
STATUTORY INSTRUMENTS

2020 No. 1388

The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds (Amendment) (EU Exit) Regulations 2020

PART 7

Amendments to domestic legislation not due to EU Exit

CHAPTER 1

Equines

The Horses (Free Access to Competitions) Regulations 1992

39.—(1) The Horses (Free Access to Competitions) Regulations 1992(1) are amended as follows.

(2) After regulation 5, insert—

“Reservation of prize money or profits

6.—(1) For each competition or type of competition, the competent authority may reserve, through bodies officially approved or recognised for that purpose, a certain percentage (which must not exceed 20%) of the prize money or profits for the safeguard, development and improvement of breeding.

(2) For the purposes of paragraph (1), “the competent authority” means—

(a) in relation to a competition or type of competition taking place in—

(i) England, the Secretary of State;

(ii) Wales, the Welsh Ministers;

(iii) Scotland, the Scottish Ministers;

(b) but the competent authority is the Secretary of State in relation to any competition or type of competition taking place in Great Britain where the exercise of the function referred to in paragraph (1) is outside devolved competence.

(3) For the purposes of paragraph (2)(b), the exercise of the function referred to in paragraph (1) is outside devolved competence—

(a) in relation to Wales, if it would not be within the legislative competence of Senedd Cymru if it were contained in a provision of an Act of Senedd Cymru (assuming, in the case of a provision that could only be made with the consent of a Minister of the Crown within the meaning in the Ministers of the Crown Act 1975, that such consent were given);

- (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in a provision of an Act of that Parliament.”.

CHAPTER 2

Aquatic Animal Health

The Aquatic Animal Health (England and Wales) Regulations 2009

40.—(1) The Aquatic Animal Health (England and Wales) Regulations 2009(2) are amended as follows.

- (2) In regulation 3(1), for the definition of “the competent authority” substitute—
““the competent authority” has the meaning given in regulation 3A;”;
- (3) After regulation 3 insert—

“The competent authority

3A. The Secretary of State is, in relation to England, and the Welsh Ministers are, in relation to Wales, the competent authority for the purposes of—

- (a) these Regulations;
- (b) Regulation (EC) No 1251/2008;
- (c) Commission Decision 2008/896/EC on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC(3);
- (d) Commission Implementing Decision (EU) 2015/1554 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods(4).”.
- (4) After Part 3 insert—

“PART 3A

Quarantine

Interpretation

21A. In this Part—

- (a) “Commission Decision 2008/946/EC” means “Commission Decision 2008/946/EC implementing Council Directive 2006/88/EC as regards requirements for quarantine of aquaculture animals(5);
- (b) “declared disease-free” means declared disease-free in accordance with Article 49 or 50 of Directive 2006/88/EC as the case may be.

(2) S.I. 2009/463; amended by S.I. 2011/981 and 2019/1488.

(3) OJ No L 322, 2.12.2008, p.30.

(4) OJ No L 247, 23.9.2015, p.1.

(5) OJ No L 337, 16.12.2008, p.94.

Vector species

21B. An aquaculture animal intended for farming or restocking may only be introduced into a part of England or Wales which has been declared free of a disease for which that animal is a vector if it—

- (a) originates from another Member State, zone or compartment declared free of that specific disease; or
- (b) it has been, or will be, held in quarantine facilities in accordance with the requirements of Commission [Decision 2008/946/EC](#).

Wild aquatic animals

21C. Wild aquatic animals of species susceptible to one or more of the diseases listed in Part 2 of Annex 4 to [Directive 2006/88/EC](#) caught in a Member State or zone or compartment not declared disease-free must be placed in quarantine in accordance with the requirements of Commission [Decision 2008/946/EC](#) before release into a farm or mollusc farming area in any part of England or Wales which has been declared disease-free.”

CHAPTER 3

Invasive Alien Species

The Invasive Alien Species (Enforcement and Permitting) Order 2019

41.—(1) Schedule 2 to the Invasive Alien Species (Enforcement and Permitting) Order 2019(6) is amended as follows.

(2) In Part 1, in the table—

(a) after the entry for “Duck, Ruddy” insert—

“Flatworm, New Zealand	<i>Arthurdendyus triangulates</i> ”
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(b) after the entry for “Goose, Egyptian” insert—

“Pumpkinseed	<i>Lepomis gibbosus</i> ”
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(3) In Part 2, in the table, after the entry for “Rhubarb, Giant (otherwise known as Chilean Rhubarb)” insert—

“Salvinia Moss	<i>Salvinia molesta</i> (otherwise known as <i>salvinia adnata</i>)”
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