
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Agricultural Products, Food and Drink
(Amendment etc.) (EU Exit) Regulations 2020**

PART 4

Amendment of subordinate legislation: amendments
coming into force on IP completion day

CHAPTER 2

Amendment of subordinate legislation so far as it extends to Great Britain

The Spirit Drinks Regulations 2008

10.—(1) The Spirit Drinks Regulations 2008 are amended as follows.

(2) In regulation 1—

- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
- (b) number the existing paragraph as paragraph (1);
- (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—
“(2) They extend to Great Britain.”.

(3) In regulation 3(1)—

- (a) in the definition of “food authority” omit sub-paragraph (b);
- (b) in the definition of “registered geographical indication”, for the words from “Annex” to “any” substitute “the”;
- (c) in the definition of “relevant court”, for sub-paragraphs (c) and (d) substitute—
 - “(a) in relation to England and Wales, a magistrates’ court;
 - (b) in relation to Scotland, a sheriff;”.

(4) In regulation 5—

- (a) in paragraph (1)—
 - (i) after “responsible” insert “in Great Britain”;
 - (ii) after “market”, in both places it occurs, insert “in Great Britain”;
 - (iii) for “technical file (if any)” substitute “GB product specification”.

(5) In regulation 6—

- (a) in paragraph (1) omit “Article 24(1) of”;
- (b) in paragraph (2)—
 - (i) omit “Article 24(1) of”;
 - (ii) for the words from “being” to the end substitute—

- “being—
 - (a) imported into, or exported from, Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”;
- (c) in paragraph (4), for the words from “being” to the end substitute—
 - “being—
 - (a) imported into, or exported from, Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”.
- (6) In regulation 7(2), for the words from “being” to the end substitute—
 - “being—
 - (a) imported into, or exported from Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”.
- (7) In regulation 10—
 - (a) for paragraph (2) substitute—
 - “(2) The authorised officer may take with them such other person as they consider necessary.”;
 - (b) omit paragraph (14);
 - (c) for paragraph (15) substitute—
 - “(15) In this regulation, a reference to a justice of the peace includes, in Scotland, a reference to the sheriff.”.
- (8) For regulation 12(16) substitute—
 - “(16) The procedure in a magistrates’ court under this regulation is by way of complaint, and, in England and Wales, the Magistrates’ Courts Act 1980 applies to the proceedings.”.
- (9) For regulation 14(2) substitute—
 - “(2) The procedure on an appeal to a magistrates’ court under paragraph (1) is by way of complaint, and in England and Wales, the Magistrates’ Courts Act 1980 applies to the proceedings.”.

The Wine Regulations 2011

- 11.—**(1) The Wine Regulations 2011 are amended as follows.
- (2) For any reference to “European Regulations” substitute “retained EU Regulations”.
- (3) After regulation 1(3) insert—
 - “(4) All the other provisions extend to Great Britain.”.
- (4) In regulation 2—
 - (a) in paragraph (1)(a), for “EU instruments” substitute “any of the Regulations listed in the definition of “the retained EU Regulations” in paragraph (2)”;
 - (b) in paragraph (2)—
 - (i) in the definition of “the Agency”, in sub-paragraph (a), for “, Wales and Northern Ireland” substitute “and Wales”;

- (ii) omit the definition of “premises” and after the definition of “authorised officer” insert—
 - ““premises” includes any land or vehicle;”.
- (5) In regulation 3—
 - (a) for paragraph (1) substitute—
 - “(1) The local authority enforces the retained EU Regulations in relation to retail sale.”;
 - (b) omit paragraphs (4) and (8).
 - (c) after paragraph (9) insert—
 - “(10) In this regulation—
 - (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009⁽¹⁾;
 - (b) “local authority” means an authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990⁽²⁾.”.
- (6) In regulation 4—
 - (a) in paragraph (1)—
 - (i) at the beginning insert “In respect of Great Britain,”;
 - (ii) omit “, and acts as the Member State for,”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a)(i) omit “or Member State”;
 - (ii) omit sub-paragraph (b);
 - (c) in paragraph (3) omit sub-paragraph (b).
- (7) For regulation 8(4) substitute—
 - “(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9—
 - (a) in paragraph (1), in the words before sub-paragraph (a) omit the words from “or in Northern” to “writing,”;
 - (b) for paragraph (5) substitute—
 - “(5) In this regulation, in Scotland, a reference to a justice of the peace includes a sheriff.”.
- (9) In regulation 16(2) omit sub-paragraph (d).

The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

12.—(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

- (2) In regulation 1—
 - (a) in the heading, for “and commencement” substitute “, commencement and extent”;

(1) 2009 c. 11.

(2) 1990 c. 16; section 5 of the Act was amended by paragraph 16(1) of Schedule 9 to the Local Government (Wales) Act 1994 (c. 19), paragraph 163(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39), paragraphs 7, 8 and 9 of Schedule 5 to the Food Standards Act 1999 (c. 28) and Part 1 of Schedule 3 to the Public Health etc. (Scotland) Act 2008(asp 5).

- (b) number the existing paragraph as paragraph (1);
- (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—
 - “(2) The following provisions extend to Great Britain—
 - (a) this Part and Parts 2 to 4;
 - (b) regulations 22 and 23.”.
- (3) In regulation 2(1)(b), for “in regulation 3(2)(c)(iv)” substitute “where otherwise specified”.
- (4) For regulation 3(2) substitute—
 - “(2) The Secretary of State is responsible for exercising the functions of the designated authority for the purposes of Articles 13(3), 24(2) and 34.”.
- (5) For regulation 6(4) substitute—
 - “(4) For the purposes of these Regulations any authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990 is eligible for appointment as an enforcement authority.”.
- (6) In regulation 10—
 - (a) in paragraph (4)—
 - (i) for the first comma substitute “or”;
 - (ii) omit “or lay magistrate in Northern Ireland”;
 - (iii) for “, sheriff or lay magistrate,” substitute “or sheriff”;
 - (b) for paragraph (8)(a) substitute—
 - “(a) be accompanied by such other persons as the authorised officer considers necessary;”.
- (7) In regulation 12—
 - (a) in paragraph (1)—
 - (i) for sub-paragraph (a) substitute—
 - “(a) has marketed, or is marketing or intending to market, a product—
 - (i) under a registered PDO or PGI which has not been labelled in a way described in Article 12 of Regulation 1151/2012 as read with Article 16(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014(3), or
 - (ii) under a registered TSG which has not been labelled in a way described in Article 23 of Regulation 1151/2012 as read with Article 25(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014;”.
 - (ii) in sub-paragraph (j), for the words from “or (3)” to “2 of” substitute “to (3) of Regulation 668/2014(4) as read with Article 2 of, and the Annex to,”;
 - (b) in paragraph (2)(e), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
 - (c) in paragraph (3), for “to 17” substitute “and 16”.

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- (3) EUR 2014/664. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 22 of, and Schedule 5 to, this instrument.
 - (4) EUR 2014/668. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 23 of, and Schedule 6 to, this instrument.

- (8) In regulation 13—
 - (a) in paragraph (3)(e), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
 - (b) in paragraph (4), for “to 17” substitute “and 16”.
- (9) In regulation 14—
 - (a) in paragraph (4)(c)(i), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
 - (b) in paragraph (5), for “to 17” substitute “and 16”.
- (10) Omit regulation 17.
- (11) In regulation 20, in the words before sub-paragraph (a), for “to 17” substitute “and 16”.
- (12) Omit regulation 21.
- (13) In regulation 22—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a), after “years” insert “in Great Britain”;
 - (ii) in sub-paragraph (b), for “national opposition procedure” substitute “opposition procedure referred to in Article 51”;
 - (b) in paragraph (2), for the words from “Secretary” to the end substitute “registration takes effect”.