

This SSI has been made in consequence of a defect in S.S.I. 2019/73 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 89

**EXITING THE EUROPEAN UNION
AGRICULTURE
FOOD**

**The Agriculture Market Measures (EU Exit) (Scotland)
(Amendment) Amendment Regulations 2019**

<i>Made</i>	- - - -	<i>12th March 2019</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>13th March 2019</i>
<i>Coming into force</i>	- -	<i>27th March 2019</i>

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972⁽¹⁾, and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) Amendment Regulations 2019 and come into force on 27 March 2019.

Amendment of the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) Regulations 2019

2.—(1) The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) Regulations 2019⁽²⁾ are amended as follows.

(2) Omit regulation 5(3)(a) and (b).

(1) 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(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). 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.

(2) S.S.I. 2019/73.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House
Edinburgh
12th March 2019

FERGUS EWING
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Scottish Ministers in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (c.68).

They correct an error in the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/73) (“the 2019 Regulations”).

Regulation 5(3)(a) and (b) of the 2019 Regulations amends regulation 4 of the Beef and Veal Labelling (Scotland) Regulations 2010 (S.S.I. 2010/402) (“the 2010 Regulations”).

Regulation 4 of the 2010 Regulations provides for it to be an offence to fail to comply with any provision in an EU instrument that is specified in that regulation, including provisions in EU Regulation (EC) No 1760/2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ No 204, 11.8.2000, p.1) (“Regulation 1760/2000”).

Regulation 1760/2000 was amended from 17 July 2014 so that Articles 16 and 17 were repealed, and a new Article 15a inserted.

The 2019 Regulations revoke the following provisions of the 2010 Regulations:

- a) regulation 4(1)(a)(vii), as regards Article 16(4) of Regulation 1760/2000, and
- b) regulation 4(1)(a)(viii), as regards Article 17(1) of that Regulation.

However, regulation 41(3) of the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) (Scotland) Regulations 2018 (S.S.I. 2018/391) (“the 2018 Regulations”) had already amended the 2010 Regulations with effect from 28 February 2019 by:

- a) revoking regulation 4(1)(a)(vii) and (viii), and
- b) substituting a new regulation 4(1)(a)(vii), which made it an offence to breach Article 15a of Regulation 1760/2000.

Regulation 5(3)(a) of the 2019 Regulations will unless repealed before 28 March 2019 revoke the new provision inserted by the 2018 Regulations, with the effect that it will no longer be an offence to breach Article 15a of Regulation 1760/2000.

Regulation 5(3)(b) of the 2019 Regulations will have no effect as the provision it purports to revoke has already been repealed by the 2018 Regulations.

These Regulations correct the error by revoking regulation 5(3)(a) and (b) of the 2019 Regulations. They come into force on 27 March 2019, which is the day before the date the error in the 2019 Regulations would otherwise have had effect.