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STATUTORY INSTRUMENTS

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**2018 No. 1406**

**EXITING THE EUROPEAN UNION, ENGLAND**  
**ANIMAL HEALTH**

**The Exotic Disease (Amendment)**  
**(England) (EU Exit) Regulations 2018**

*Sift requirements satisfied*                      *26th November 2018*  
*Made*       -       -       -       -                      *20th December 2018*  
*Laid before Parliament*                      *21st December 2018*  
*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

The requirements of paragraph 3(2) of Schedule 7 to the Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation and commencement**

1. These Regulations may be cited as the Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018 and come into force on exit day.

**The Foot-and-Mouth Disease (England) Order 2006**

2. In Schedule 8 to the Foot-and-Mouth Disease (England) Order 2006<sup>(2)</sup>, in paragraph 7, for “another” substitute “a”.

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006**

3.—(1) The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006<sup>(3)</sup> are amended as follows.

(2) In regulation 9(1)(c), at the end insert “with the reference to “Member States” in paragraph 3.1 in Annex X being read as a reference to the Secretary of State”.

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(1) 2018 c. 16.

(2) S.I. 2006/182, to which there are amendments not relevant to these Regulations.

(3) S.I. 2006/183, amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

- (3) In regulation 28, for “another” substitute “a”.

#### **The Avian Influenza (Preventive Measures) (England) Regulations 2006**

4.—(1) The Avian Influenza (Preventive Measures) (England) Regulations 2006(4) are amended as follows.

- (2) In regulation 9(5), omit the words from “approved” in the first place it occurs to the end.  
 (3) In regulation 11(2)(a) and (3), for “another” substitute “a”.

#### **The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006**

5.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006(5) is amended as follows.

- (2) In article 22(2), for “another” substitute “a”.  
 (3) In article 32, for “intra-Community or international trade” substitute “export outside the United Kingdom”.  
 (4) In article 50(1)(b)(ii) for “another” substitute “a”.  
 (5) In article 63(5), for “intra-Community or international trade” substitute “export outside the United Kingdom”.

#### **The Avian Influenza (Vaccination) (England) Regulations 2006**

6.—(1) The Avian Influenza (Vaccination) (England) Regulations 2006(6) are amended as follows.

- (2) In regulation 2, in paragraph (1)—  
 (a) in the definition of “emergency vaccination plan”, after “Article 53 of the Directive” insert—  
 “, reading that Article as if—  
     (a) in paragraph 1—  
         (i) for “A Member State” there were substituted “The Secretary of State”;  
         (ii) for “the Member State” there were substituted “England”;  
         (iii) the words “concerned” to the end were omitted;  
     (b) in paragraph 2, in the first subparagraph—  
         (i) for “a Member State” there were substituted “the Secretary of State”;  
         (ii) for the words from “it shall submit” to the end there were substituted “the Secretary of State must produce an emergency vaccination plan”;  
     (c) paragraph 3 were omitted.”;  
 (b) in the definition of “preventive vaccination plan”, after “Article 56 of the Directive” insert—  
 “, reading that Article as if—  
     (a) in paragraph 1, the reference to Member States were a reference to the Secretary of State;

(4) [S.I. 2006/2701](#), to which there are amendments not relevant to these Regulations.

(5) [S.I. 2006/2702](#), to which there are amendments not relevant to these Regulations.

(6) [S.I. 2006/2703](#), to which there are amendments not relevant to these Regulations.

- (b) in paragraph 2, in the first subparagraph—
  - (i) for “a Member State” there were substituted “the Secretary of State”;
  - (ii) for the words from “it shall submit” to the end there were substituted “the Secretary of State must produce a preventive vaccination plan”;
- (c) paragraph 3 were omitted.”;
- (3) In regulation 6(3), for the words from “after” to “Directive” substitute “in accordance with an emergency vaccination plan”.
- (4) In regulation 7(2)(b), for the words from “has been submitted” to the end substitute “is in place”.
- (5) In regulation 10—
  - (a) in the heading, for “an approved plan” substitute “a published emergency vaccination plan”;
  - (b) in paragraphs (1) and (7), for the words from “approved” to the end substitute “published by the Secretary of State”.

#### **The Avian Influenza (H5N1 in Poultry) (England) Order 2006**

7.—(1) The Avian Influenza (H5N1 in Poultry) (England) Order 2006(7) is amended as follows.

- (2) In Article 2—
  - (a) in the definition of “approved body”, for the words “in accordance” to the end, substitute “by the Secretary of State”;
  - (b) after the definition of “temporary movement restriction zone” insert—

““third country” means any country that is neither the United Kingdom nor a member State.”.
- (3) In article 9—
  - (a) in paragraph (1), for “other member State” substitute “a member State”;
  - (b) in paragraph (3)(c), for “another” substitute “a”.
- (4) In article 10—
  - (a) in paragraph (1), for “other” substitute “a”;
  - (b) in paragraph (3)(c) and (e), for “another” substitute “a”.
- (5) In article 11(1), for “other” substitute “a”.
- (6) In article 14(1)(d), for “another” substitute “a”.

#### **The Products of Animal Origin (Disease Control) (England) Regulations 2008**

8.—(1) The Products of Animal Origin (Disease Control) (England) Regulations 2008(8) are amended as follows.

- (2) Omit regulation 17(15)(b) (and the “and” immediately preceding it).
- (3) In Schedule 3, omit paragraph (1)(b)(iii).

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(7) [S.I. 2006/3247](#), to which there are amendments not relevant to these Regulations.

(8) [S.I. 2008/465](#), to which there are amendments not relevant to these Regulations.

### **The Bluetongue Regulations 2008**

**9.** Omit regulation 19(4)(b) of the Bluetongue Regulations 2008(**9**) (and the “and” immediately preceding it).

### **The Poultry Compartments (England) Order 2010**

**10.** In article 4(1)(f) of the Poultry Compartments (England) Order 2010(**10**), omit “a representative of the European Commission or”.

### **The African Horse Sickness (England) Regulations 2012**

**11.** Omit regulation 29(8)(b)(ii) of the African Horse Sickness (England) Regulations 2012(**11**) (and the “and” immediately preceding it).

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

20th December 2018

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(9) [S.I. 2008/962](#), to which there are amendments not relevant to these Regulations.  
(10) [S.I. 2010/108](#), to which there are amendments not relevant to these Regulations.  
(11) [S.I. 2012/2629](#).

## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations are made in exercise of the powers in the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of EU-derived domestic legislation to operate effectively and other deficiencies (in particular, under section 8(2)(d) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union. These Regulations make amendments to legislation in England in the field of exotic diseases in animals.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.