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## STATUTORY INSTRUMENTS

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# 2019 No. 473

## The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019

### PART 4

#### Amendments to retained direct EU legislation on wildlife

**Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards**

10.—(1) Council Regulation (EEC) No 3254/91 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards is amended as follows.

(2) In Article 3—

[<sup>F1</sup>(a) in paragraph 1, omit the words from “unless the Commission” to the end;]

(b) at the end insert—

“4. In [<sup>F2</sup>paragraph 3 and Article 4], “an approved country”, in relation to the pelts of any species (and goods incorporating such pelts), means a country listed in the Annex to the Council Decision in respect of that species.

5. Subject to paragraph 6, the Secretary of State may, by regulations, amend the Annex to the Council Decision by—

- (a) adding an entry;
- (b) amending an entry;
- (c) omitting an entry.

6. The Secretary of State may not add a country to the list of approved countries in the Annex to the Council Decision unless the Secretary of State is satisfied that, in that country—

- (a) there are adequate administrative or legislative provisions in force to prohibit the use of the leghold trap, or
- (b) the trapping methods used for the species specified in Annex 1 meet internationally agreed trapping standards.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019, PART 4. (See end of Document for details)

7. In this Article, “the Council Decision” means Council Decision [97/602/EC](#) concerning the list referred to in the second subparagraph of Article 3(1) of Regulation [\(EEC\) No 3254/1991](#) and in Article 1(1)(a) of Commission Regulation [\(EC\) No 35/97](#).”.

(3) In Article 4, for the second paragraph substitute—

“The Secretary of State may, by regulations, amend Council Regulation [\(EC\) No 35/97](#) laying down provision on the certification of pelts and goods covered by Regulation [\(EEC\) No 3254/91](#).”.

(4) For Article 5 substitute—

“Article 5

1. Regulations made under this Regulation are to be made by statutory instrument.

2. A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

3. Such regulations may contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018)).”.

**F1** Reg. 10(2)(a) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **5(2)(a)**

**F2** Words in reg. 10(2)(b) substituted (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), regs. 1(1)(b)(i), **5(2)(b)**

**Commencement Information**

**II** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

**Commission Regulation [\(EC\) No 35/97](#) laying down provisions on the certification of pelts and goods covered by Council Regulation [\(EEC\) No 3254/91](#)**

11. In Article 2 of Commission Regulation [\(EC\) No 35/97](#) laying down provisions on the certification of pelts and goods covered by Council Regulation [\(EEC\) No 3254/91](#)—

(a) in paragraph 1, for “shown in the Annex” substitute “ which at the date of importation is for the time being specified by the Secretary of State ”;

(b) after paragraph 3 insert—

“4. The Secretary of State must publish the model forms referred to in paragraph 1 in a manner which the Secretary of State considers appropriate.”.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019, PART 4. (See end of Document for details)

**Commencement Information**

- I2** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PROSPECTIVE

**Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein**

<sup>F3</sup>**12.** .....

- F3** Reg. 12 omitted (31.12.2020) by virtue of [The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1395\)](#), regs. 1(2), 4

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019, PART 4.