/393](#), and [S.I. 2022/835](#).
- (2) The effect of paragraph 2 of schedule 8 of the European Union (Withdrawal) Act 2018 is that references to [Directive 2006/88/EC](#) as amended “from time to time” cease to have ambulatory effect on IP completion day and are to be read on and after IP completion day as references to that Directive as it had effect immediately before IP completion day.
- (3) Paragraph 1 of schedule 1E was inserted by [S.S.I. 2020/393](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Agriculture (Retained EU Law and Data) (Scotland) Act 2020 (Consequential Modifications) and Agricultural Products, Aquatic Animal Health and Genetically Modified Organisms (EU Exit) (Amendment) Regulations 2022, Section 16.