
STATUTORY INSTRUMENTS

2018 No. 942

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

PART 5

Amendments and revocations of legislation concerning agriculture

The Hops Certification Regulations 1979

40.—(1) The Hops Certification Regulations 1979⁽¹⁾ are amended as follows.

(2) In regulation 1—

(a) for the definition of “the EU provisions” substitute—

““the EU provisions” means—

- (a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“Regulation EU No 1308/2013”);
- (b) [Commission Regulation \(EC\) No 1850/2006](#) laying down detailed rules for the certification of hops and hop products (“[Commission Regulation \(EC\) No 1850/2006](#)”)⁽²⁾;
- (c) [Commission Regulation \(EC\) No 1295/2008](#) on the importation of hops from third countries (“[Regulation \(EC\) 1295/2008](#)”)⁽³⁾;

(b) in the definition of “hop products”, for “Article 1 of [Council Regulation \(EEC\) No. 1696/71](#)”⁽⁴⁾ substitute “Articles 1 and 3(1) of Regulation (EU) No 1308/2013”.

(3) In regulation 3—

(a) in paragraph (1)—

- (i) in sub-paragraph (c), for the words from “either” to the end substitute “the attestation of equivalence provided for in Article 190 of Regulation (EU) No 1308/2013”;
- (ii) in sub-paragraphs (d) and (e), for “Article 5(2) of [Council Regulation \(EEC\) No. 1696/71](#)” substitute “Article 190 of Regulation (EU) No 1308/2013”;
- (iii) in sub-paragraph (e), for “Article 1(1)(a) of [Council Regulation \(EEC\) No. 1784/77](#)”⁽⁵⁾ substitute “Article 1(3)(a) of [Commission Regulation \(EC\) No 1850/2006](#)”;

(b) after paragraph (1) insert—

(1) [S.I. 1979/1095](#), amended by [S.I. 1991/2198](#), [2011/1043](#).

(2) OJ No L 355, 15.12.2006, p 72, as last amended by [Commission Regulation \(EU\) No 519/2013](#) (OJ No L 158, 10.6.2013, p 74).

(3) OJ No L 340, 19.12.2008, p 45, as last amended by Commission Implementing Regulation (EU) 2015/2000 (OJ No L 292, 10.11.2015, p 4).

(4) OJ No L 175, 4.8.1971, p 1, as repealed by Council Regulation (EC) No 1952/2005 (OJ No L 314, 30.11.2005, p 1).

(5) OJ No L 200, 8.8.1977, p 1, as repealed by [Commission Regulation \(EC\) No 1850/2006](#).

“(1A) Paragraph (1)(c) does not apply insofar as Article 10 of Regulation (EC) 1295/2008 provides otherwise.”.

(4) Omit regulation 4.

(5) In regulation 6A(a), for “Article 8a(3) of Commission Regulation (EEC) No. 890/78(6)” substitute “Article 12(1) of Commission Regulation (EC) No 1850/2006”.

(6) In regulation 7—

(a) in paragraph (1)—

(i) for the words from “article 10(a) of” to “1784/77” substitute “Article 20(1) of Commission Regulation (EC) No 1850/2006 to send to the competent certification authority referred to in Article 21 of that Regulation”;

(ii) for “the said Article 10(a)” substitute “Article 20(1)”;

(b) in paragraph (2), for the words from “by article 10(b)” to “Council Regulation” substitute “to send to the competent certification authority referred to in Article 21 of Commission Regulation (EC) No 1850/2006”.

(7) In regulation 9(2), for the words from “Article 5(2)” to the end substitute “Article 190 of Regulation (EU) No 1308/2013”.

The Bovine Embryo (Collection, Production and Transfer) Regulations 1995

41.—(1) The Bovine Embryo (Collection, Production and Transfer) Regulations 1995(7) are amended as follows.

(2) In regulation 1(a), after “species” insert “, as last amended by Council Directive 2008/73/EC(8)”.

(3) Omit regulation 2(3).

(4) In regulation 10(e)—

(a) omit “deep-frozen”;

(b) at the end insert “, as last amended by Commission Implementing Decision 2011/629/EU(9)”.

(5) In regulation 12(c), after “88/407/EEC” insert “, as last amended by Commission Implementing Decision 2011/629/EU,”.

(6) In regulation 21(5)—

(a) omit sub-paragraph (b);

(b) for sub-paragraph (c) substitute—

“(c) imported into—

(i) England in accordance with the provisions of the Trade in Animals and Related Products Regulations 2011(10) or any Regulations which they supersede;

(ii) Wales in accordance with the provisions of the Trade in Animals and Related Products (Wales) Regulations 2011(11) or any Regulations which they supersede;

(6) OJ No L 117, 29.4.1978, p 43, as repealed by Commission Regulation (EC) No 1850/2006.

(7) S.I. 1995/2478, amended by S.I. 1996/3124.

(8) OJ No L 219, 14.8.2008, p 40, as last amended by Council Decision 2009/436/EC (OJ No L 145, 10.6.2009, p 43).

(9) OJ No L 247, 24.9.2011, p 22.

(10) S.I. 2011/1197, to which there are amendments not relevant to these Regulations.

(11) S.I. 2011/2379 (W. 252), to which there are amendments not relevant to these Regulations.

- (iii) Scotland in accordance with the provisions of the Trade in Animals and Related Products (Scotland) Regulations 2012⁽¹²⁾ or any Regulations which they supersede;”.

The Seeds (National Lists of Varieties) Regulations 2001

42.—(1) The Seeds (National Lists of Varieties) Regulations 2001⁽¹³⁾ are amended as follows.

(2) In regulation 2(1)—

- (a) in the definition of “the Deliberate Release Directive”, for the words from “amended by” to the end substitute “last amended by Directive (EU) 2015/412 of the European Parliament and of the Council⁽¹⁴⁾”;
- (b) in the definition of “the Equivalence Decision”, for “and amending [Decision 2003/17/EC](#)” substitute “, as last amended by Council Regulation (EU) 517/2013⁽¹⁵⁾”;
- (c) in the definition of “the Food and Feed Regulation”, at the end insert “, as last amended by Regulation [\(EC\) No 298/2008](#) of the European Parliament and of the Council⁽¹⁶⁾”;
- (d) for the definition of “the Novel Foods Regulation” substitute—
““the Novel Foods Regulation” means Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods⁽¹⁷⁾”;
- (e) for the definition of “the Seeds Marketing Directives” substitute—
““the Seeds Marketing Directives” means—
 - (a) the Vegetable Seed Marketing Directive;
 - (b) Council [Directive 66/401/EEC](#) on the marketing of fodder plant seed⁽¹⁸⁾;
 - (c) Council [Directive 66/402/EEC](#) on the marketing of cereal seed⁽¹⁹⁾;
 - (d) Council [Directive 2002/54/EC](#) on the marketing of beet seed⁽²⁰⁾;
 - (e) Council [Directive 2002/56/EC](#) on the marketing of seed potatoes⁽²¹⁾; and
 - (f) Council [Directive 2002/57/EC](#) on the marketing of seed of oil and fibre plants⁽²²⁾”;
- (f) in the definition of “the Seeds Marketing Regulations”—
 - (i) in paragraph (a)(ii), for “the Seed Potatoes (England) Regulations 2006⁽²³⁾” substitute “the Seed Potatoes (England) Regulations 2015⁽²⁴⁾”;
 - (ii) for paragraphs (b)(i) to (v) substitute—
“(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing (Wales) Regulations 2012⁽²⁵⁾”;

⁽¹²⁾ [S.I. 2012/177](#), to which there are amendments not relevant to these Regulations.

⁽¹³⁾ [S.I. 2001/3510](#), amended by [S.I. 2004/2949](#), [2011/464](#); there are other amending instruments but none is relevant.

⁽¹⁴⁾ OJ No L 68, 13.3.2015, p 1.

⁽¹⁵⁾ OJ No L 158, 10.6.2013, p 1, as last amended by Regulation (EU) 2016/1076 of the European Parliament and of the Council (OJ No L 185, 8.7.2016, p 1).

⁽¹⁶⁾ OJ No L 97, 9.4.2008, p 64.

⁽¹⁷⁾ OJ No L 327, 11.12.2015, p 1.

⁽¹⁸⁾ OJ No 125, 11.7.1966, p 2298, as last amended by Commission Implementing Directive (EU) 2016/2109 (OJ No L 327, 2.12.2016, p 59).

⁽¹⁹⁾ OJ No 125, 11.7.1966, p 2309, as last amended by Commission Implementing Directive (EU) 2016/317 (OJ No L 60, 5.3.2016, p 72).

⁽²⁰⁾ OJ No L 193, 20.7.2002, p 12, as last amended by Commission Implementing Directive (EU) 2016/317.

⁽²¹⁾ OJ No L 193, 20.7.2002, p 60, as last amended by Commission Implementing Directive (EU) 2016/317.

⁽²²⁾ OJ No L 193, 20.7.2002, p 74, as last amended by Commission Implementing Directive (EU) 2016/317.

⁽²³⁾ [S.I. 2006/1161](#), revoked by [S.I. 2015/1953](#).

⁽²⁴⁾ [S.I. 2015/1953](#), to which there are amendments not relevant to these Regulations.

⁽²⁵⁾ [S.I. 2012/245 \(W. 39\)](#), to which there are amendments not relevant to these Regulations.

- (iii) for paragraphs (d)(i) to (v) substitute—
 - “(i) in relation to beet seed, cereal seed, fodder plant seed, oil and fibre plant seed and vegetable seed, the Seed Marketing Regulations (Northern Ireland) 2016⁽²⁶⁾”;
- (iv) in paragraph (d)(vi), for “the Seed Potatoes Regulations (Northern Ireland) 2010⁽²⁷⁾” substitute “the Seed Potatoes Regulations (Northern Ireland) 2016⁽²⁸⁾”;
- (g) in the definition of “standard seed”—
 - (i) in paragraph (b), for “the Vegetable Seed (Wales) Regulations 2005⁽²⁹⁾” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
 - (ii) in paragraph (d), for “the Vegetable Seeds Regulations (Northern Ireland) 2009⁽³⁰⁾” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”;
- (h) in the definition of “the Vegetable Seed Marketing Directive”, for “the Food and Feed Regulation” substitute “Commission Implementing Directive (EU) 2016/317⁽³¹⁾”.
- (3) In regulation 3(2), in the words after sub-paragraph (b)—
 - (a) for “the Vegetable Seed (Wales) Regulations 2005” substitute “Part 5 of Schedule 2 to the Seed Marketing (Wales) Regulations 2012”;
 - (b) for “the Vegetable Seeds Regulations (Northern Ireland) 2009” substitute “Part 5 of Schedule 2 to the Seed Marketing Regulations (Northern Ireland) 2016”.
- (4) In regulation 5(3)(e), for the words from “or a food ingredient” to “or food ingredient” substitute “within the definition of “novel food” in Article 3(2)(a) of the Novel Foods Regulation, the food”.
- (5) In regulations 14(4)(c) and 15(2)(e), for “article 2(1)” substitute “Article 2(2)(b)”.

The Plant Breeders’ Rights (Naming and Fees) Regulations 2006

- 43.** In regulation 3(2) of the Plant Breeders’ Rights (Naming and Fees) Regulations 2006⁽³²⁾—
 - (a) in sub-paragraph (a)—
 - (i) omit “of 27 July 1994”;
 - (ii) for the words from “as last amended” to “29 April 2004,” substitute “, as last amended by Council Regulation (EC) No 15/2008⁽³³⁾”;
 - (b) in sub-paragraph (b), for the words from “[Commission Regulation \(EC\) No 930/2000](#)⁽³⁴⁾” to the end substitute “[Commission Regulation \(EC\) No 637/2009](#) establishing implementing rules as to the suitability of the denominations of varieties of agricultural plant species and vegetable species⁽³⁵⁾”.

⁽²⁶⁾ [S.R. 2016 No. 244](#).

⁽²⁷⁾ [S.R. 2010 No. 350](#), revoked by [S.R. 2016 No. 190](#).

⁽²⁸⁾ [S.R. 2016 No. 190](#), to which there are amendments not relevant to these Regulations.

⁽²⁹⁾ [S.I. 2005/3035 \(W. 223\)](#), revoked by [SI 2012/245 \(W. 39\)](#).

⁽³⁰⁾ [S.R. 2009 No. 387](#), revoked by [S.R. 2016 No. 244](#).

⁽³¹⁾ [OJ No L 60, 5.3.2016, p 72](#).

⁽³²⁾ [S.I. 2006/648](#), to which there are amendments not relevant to these Regulations.

⁽³³⁾ [OJ No L 8, 11.1.2008, p 2](#).

⁽³⁴⁾ [OJ No L 108, 5.5.2000, p 3](#), as repealed by [Commission Regulation \(EC\) No 637/2009](#) ([OJ No L 191, 23.7.2009, p 10](#)).

⁽³⁵⁾ [OJ No L 191, 23.7.2009, p 10](#), as last amended by [Commission Implementing Regulation \(EU\) No 763/2013](#) ([OJ No L 213, 8.8.2013, p 16](#)).

The EC Fertilisers (England and Wales) Regulations 2006

44. In regulation 2(1) of the EC Fertilisers (England and Wales) Regulations 2006⁽³⁶⁾, in the definition of “the Community Regulation”, after “fertilisers” insert “, as last amended by Commission Regulation (EU) 2016/1618⁽³⁷⁾”.

The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015

45.—(1) The Single Common Market Organisation (Emergency Aid for Milk Producers) Regulations 2015⁽³⁸⁾ are amended as follows.

(2) In regulation 2(1), in the definition of “the Direct Payments Regulation”, at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162⁽³⁹⁾”.

(3) In regulation 8—

- (a) in paragraph (a), at the end insert “, as last amended by Regulation (EU) 2017/2393 of the European Parliament and of the Council⁽⁴⁰⁾”;
- (b) in paragraph (b), at the end insert “, as last amended by Commission Delegated Regulation (EU) 2018/162”.

Revocations

46. The following provisions are revoked—

- (a) the Butter Subsidy (Protection of Community Arrangements) Regulations 1984⁽⁴¹⁾;
- (b) the Agricultural Levies (Export Control) Regulations 1988⁽⁴²⁾;
- (c) the Agricultural Levies (Terms of Payment) Regulations 1990⁽⁴³⁾;
- (d) regulation 3(3) and (6) of the Abolition of the Intervention Board for Agricultural Produce (Consequential Provisions) (Scotland) Regulations 2001⁽⁴⁴⁾;
- (e) regulation 7(5) and (8) of the Intervention Board for Agricultural Produce (Abolition) Regulations 2001⁽⁴⁵⁾.

⁽³⁶⁾ S.I. 2006/2486, amended by S.I. 2011/1043.

⁽³⁷⁾ OJ No L 242, 9.9.2016, p 24.

⁽³⁸⁾ S.I. 2015/1896, amended by S.I. 2016/1076.

⁽³⁹⁾ OJ No L 30, 2.2.2018, p 6.

⁽⁴⁰⁾ OJ No L 350, 29.12.2017, p 15.

⁽⁴¹⁾ S.I. 1984/1739, amended by the Criminal Justice Act 1988 (c. 33), sections 51 and 52.

⁽⁴²⁾ S.I. 1988/2135, amended by S.I. 2001/3686, S.S.I. 2001/390.

⁽⁴³⁾ S.I. 1990/1185, amended by S.I. 2001/3686, S.S.I. 2001/390.

⁽⁴⁴⁾ S.S.I. 2001/390, to which there are amendments not relevant to these Regulations.

⁽⁴⁵⁾ S.I. 2001/3686, to which there are amendments not relevant to these Regulations.