

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) (“the Act”) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union or to implement the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement.

Regulation 2 of these Regulations makes amendments to the Trade in Animals and Related Products (Scotland) Regulations 2012 (“the 2012 Regulations”), which made provision for the system for trade in live animals and genetic material between member States (and countries or territories which under agreements with the European Union were treated as member States for the purpose of the 2012 Regulations), and for the importation of live animals and products of animal origin from outside the European Union. The amendments are principally made to address failures under, in particular, paragraphs (a), (d) and (g) of section 8(2) of the Act arising from the withdrawal of the UK from the European Union. The amendments include the revocation of a provision for the charging of fees which has no application (see regulation 2(26)), transitional provision regarding the importation of animals and products of animal origin from member States (and countries or territories which under agreements with the European Union were treated as member States for the purpose of the 2012 Regulations) (see regulation 2(5)(b) and (30)), and restatements of provisions within the 2012 Regulations in a clearer or more accessible way.

Regulations 3 and 4 amend instruments previously made under powers conferred by the Act to omit amendments to the 2012 Regulations which have not yet come into force.