

---

STATUTORY INSTRUMENTS

---

**2018 No. 942**

**AGRICULTURE**

LIVESTOCK INDUSTRIES

**ANIMALS, ENGLAND**

ANIMAL HEALTH

**ENVIRONMENTAL PROTECTION**

**FOOD**

**FORESTRY, ENGLAND AND WALES**

**FREEDOM OF INFORMATION,**

**ENGLAND AND WALES**

**FREEDOM OF INFORMATION,**

**NORTHERN IRELAND**

**HEALTH AND SAFETY, ENGLAND AND WALES**

**MARINE MANAGEMENT**

**PESTICIDES**

**PLANT BREEDERS' RIGHTS**

**SEA FISHERIES**

CONSERVATION OF SEA FISH

SEA FISH INDUSTRY

**WASTE**

**WATER, ENGLAND AND WALES**

**WATER INDUSTRY, ENGLAND AND WALES**

**WATER RESOURCES, ENGLAND**

**WATER RESOURCES, SCOTLAND**

## The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018

Made - - - - 20th August 2018

Laid before Parliament 23rd August 2018

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) section 2(2) of the European Communities Act 1972 (“the 1972 Act”)(**1**);
- (b) so far as relating to regulations [14](#), [19](#), [20\(2\)\(c\)](#), [23\(3\)\(b\)](#), [39\(a\)](#) and [54\(2\)](#), paragraph 1A of Schedule 2 to the 1972 Act(**2**);
- (c) so far as relating to regulation [35](#), sections 33A and 219(2)(f) of the Water Resources Act 1991(**3**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the 1972 Act in relation to—

- (a) batteries and accumulators(**4**);
- (b) the common agricultural policy(**5**);
- (c) the environment(**6**);
- (d) materials providing or intended to provide nutrients for plants(**7**);
- (e) measures in the veterinary and phytosanitary fields for the protection of public health(**8**);
- (f) measures relating to biocides(**9**);
- (g) measures relating to Community plant variety rights(**10**);

- 
- (1) [1972 c. 68](#); section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a) and the European Union (Amendment) Act [2008 \(c. 7\)](#), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act [2018 \(c. 16\)](#), section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by [S.I. 2002/794](#). Under section 57(1) of the Scotland Act [1998 \(c. 46\)](#), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act [2006 \(c. 32\)](#), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.
  - (2) Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28 and was amended by the European Union (Amendment) Act 2008, the Schedule, Part 1 and [S.I. 2007/1388](#). It is prospectively repealed by the European Union (Withdrawal) Act 2018, section 1 from exit day (see section 20 of that Act).
  - (3) [1991 c. 57](#); section 33A was inserted by the Water Act [2003 \(c. 37\)](#), section 9. See section 221(1) for the definition of “the Ministers”.
  - (4) [S.I. 2007/3471](#).
  - (5) [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations. The designation in relation to the common agricultural policy extends to the common fisheries policy: under Article 38(1) of the Treaty on the Functioning of the European Union, the EU’s common agricultural policy includes its common fisheries policy (OJ No L 133, 29.5.2015, p 1).
  - (6) [S.I. 2008/301](#).
  - (7) [S.I. 2001/3919](#), to which there is an amendment not relevant to these Regulations.
  - (8) [S.I. 1999/2027](#).
  - (9) [S.I. 1999/2788](#), to which there are amendments not relevant to these Regulations.
  - (10) [S.I. 1995/751](#), to which there is an amendment not relevant to these Regulations.

- (h) measures relating to food (including drink) including the primary production of food(11);
- (i) measures relating to the description of, and other requirements relating to, spirit drinks(12);
- (j) measures relating to the prevention, reduction and elimination of pollution caused by waste(13);
- (k) measures relating to the recovery of payment of amounts, not being customs duties or refunds of such duties, payable on the import or export of agricultural products or goods resulting from the processing of agricultural products, including conditions attached to and relief allowed in respect of such payments(14);
- (l) the prevention and recovery of waste electrical and electronic equipment(15);
- (m) the prevention of waste from vehicles and forms of recovery of end of life vehicles and their components(16);
- (n) the restriction of the use of hazardous substances in electrical and electronic equipment(17).

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Secretary of State that it is expedient for references to the following EU instruments to be construed as references to those instruments as amended from time to time—

- (a) Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(18);
- (b) Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products(19);
- (c) Commission Delegated Regulation (EU) 2017/670 supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products(20);
- (d) Commission Regulation (EU) No 1190/2012 concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council(21).

There has been consultation, as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(22), during the preparation and evaluation of these Regulations so far as they relate to food.

---

(11) S.I. 2003/2901, to which there are amendments not relevant to these Regulations.

(12) S.I. 1989/1327, to which there are amendments not relevant to these Regulations.

(13) S.I. 1992/2870, to which there are amendments not relevant to these Regulations.

(14) S.I. 1976/897, to which there are amendments not relevant to these Regulations.

(15) S.I. 2004/706, to which there are amendments not relevant to these Regulations.

(16) S.I. 2001/3495, to which there are amendments not relevant to these Regulations.

(17) S.I. 2004/706.

(18) OJ No L 353, 31.12.2008, p 1, as last amended by Commission Regulation (EU) 2017/776 (OJ No L 116, 5.5.2017, p 1).

(19) OJ No L 84, 20.3.2014, p 14, as corrected by a corrigendum (OJ No L 105, 8.4.2014, p 12).

(20) OJ No L 97, 8.4.2017, p 5.

(21) OJ No L 340, 13.12.2012, p 29, as corrected by a corrigendum (OJ No L 68, 13.3.2015, p 91).

(22) OJ No L 31, 1.2.2002, p 1, as last amended by Commission Regulation (EU) 2017/228 (OJ No L 35, 10.2.2017, p 10).