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STATUTORY INSTRUMENTS

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**2019 No. 588**

**EXITING THE EUROPEAN UNION  
ANIMALS**

**The Animals (Legislative Functions)  
(EU Exit) Regulations 2019**

*Made - - - - 14th March 2019*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union Withdrawal Act 2018<sup>(1)</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

**PART 1**

**Introductory**

**Citation and commencement**

**1.** These Regulations may be cited as the Animals (Legislative Functions) (EU Exit) Regulations 2019 and come into force on exit day.

**PART 1**

**Amendment of retained direct EU legislation  
relating to animals and products of animal origin**

**Council Regulation (EC) No 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC**

**2.—(1)** Council Regulation (EC) No 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC is amended as follows.

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<sup>(1)</sup> 2018 c.16.

(2) In Article 2, after the text insert—

“(g) for the meaning of ‘the appropriate authority’ see Article 2a.”.

(3) After Article 2, insert—

*“Article 2a*

*Definition of the appropriate authority*

1. Subject to paragraph 2 the ‘the appropriate authority’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

2. ‘The appropriate authority’ is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In Article 6a—

- (a) for “This Regulation shall be amended by the Council, acting by a qualified majority, on a proposal from the Commission” substitute “The appropriate authority may, by regulations, amend this Regulation”;
- (b) for “except as regards” substitute “including”;
- (c) for “the Annex” substitute “the Annexes to this Regulation”;
- (d) omit “which may be adopted in accordance with the procedure laid down in Article 31(2) of Regulation (EC) No 1/2005”.

(5) After Article 6b insert—

*“Article 6c*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(2).

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(3).

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

(2) 2010 asp 10.

(3) S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(4) as if they were a statutory instrument within the meaning of that Act.

8. Regulations made under this Regulation may—

- (a) 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);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation, the appropriate authority must consult—

- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate authority may consider appropriate.”.

**Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products**

3.—(1) Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products is amended as follows.

(2) In Article 2, after the definition of “competent authority” insert—

— “for the meaning of ‘the appropriate Minister’ see Article 2a.”.

(3) After Article 2, insert—

*“Article 2a*

*Definition of the appropriate Minister*

1. Subject to paragraph 2, for the purposes of making regulations ‘the appropriate Minister’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

2. For the purposes of making regulations, ‘the appropriate Minister’ is the Secretary of State if consent is given by—

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(4) 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
  - (b) for regulations applying in relation to Scotland, the Scottish Ministers;
  - (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.
- (4) In Article 4—
  - (a) in paragraph 1—
    - (i) for the third subparagraph substitute—
 

“The appropriate Minister may make regulations concerning the addition of means of identification to the list in Annex I.”;
    - (ii) in the fifth subparagraph, for “delegated and implementing acts” substitute “regulations”;
  - (b) in paragraph 2, for point (a) substitute—
 

“(a) the animal was born before the date of entry into force of Commission Implementing Regulation (EU) 2017/949.”;
  - (c) in paragraph 3—
    - (i) in the first subparagraph, for the words from “Commission” to “22b” substitute “appropriate Minister may make regulations”;
    - (ii) in the second subparagraph, for the words from “Commission” to “rules” substitute “appropriate Minister may make regulations”;
    - (iii) omit the third subparagraph.
  - (d) in paragraph 5—
    - (i) for the third subparagraph substitute—
 

“The appropriate Minister may make regulations concerning such registration.”;
    - (ii) for the fourth subparagraph substitute—
 

“In order to ensure traceability based on the identification standards equivalent to those provided for in paragraph 1, the appropriate Minister may make regulations concerning the requirements for the alternative means of identification referred to in the first subparagraph.”;
    - (iii) for the fifth subparagraph substitute—
 

“The appropriate Minister may make regulations concerning the format and design of the alternative means of identification, referred to in the first subparagraph.”.
- (5) In paragraph 2 of Article 4a—
  - (a) for the words from “Commission shall” to “Member States may” substitute “appropriate Minister may make regulations to”;
  - (b) omit the final sentence.
- (6) In Article 4c, in the first paragraph, in the second subparagraph, in point (b), for the words from “the implementing acts” to the end substitute “Commission Implementing Regulation (EU) 2017/949”.
- (7) In Article 7—
  - (a) omit the second subparagraph of paragraph 1;
  - (b) omit paragraph 2;
  - (c) in paragraph 6—

- (i) for the words from “Commission” to “22b” substitute “appropriate Minister may make regulations”;
  - (ii) omit “, including transitional measures required for their introduction”.
- (8) In Article 9a, in the first paragraph, for the words from “adopted” to the end substitute “that were adopted by the Commission pursuant to this Regulation prior to exit day.”.
- (9) After Article 9a insert—

*“Article 9b*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Title are to be made by statutory instrument.
2. For regulations made under this Title by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(5)</sup>.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Title is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(6)</sup>.
4. A statutory instrument containing regulations made by the Secretary of State under this Title is subject to annulment in pursuance of a resolution of either House of Parliament.
5. A statutory instrument containing regulations made by the Welsh Ministers under this Title is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
6. Regulations made by the Scottish Ministers under this Title are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Title are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(7)</sup> as if they were a statutory instrument within the meaning of that Act.
8. Regulations made under this Title may—
  - (a) 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);
  - (b) make different provision for different purposes.
9. Before making any regulations under this Title the appropriate Minister must consult—
  - (a) such bodies or persons as appear to the appropriate Minister to be representative of the interests likely to be substantially affected by the regulations;
  - (b) such other bodies or persons as the appropriate Minister may consider appropriate.”.

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<sup>(5)</sup> 2010 asp 10.

<sup>(6)</sup> S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

<sup>(7)</sup> 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

**Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies**

4.—(1) Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies is amended as follows.

(2) In Article 2, for the second paragraph substitute—

“The appropriate authority may by regulations under Article 24 make provision for the implementation of this Article.”.

(3) For Article 4 substitute—

*“Article 4*

*Safeguard measures*

1. The appropriate authority may by regulations make provision for laying down safeguard measures to reduce the risk of spread of transmissible spongiform encephalopathies covered by this Regulation, including but not limited to suspension of trade, isolation of holdings, delineation of buffer zones and quarantining of animals.

2. Each authority which in relation to any part of the United Kingdom is the appropriate authority must notify authorities in affected Member States or third countries or regions thereof of the reasons for introducing safeguard measures.”.

(4) In Article 5, for paragraph 7 substitute—

“7. The Secretary of State may, with the consent of each authority which in relation to any part of the United Kingdom is the appropriate authority, decide to change the BSE classification of a country or region from a date specified in the decision, on the basis of a risk assessment, taking into consideration the criteria set out in Annex 2, Chapters A and B and the OIE classification.”.

(5) In Article 6—

(a) in paragraph 1, in the second subparagraph for “the procedure referred to in Article 24(3)” substitute “any regulations made under Article 24”;

(b) in paragraph 1a—

(i) for the first subparagraph substitute—

“The annual monitoring programme referred to in paragraph 1 must cover as a minimum the subpopulations listed in Article 2(1) of Commission Decision 2009/719.”;

(ii) for the second subparagraph substitute—

“The first subparagraph of this paragraph 1a does not prevent the exercise by the appropriate authority of any power to disapply the requirement for the annual monitoring programme with respect to animals mentioned in that point in remote areas with a low animal density, where no collection of dead animals takes place, provided that the total number of animals excluded from the monitoring programme in the United Kingdom as a whole is not more than 10% of the bovine population in the United Kingdom.”;

(c) for paragraph 1b substitute—

“1b. Annual monitoring programmes may be revised by the appropriate authority to determine the effectiveness of the measures in place and ensure protection of human and animal health based on a comprehensive risk analysis.”.

(6) In Article 6a, for paragraph 2 substitute—

“2. The appropriate authority may by regulations provide for ovine breeding programmes to select breeds that show evidence of resistance to TSEs.”.

(7) In Article 7—

(a) for paragraphs 3 and 4 substitute—

“3. The appropriate authority may, on the basis of a scientific assessment of the dietary needs of young ruminants decide to use any power that the appropriate authority has to allow the feeding to them of proteins derived from fish.

4. No imports or exports are permitted of—

- (a) feed intended for farmed animals which contains protein derived from mammals from countries, or regions thereof, with an undetermined BSE risk; or
- (b) feed, other than feed for dogs, cats and fur animals, which contains processed protein derived from mammals intended for mammals from countries or regions thereof with an undetermined BSE risk;

except in accordance with a tolerance level prescribed by regulations under paragraph 5 or an individual exemption in regulations under Article 23a.”;

(b) for paragraph 4a substitute—

“5. On the basis of a favourable risk assessment the appropriate authority may by regulations prescribe a tolerance level for insignificant amounts of animal proteins in feedingstuffs caused through adventitious and technically unavoidable contamination.”;

(c) for paragraph 5 substitute—

“6. The appropriate authority may by regulations make rules on the prevention of cross-contamination and on the methods of sampling and analysis required to check compliance with this Article.”.

(8) In Article 8, for paragraphs 5 and 6 substitute—

“5. Each authority which in relation to any part of the United Kingdom is the appropriate authority may by regulations—

- (a) prescribe the age of bovine animals from which the vertebral column is to be treated as specified risk material;
- (b) amend the list of specified risk material in Annex 5;
- (c) prescribe an alternative test to be listed in point 5 of Chapter C of Annex 10;
- (d) provide for exemptions;
- (e) prescribe, as respects any country or region with a controlled BSE risk—
  - (i) the date considered by the appropriate authority to be the date from which effective enforcement of a ban on use of mammalian protein in ruminant feed began, and
  - (ii) that only animals born before that date must have specified risk material removed and destroyed before being moved into or placed on the market.”.

(9) In Article 9—

- (a) in paragraph 1, for “the procedure referred to in Article 24(3)” substitute “regulations made by the appropriate authority”;
  - (b) in paragraph 2, omit the words from “Before 1 July 2008” to the end;
  - (c) in paragraph 3, for the words “which has been” to “this test” substitute “which has been approved by the appropriate authority, and”;
  - (d) omit paragraph 4.
- (10) In Article 12—
- (a) in paragraph 1—
    - (i) in the second subparagraph, omit the words “in a Member State” in both places,
    - (ii) for the fifth subparagraph substitute—
 

“To the extent provided for under paragraph 4, an appropriate authority may make regulations to permit exemptions from implementing movement restrictions where it is satisfied that equivalent safeguards based on an assessment of the possible risks to human and animal health are applied.”;
  - (b) for paragraph 4 substitute—
 

“4. The appropriate authority may by regulations prescribe rules for the implementation of this Article.”.
- (11) In Article 13—
- (a) in paragraph 1—
    - (i) in subparagraphs (a) and (c), for “1774/2002” substitute “1069/2009” in both places where it occurs;
    - (ii) for the second and third subparagraphs substitute—
 

“On the basis of a favourable risk assessment that takes relevant control measures into account, an appropriate authority may, to the extent provided for under paragraph 6, either allow the use of bovine animals until the end of their productive lives or apply other means of offering an equivalent level of protection.”.
  - (b) for paragraph 3 substitute—
 

“3. To the extent provided for under paragraph 6, an appropriate authority that has implemented a substitute scheme offering equivalent safeguards may, in derogation from the requirements of paragraph 1(b) and (c), be exempted from the requirement to apply official restrictions on the movement of animals and from the requirement to kill or destroy animals.”.
  - (c) for paragraph 6 substitute—
 

“6. The appropriate authority may by regulations make rules for the implementation of this Article.”.
- (12) In Article 15, for paragraphs 3 and 4 substitute—
- “3. The appropriate authority may by regulations provide—
    - (a) that the provisions of paragraphs 1 and 2 be extended to other species of animal; and
    - (b) for rules for the implementation of this Article.”.
- (13) In Article 16—
- (a) for paragraph 5 substitute—



“5. Products of animal origin for which this Article lays down specific rules must be accompanied by such animal health certificate or commercial document as may be made available or published for the time being by the appropriate authority.”;

(b) for paragraph 7, substitute—

“7. The appropriate authority may by regulations provide—

(a) that the provisions of this Article be extended to other products of animal origin;  
and

(b) for rules for implementation of this Article.”.

(14) In Article 20, for paragraph 2 substitute—

“2. Where necessary, to ensure the uniform application of this Article, the appropriate authority may by regulations introduce rules relating to the implementation of this Article, including the method to determine the presence of BSE in ovine and caprine animals.”.

(15) For Article 23 substitute—

#### *“Article 23*

##### *Amendment of the Annexes*

The appropriate authority may, after taking appropriate advice on any question which could have an impact on public health, by regulations amend the Annexes.”.

(16) In Article 23a—

(a) for the first subparagraph substitute—

“The appropriate authority may by regulations amend the following non-essential elements of this Regulation, including by supplementing it:”;

(b) omit paragraphs (f) and (m).

(17) For Article 24 substitute—

#### *“Article 24*

##### *Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(8)</sup>.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(9)</sup>.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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<sup>(8)</sup> 2010 asp 10.

<sup>(9)</sup> S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(10)</sup> as if they were a statutory instrument within the meaning of the Act.

8. Regulations made under this Regulation may—

- (a) 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);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation, the appropriate authority must—

- (a) ensure that they are based on an appropriate assessment of the possible risks for human and animal health and must maintain or increase the level of protection of human and animal health in line with the latest scientific evidence; and
- (b) consult—
  - (i) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
  - (ii) such other bodies or persons as the appropriate authority considers appropriate.”.

(18) Omit Article 24a.

(19) In Annex 3, Chapter A is amended in accordance with paragraphs (19) and (20).

(20) In Part 1—

(a) for point 3.2, substitute—

“**3.2.** Point 3.1 does not prevent the exercise by the appropriate authority of any power to disapply the requirement for testing under that point in remote areas with a low animal density, where no collection of dead animals takes place, provided that when taken with other such exclusions not more than 10% of the bovine population in the United Kingdom is excluded from that requirement.”;

(b) in point 6—

- (i) in point 6.2, for “Member States may derogate from” substitute “The appropriate authority need not comply with”;
- (ii) in point 6.5, in the second paragraph for “Member States may decide to destroy the aforementioned carcasses only if”, substitute “The appropriate authority may decide not to destroy the carcasses mentioned in the first paragraph unless”;
- (iii) in point 6.6, for the words “Member States” to provisions of” substitute “The appropriate authority may decide not to destroy the carcasses mentioned in”;

(21) In Part 2—

(a) in point 4—

- (i) in the fourth paragraph, for “Member States shall aim their monitoring programmes”, substitute “The monitoring programmes must be designed by the Secretary of State,

(10) 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

with the consent of each authority which, in relation to any part of the United Kingdom, is the appropriate authority so as,”;

- (ii) in the fifth paragraph, for “Member States”, substitute “appropriate authority”; and
- (iii) for the sixth paragraph substitute—

“However, an appropriate authority may exclude from the sampling any remote areas with a low animal density and where no collection of dead animals takes place, provided that when taken with other such exclusions not more than 10% of the ovine and caprine population in the United Kingdom is excluded.”;

- (b) in point 7.2, for “Member States may derogate from point 7.1” substitute “The appropriate authority may decide not to comply with point 7.1”.

- (22) In Annex 4, in Chapter 5, in Section E, for point 1(b) substitute—

“(b) The consignment must be accompanied by a duly completed commercial document made available for the time being by the appropriate authority, and the border inspection post of exit must be indicated as the exit point in that document.”.

- (23) In Annex 5, in point 11.3, in the second paragraph, for the words “referred to in Article 13 of Regulation (EC) No 1760/2000” substitute “made available or published for the time being by the appropriate authority.”.

- (24) In Annex 9, in Chapter C, in Section B, in point (d), for the words “referred to in Article 2(1) of Regulation (EC) No 136/2004” substitute “made available or published for the time being by the appropriate authority.”.

### **Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals**

**5.—(1)** Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals is amended as follows.

- (2) In Article 2, after the definition of “competent authority” insert—

“(g) for the meaning of ‘the appropriate Minister’ see Article 2a.”.

- (3) After Article 2, insert—

#### *“Article 2a*

#### *Definition of appropriate Minister*

**1.** Subject to paragraph 2, for the purposes of making regulations ‘the appropriate Minister’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

**2.** For the purposes of making regulations, ‘the appropriate Minister’ is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In Article 4, in paragraph 1, in the second subparagraph, omit the words from “If necessary” to the end.

(5) In Article 9—

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3, for “paragraph 1” substitute “Commission Decision (EC) No 2006/968 implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals”.

(6) In Article 10—

- (a) in paragraph 1, in the first subparagraph, for the words from “shall be” to the end of that subparagraph substitute “may be made by regulations by the appropriate Minister”
- (b) in paragraph 2, for the words from “In accordance” to “updated” substitute “The appropriate Minister may update the following data”.

(7) In Article 12, for paragraph 7 substitute—

“7. The appropriate Minister may make regulations setting out detailed rules for the application of this Article.”.

(8) After Article 12 insert—

*“Article 12a*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(11)</sup>.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(12)</sup>.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(13)</sup> as if it were a statutory instrument within the meaning of that Act.

8. Regulations made under this Regulation may—

<sup>(11)</sup> 2010 asp 10.

<sup>(12)</sup> S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

<sup>(13)</sup> 1954 c. 33 (N.I.) Section 41(6) was amended by S.I. 1999/663.

- (a) 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);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation the appropriate Minister must consult—

- (a) such bodies or persons as appear to the appropriate Minister to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate Minister may consider appropriate.”.

### **Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations**

6.—(1) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC is amended as follows.

(2) In Article 2—

(a) after point z, insert—

“(z5) for the meaning of ‘the appropriate authority’ see Article 2a.”.

(3) After Article 2, insert—

#### *“Article 2a*

##### *Definition of the appropriate authority*

1. Subject to paragraph 2, ‘the appropriate authority’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

2. ‘The appropriate authority is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In Article 6(9), after “are carried out.” insert “The appropriate authority may, by regulations, specify further details concerning this paragraph.”.

(5) In Article 18(4), for “Member States may” substitute “The appropriate authority may, by regulations”.

(6) After Article 29 insert—

#### *“Article 29a*

##### *Documents*

The Appropriate Minister may publish from time to time and in such manner as appears to the Appropriate Minister to be appropriate from time to time model documents for any journey logs,

transporter authorisations, forms, certificates of approval and certificates of competence which are required to accompany the transportation of consignments of animals.”.

(7) In Article 30—

(a) in paragraph 1—

- (i) for “The Annexes to the Regulation shall be amended by the Council, acting by a qualified majority, on a proposal from the Commission” substitute “The appropriate authority may, by regulations, amend the Annexes to the Regulation”;
- (ii) omit “, except as regards Chapter IV and Chapter VI, paragraph 3.1 of Annex I, Sections 1 to 5 of Annex II, Annexes III, IV and VI which may be amended in accordance with the procedure referred to in Article 31(2)”.

(b) in paragraph 2—

- (i) for “Any” substitute “The appropriate authority may, by regulations, provide any”,
- (ii) omit “may be adopted in accordance with the procedure referred to in Article 31(2)”;

(c) in paragraph 3—

- (i) for “Community” substitute “retained EU”,
- (ii) for “in accordance with the procedure referred to in Article 31(2)” substitute “by the appropriate authority, by regulations,”;

(d) in paragraph 4—

- (i) for “The obligation” substitute “The appropriate authority may, by regulations, extend the obligation”;
- (ii) omit “may be extended”;
- (iii) omit “in accordance with the procedure referred to in Article 31(2)”;

(e) in paragraph 5—

- (i) for “the Commission” substitute “the appropriate authority, through regulations,”;
- (ii) omit the last sentence;

(f) in paragraph 6—

- (i) for “Community” substitute “United Kingdom”;
- (ii) for “in accordance with the procedure referred to in Article 31(2)” substitute “by the appropriate authority, through regulations”;

(g) for paragraph 8 substitute—

“8. The appropriate authority may through regulations establish or maintain additional rules applying to the transport of animals of such species not explicitly mentioned in the Annexes.”.

(8) After Article 30, insert—

#### *“Article 30a*

#### *Regulations: general*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(14).

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(15)</sup>.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(16)</sup> as if they were a statutory instrument within the meaning of that Act.

8. Regulations made under this Regulation may—

- (a) 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);
- (b) make different provision for different purposes.

9. Before making any regulations under this Regulation, an appropriate authority must consult—

- (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the appropriate authority may consider appropriate.”.

(9) In Annex 1, in Chapter 3, in paragraph 2.2., for “under national rules provided that they are notified by the Member States to the Standing Committee on the food Chain and Animal Health” substitute “by the appropriate authority, through regulations”.

### **Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products.**

7.—(1) Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products is amended as follows.

(2) In Article 3—

(a) in paragraph 4—

- (i) for “Commission shall adopt implementing acts” substitute “Secretary of State may make regulations”;
- (ii) omit the second sentence;

(b) for paragraph 5, substitute—

“5. The Secretary of State may, by regulations:

- (a) prohibit the placing on the market of seal products derived from seals killed as a result of a seal hunt conducted primarily for commercial reasons; or

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<sup>(15)</sup> S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

<sup>(16)</sup> 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

- (b) limit the quantity of such products that may be placed on the market.”;
- (c) in paragraph 6—
  - (i) for the words “Commission shall adopt implementing acts to” substitute “Secretary of State may”;
  - (ii) omit the second sentence.
- (3) For Article 4a substitute—

*“Article 4a*

*Regulations*

1. Regulations made by the Secretary of State under this Regulation are to be made by statutory instrument.
2. Such regulations may:
  - (a) 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);
  - (b) make different provision for different purposes.
3. A statutory instrument containing regulations made under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
4. Before making any regulations under this Regulation, the Secretary of State must consult:
  - (a) such bodies or persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by the regulations;
  - (b) such other bodies or persons as the Secretary of State may consider appropriate.”;
- (4) Omit Article 5.

**Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption**

8.—(1) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption is amended as follows.

- (2) In Article 3, at the end of paragraph 34 change the full stop to a semicolon and after it insert—
 

“35. ‘the Implementing Regulation’ means Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.”.
- (3) In Article 5—
  - (a) in paragraph 1—
    - (i) in the third subparagraph—
      - (aa) for the words before point (a) substitute “For the purposes of this paragraph, the appropriate authority may, by regulations, change the point at which the



- following products are to be regarded as having reached the end point in the manufacturing chain”;
- (bb) in points (a) and (b), omit “for”;
- (ii) omit the fourth subparagraph;
- (b) in paragraph 2—
  - (i) in the first subparagraph—
    - (aa) after “animal health,” insert “the appropriate authority may, by regulations, determine the point at which they are to be regarded as having reached”;
    - (bb) omit “may be determined”;
  - (ii) omit the third subparagraph.
- (4) In Article 6—
  - (a) in paragraph 1—
    - (i) in the first subparagraph, for point (b)(ii) substitute—
      - “(ii) provided for by Article 4 of the Implementing Regulation; or
      - (iii) laid down in regulations made by the appropriate authority under the second subparagraph.”;
    - (ii) for the second subparagraph substitute—

“The appropriate authority may, by regulations, impose restrictions prohibiting animal by-products and derived products from susceptible species from being dispatched from a holding, establishment, plant or zone specified in the regulations.”;
  - (b) in paragraph 2—
    - (i) in the first subparagraph, at the end insert “as laid down in regulations made by the appropriate authority under the second subparagraph”;
    - (ii) for the second subparagraph substitute—

“Where the appropriate authority considers it necessary or expedient to impose conditions to prevent the spread of a disease that is transmissible from animals to humans, the appropriate authority may, by regulations, impose conditions that must be complied with when animal by-products and derived products from susceptible species are being dispatched from a holding, establishment, plant or zone.”.
- (5) In Article 7—
  - (a) in paragraph 2—
    - (i) for “measures for the implementation of this Regulation” substitute “regulations made by the appropriate authority”;
    - (ii) omit “adopted by the Commission”;
  - (b) in paragraph 3, for “Articles 8, 9 and 10 may be amended” substitute “The appropriate authority may, by regulations, amend Articles 8, 9 and 10”;
  - (c) omit paragraph 4.
- (6) In Article 11(2)—
  - (a) in the first subparagraph—
    - (i) for the words before point (a), substitute “The appropriate authority may, by regulations, lay down measures relating to the following matters”;
    - (ii) after point (a), insert “and”;
    - (iii) omit point (b);

- (iv) after point (b), omit “and”;
- (b) omit the second subparagraph.
- (7) In Article 15(1)—
  - (a) in the first subparagraph, for the words before point (a), substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Section relating to the following matters”;
  - (b) omit the second subparagraph.
- (8) In Article 17(2)—
  - (a) in the first subparagraph—
    - (i) for “Community” substitute “United Kingdom”;
    - (ii) for “harmonised” substitute “the Secretary of State may, by regulations, lay down, in relation to the whole of the United Kingdom,”;
    - (iii) omit “may be laid down”;
  - (b) omit the second subparagraph.
- (9) After Article 17(2), insert—
 

“3. The Secretary of State may not make regulations under paragraph 2 without the consent of—

  - (a) in relation to Wales, the Welsh Ministers;
  - (b) in relation to Scotland, the Scottish Ministers;
  - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

Where any of the parties mentioned in points (a) to (c) requests that the Secretary of State make regulations under paragraph 2, the Secretary of State must have regard to that request.”.
- (10) In Article 18(3)—
  - (a) in the first subparagraph—
    - (i) for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article relating to the following matters”;
    - (ii) in point (b)(i), omit “in certain Member States”;
  - (b) omit the second subparagraph.
- (11) In Article 19(4)—
  - (a) in the first subparagraph, for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article relating to the following matters”;
  - (b) omit the second subparagraph.
- (12) In Article 20—
  - (a) in paragraph 1, for the words from “the Commission” to “Member State” substitute “an appropriate authority”;
  - (b) in paragraph 2, in the first subparagraph, for “Member State” substitute “constituent nation”;
  - (c) in paragraph 3—

- (i) omit “Member States and”;
  - (ii) for the words from “European” to the end substitute “appropriate authority.”;
  - (d) omit paragraph 4;
  - (e) in paragraph 5—
    - (i) for the first subparagraph substitute—

“The appropriate authority shall assess whether the method submitted by an interested party or any other method which the appropriate authority considers to be appropriate for authorisation ensures that risks to public or animal health are:

      - (a) controlled in a manner which prevents their proliferation before disposal in accordance with this Regulation or the implementing measures thereof; or
      - (b) reduced to a degree which is at least equivalent, for the relevant category of animal by-products, to the processing methods laid down pursuant to point (b) of the first subparagraph of Article 15(1),

and, taking these matters into account, may, by regulations, authorise an alternative method of use or disposal of animal by-products or derived products.”;
    - (ii) omit the second subparagraph;
  - (f) omit paragraphs 6 to 9;
  - (g) for paragraph 10 substitute—

“**10.** The appropriate authority must make available or publish a standard format for applications for alternative methods, in such manner as appears to the appropriate authority to be appropriate, from time to time.”;
  - (h) omit paragraph 11.
- (13) In Article 21—
- (a) in paragraph 5—
    - (i) for the words before point (a) substitute “The appropriate authority may make available or publish, in such manner as appears to the appropriate authority to be appropriate, from time to time”;
    - (ii) in point (b), for “and the conditions governing the way they must” substitute “which are required to”;
  - (b) after paragraph 5 insert—

“**5A.** The appropriate authority may, by regulations, lay down conditions governing the way in which model health certificates must accompany animal by-products and derived products during transport.”;
  - (c) in paragraph 6—
    - (i) in the first subparagraph, for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article relating to the following matters”;
    - (ii) omit the second subparagraph.
- (14) In Article 22—
- (a) in paragraph 1, in the second subparagraph, for “measures adopted” substitute “regulations made”;

- (b) in paragraph 3, for the words before point (a) substitute “The appropriate authority may, by regulations, make such provision for the implementation of this Article as the appropriate authority considers to be necessary or expedient, including provisions relating to”.
- (15) For Article 23(3) substitute—
  - “3. The appropriate authority may, by regulations, make detailed rules relating to registration under paragraph 1.”.
- (16) In Article 27—
  - (a) in the first paragraph, for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Section and Section 1 of this Chapter relating to the following matters”;
  - (b) omit the second paragraph.
- (17) For Article 29(4) substitute—
  - “4. The appropriate authority may, by regulations, make such provision as the appropriate authority considers necessary or expedient to facilitate the implementation of this Article.”.
- (18) In Article 31(2)—
  - (a) in the first subparagraph, for the words from the beginning to “laid down” substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article”;
  - (b) omit the second subparagraph.
- (19) In Article 32(3)—
  - (a) in the first subparagraph, for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article relating to the following matters”;
  - (b) omit the second subparagraph.
- (20) In Article 37(2), in the third subparagraph, for the words after “model” substitute “made available or published by the appropriate authority, in accordance with point (b) of Article 21(5)”.
- (21) In Article 40—
  - (a) in the first paragraph, for the words before point (a) substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Section relating to the following matters”;
  - (b) omit the second paragraph.
- (22) In Article 41—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in point (a), for “and the implementing measures thereof” substitute “, the Implementing Regulation and any regulations made by the appropriate authority under this Regulation”;
      - (bb) in point (b), after “recognised” insert “by the appropriate authority”;
    - (ii) for the second subparagraph substitute—
      - “Where, pursuant to point (b), the appropriate authority recognises conditions as being at least equivalent to the requirements applicable to the production and marketing of particular animal by-products or derived products under Community

legislation, the appropriate authority must make available or publicise that recognition.”;

(b) in paragraph 3—

(i) for the first subparagraph substitute—

“The appropriate authority may, by regulations, impose requirements relating to the import and transit of Category 3 material and products derived from Category 3 material.”;

(ii) in the second subparagraph, in point (c)—

(aa) for “Community” substitute “United Kingdom”;

(bb) for “point (d) of the first subparagraph of Article 42(2)” substitute “Article 42(3)”;

(iii) omit the third and fourth subparagraphs;

(c) in paragraph 4, in the first subparagraph—

(i) for the words before point (a) substitute—

“The appropriate authority may, by regulations, specify the third countries or parts of third countries from which animal by-products or derived products may be imported or transit through the United Kingdom.

In deciding whether to specify a third country or part of a third country in regulations made under the first subparagraph, the appropriate authority must, in particular, take into account”;

(ii) in point (c), for “Community” substitute “United Kingdom”;

(iii) in point (f), for “Community inspections” substitute “inspections by the competent authority”;

(iv) in point (g), for “Community” substitute “United Kingdom”.

(23) In Article 42—

(a) in paragraph 1—

(i) for “Measures for the implementation of Article 41 which” substitute “The appropriate authority may, by regulations, make such provision as the appropriate authority considers necessary or expedient to implement Article 41 and regulations made under this paragraph”;

(ii) omit the words from “shall be adopted” to the end;

(b) in paragraph 2—

(i) in the first subparagraph—

(aa) for the words before point (a) substitute “The appropriate authority may, by regulations, make provision with respect to the implementation of Article 41 relating to the following matters”;

(bb) in point (b), for the words from “Community” to “accordance with” substitute “lists of third countries or parts of third countries identified in the Implementing Regulation or in regulations made under”;

(cc) for point (d), substitute—

“(d) the conditions under which it can be stated that consignments of animal by-products or derived products have been collected or manufactured in accordance with the requirements of this Regulation;”;

- (ii) omit the second subparagraph;
- (c) after paragraph 2, insert—

“3. The appropriate authority may make available or publish, in such manner as appears to the appropriate authority to be appropriate, from time to time, models for health certificates, commercial documents and declarations which are to accompany consignments of animal by-products or derived products.”.

- (24) In Article 43(3)—

- (a) in the first subparagraph, for the words from “rules” to the end substitute “the export takes place in accordance with the rules relating to export in Article 25(4) of the Implementing Regulation and in any regulations made by the appropriate authority under the second subparagraph.”;
- (b) for the second subparagraph substitute—

“The appropriate authority may, by regulations, impose requirements and otherwise regulate the export of Category 1 and 2 material and products derived from such material for purposes other than those referred to in paragraphs 1 and 2.”.

- (25) For Article 45(4) substitute—

“The appropriate authority may, by regulations, make such provision as the appropriate authority considers necessary or expedient to implement this Article, including provisions relating to the reference methods to be used for microbiological analyses.”.

- (26) In Article 47(2), for the words before point (a) substitute “The appropriate authority may, by regulations, make such provision as the appropriate authority considers necessary or expedient to implement this Article, including provisions relating to”.

- (27) In Article 48—

- (a) in paragraph 2—
  - (i) for “Formats” substitute “The appropriate authority may make available or publish, in such manner as appears to the appropriate authority to be appropriate from time to time, formats”;
  - (ii) omit the words from “may be adopted” to the end;
- (b) in paragraph 7—
  - (i) in the first subparagraph—
    - (aa) in the words before point (a), for the words from the beginning to “adopted” substitute “The appropriate authority may, by regulations, lay down measures for the implementation of this Article”;
    - (bb) omit point (c);
    - (cc) in point (d), for “to other Member States” substitute “from the European Union to the United Kingdom”;
  - (ii) omit the second subparagraph;
- (c) after paragraph 7 insert—
 

“7A. The appropriate authority must make available or publish, in such manner as appears to the appropriate authority to be appropriate from time to time, models for the health certificates which are to accompany consignments sent in accordance with paragraph 5.”;
- (d) in paragraph 8—
  - (i) in the first subparagraph—

- (aa) in the words before point (a), for “Measures for the implementation of this Article” substitute “Regulations for the implementation of this Article made by the appropriate authority under paragraph 7”;
  - (bb) in each of points (a) and (b), for “Member States sharing a common border” substitute “the United Kingdom and the Republic of Ireland”;
  - (cc) in point (c), for “another Member State sharing a common border” substitute “the United Kingdom and the Republic of Ireland”;
  - (ii) omit the second subparagraph.
- (28) For Article 52 substitute—

*“Article 52*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(17)</sup>.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(18)</sup>.
4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(19)</sup> as if they were a statutory instrument within the meaning of that Act.
8. Regulations made under this Regulation may—
  - (a) 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); and
  - (b) make different provision for different purposes.
9. Before making any regulations under this Regulation, the appropriate authority must consult—
  - (a) such bodies or persons as appear to the appropriate authority to be representative of the interests likely to be substantially affected by the regulations;
  - (b) such other bodies or persons as the appropriate authority may consider appropriate.”.

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<sup>(17)</sup> 2010 asp 10.

<sup>(18)</sup> S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

<sup>(19)</sup> 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

**Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing**

9.—(1) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing is amended as follows.

(2) In Article 2, after point (r) insert—

“(u) for the meaning of ‘the appropriate authority’ see Article 2a.”

(3) After Article 2 insert—

*“Article 2a*

*Definition of Appropriate Authority*

1. Subject to paragraph 2, ‘the appropriate authority’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;
- (d) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

2. ‘The appropriate authority’ is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;
- (c) for regulations applying in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”.

(4) In Article 4—

(a) in paragraph 2—

- (i) before “Annex I”, insert “The appropriate authority may, by regulations, amend”;
- (ii) omit “may be amended”;
- (iii) omit “on the basis of an opinion of EFSA and in accordance with the procedure referred to in Article 25(2)”;

(b) for paragraph 3 substitute—

“3. The Appropriate Minister may publish from time to time guidelines concerning the methods set out in Annex 1.”.

(5) In Article 5(4)—

- (a) for “and on the basis of an opinion of EFSA,” substitute “and to take account of scientific and technical progress the appropriate authority may, by regulations, make provision for derogating”;
- (b) omit “may be adopted in accordance with the procedure referred to in Article 25(2)”.

(6) In Article 11(1), for the words from “to be established” to the end substitute “specified in regulations made by the appropriate authority”.

(7) In Article 14(3) —

- (a) in the first subparagraph, for “The following may be adopted in accordance with the procedure referred to in Article 25(2)” substitute “The appropriate authority may, by regulations, make”;
- (b) in point (a), for “derogations” substitute “provision for derogating”;
- (c) for point (b) substitute—



- “(b) such amendments to Annex 2 as the appropriate authority considers necessary to take account of scientific and technical progress.”;
- (d) in the second subparagraph—
  - (i) for “Member States” substitute “appropriate authority”,
  - (ii) omit “national”.
- (8) For Article 14(4) substitute—

“4. The Appropriate Minister may publish guidelines from time to time relating to the implementation of paragraph 2 and Annex 2.”.
- (9) In Article 15—
  - (a) for paragraph 4 substitute—

“4. To take account of scientific and technical progress the appropriate authority may by regulations amend Annex 3.”.
  - (b) for paragraph 5 substitute—

“5. The Appropriate Minister may publish guidelines from time to time relating to the implementation of the rules set out in Annex 3.”.
- (10) For Article 16(6) substitute—

“6. The Appropriate Minister may publish from time to time guidelines concerning monitoring procedures in slaughterhouses.”.
- (11) In Article 18—
  - (a) for paragraph 5 substitute—

“5. The Appropriate Minister may publish from time to time guidelines for the drawing up and implementation of depopulation action plans.”;
  - (b) in paragraph 6, for the words from “a derogation” to the end substitute “the appropriate authority may, by regulations, make provision for derogating from the reporting obligation laid down in paragraph 4”.
- (12) For Article 21(8) substitute—

“8. The Appropriate Minister may publish from time to time guidelines for the application of paragraph 1.”.
- (13) In Article 24—
  - (a) for “Any” substitute “The appropriate authority may, by regulations, make”;
  - (b) omit the words from “may be adopted” to the end.
- (14) After Article 24, insert—

*“Article 24a*

*Regulations: general*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(20).

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(21).

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(22) as if it were a statutory instrument within the meaning of that Act.

5. Regulations made under this Regulation may—

- (a) 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);
- (b) make different provision for different purposes.

6. Before making any regulations under this Regulation, an Appropriate Authority must consult—

- (a) such bodies or persons as appear to the Appropriate Authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the Appropriate Authority may consider appropriate.”.

**Commission Regulation (EU) No 142/2011 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive**

10.—(1) Commission Regulation (EU) No 142/2011 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive is amended as follows.

(2) In Article 25(2), in point (e)(ii), for “Chapter 21 of Annex XV” substitute “the model made available or published for the time being by the appropriate authority”.

(3) In Article 31, for “set out in Annex XV hereto” substitute “made available or published for the time being by the appropriate authority”.

(4) In Article 32(7), for “set out in Section 10 of Chapter III of Annex XVI hereto” substitute “made available or published for the time being by the appropriate authority”.

(5) In Annex 8—

- (a) in Chapter 3—

(21) S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

(22) 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

- (i) in paragraph 1, in the first subparagraph, for “set out in this Chapter” substitute “made available or published for the time being by the appropriate authority”;
- (ii) in paragraph 4, in the first subparagraph, for “set out under point 6” substitute “made available or published for the time being by the appropriate authority”;
- (iii) in paragraph 6—
  - (aa) in point (a), for “appearing in this Chapter” substitute “made available or published for the time being by the appropriate authority”;
  - (bb) after point (h), omit the model commercial document;
- (b) in Chapter 4, in Section 1, in paragraph 2, for “laid down in Chapter III” substitute “made available or published for the time being by the appropriate authority”.
- (6) In Annex 11, in Chapter 1, in Section 1—
  - (a) in each of paragraphs 1(c) and 2(c), for “set out in point 3” substitute “made available or published for the time being by the appropriate authority”;
  - (b) omit paragraph 3 and the model health attestation.
- (7) In Annex 12, in paragraph 1(f), for “set out in Chapter 20 of Annex XV” substitute “made available or published for the time being by the appropriate authority”.
- (8) In Annex 13, in Chapter 5—
  - (a) in head B, in paragraph 2(b), for “laid down in Chapter III of Annex VIII” substitute “made available or published for the time being by the appropriate authority”;
  - (b) in head C, in paragraph 3, for “set out under point 6 of Chapter III of Annex VIII” substitute “made available or published for the time being by the appropriate authority”.
- (9) In Annex 14—
  - (a) in Chapter 1, in Section 1, in Table 1, in the column ‘certificates/model documents’, for each entry substitute “The relevant health certificate made available or published for the time being by the appropriate authority.”;
  - (b) in Chapter 2, in Section 1, in Table 2, in the column headed ‘certificates/model documents’ substitute (without the unbracketed number followed by a full stop at the start of each entry) the following entries to correspond with the existing row numbers—

<i>“Certificates/model documents”</i>	
<i>Certificates/model documents</i>	
1.	The relevant health certificate made available or published for the time being by the appropriate authority.
2.	The relevant health certificate made available or published for the time being by the appropriate authority.
3.	The relevant health certificate made available or published for the time being by the appropriate authority.
4.	The relevant health certificate made available or published for the time being by the appropriate authority.
5.	<p>(a) In the case of treated hides and skins of ungulates, other than those which comply with the requirements set out in Section 4, point 2:</p> <p>The relevant health certificate made available or published for the time being by the appropriate authority.</p>

<i>“Certificates/model documents</i>	
	<p>(b) In the case of treated hides and skins of ruminants and equidae that are intended for dispatch to the United Kingdom and which have been kept separate for 21 days or will undergo transport for 21 uninterrupted days before importation:</p> <p>The official declaration made available or published for the time being by the appropriate authority.</p> <p>(c) In the case of treated hides and skins of ungulates which comply with the requirements set out in Section 4, point 2:</p> <p>No certificate is required.</p>
6.	<p>(a) In the case of game trophies referred to in Section 5, points 2 and 3:</p> <p>The relevant health certificate made available or published for the time being by the appropriate authority.</p> <p>(b) In the case of game trophies referred to in Section 5, point 1:</p> <p>No certificate is required.</p>
7.	The relevant health certificate made available or published for the time being by the appropriate authority.
8.	<p>(1) For imports of untreated wool and hair, no health certificate is required.</p> <p>(2) A declaration of the importer in accordance with the relevant model declaration made available or published for the time being by the appropriate authority.</p>
9.	For imports of treated feathers, parts of feathers and down, no health certificate is required.
10.	<p>(a) In the case of apiculture by-products intended for use in apiculture:</p> <p>The relevant health certificate made available or published for the time being by the appropriate authority.</p> <p>(b) In the case of beeswax for purposes other than feeding to farmed animals:</p> <p>A commercial document attesting the refinement or processing.</p>
11.	<p>The products must be accompanied by:</p> <p>(a) a commercial document as set out in Section 7, point 2; and</p> <p>(b) a declaration of the importer in accordance with the relevant model declaration made available or published for the time being by the appropriate authority, in English and other languages may also appear.</p>
12.	The relevant health certificate made available or published for the time being by the appropriate authority.
13.	The relevant health certificate made available or published for the time being by the appropriate authority.

<i>“Certificates/model documents</i>	
14.	The relevant health certificate made available or published for the time being by the appropriate authority.
15.	The relevant health certificate made available or published for the time being by the appropriate authority.
16.	The relevant health certificate made available or published for the time being by the appropriate authority.
17.	The relevant health certificate made available or published for the time being by the appropriate authority.
18.	The relevant health certificate made available or published for the time being by the appropriate authority.
19.	The relevant health certificate made available or published for the time being by the appropriate authority.
29.	The relevant health certificate made available or published for the time being by the appropriate authority.”

(c) in Chapter 3, in Section 2, in paragraph 1(b), for “referred to in Chapter 8 of Annex XV” substitute “made available or published for the time being by the appropriate authority”.

(10) In Annex 15—

(a) in the first paragraph, for “in this Annex” substitute “made available or published for the time being by the appropriate authority”;

(b) in the Notes, in point (a), for “set out in this Annex” substitute “made available or published for the time being by the appropriate authority”;

(c) omit Chapters 1 to 21.

(11) In Annex 16, in Chapter 3, in Section 10—

(a) in the sole unnumbered paragraph, for “following format” substitute “format made available or published for the time being by the appropriate authority”;

(b) omit the standard format application for the authorisation of the dispatch of animals by-products and derived products to another Member State.

**Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof**

**11.—**(1) Regulation (EU) 2016/1012 of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof is amended as follows.

(2) For Article 7(5) substitute—

“**5.** A competent authority may lay down, and publish on a website, model forms for the presentation of the information to be included in the list of recognised breed societies and breeding operations provided for in paragraph 1.”.

(3) For Article 22(3) substitute—

“**3.** The appropriate authority may by regulations prescribe methods to be used for the verification of the identity of breeding animals.

4. Regulations under paragraph 3 may include (but are not limited to) provision for implementation of recommendations made by national or European Union reference centres, the International Committee for Animal Recording ('ICAR') or the International Society for Animal Genetics.”.

(4) For Article 26 substitute—

*“Article 26*

*Requirements for performance testing and genetic evaluation*

1. The appropriate authority may by regulations amend Annex 3 in order to take account of—

- (a) scientific advances;
- (b) technical developments;
- (c) the need to preserve valuable genetic resources.

2. The appropriate authority may by regulations prescribe requirements for the performance testing and genetic evaluation of purebred breeding animals of the bovine, ovine and caprine species.

3. Regulations under paragraph 2 may include (but are not limited to)—

- (a) methods for the interpretation of the results of performance testing and genetic evaluation;
- (b) provision for implementation of recommendations of United Kingdom reference centres ('reference centres') or European Union reference centres, or of the principles agreed by ICAR.”.

(5) In the heading to Chapter 6, for “European Union” substitute “United Kingdom”.

(6) In Article 29—

- (a) in the heading, for “European Union” substitute “United Kingdom”;
- (b) in paragraph 1, for the words from “Commission” to “centres” substitute “appropriate authority may by regulations designate United Kingdom reference centres ('reference centres')”;
- (c) in paragraph 2, for the words from “Member States” to the end, substitute “United Kingdom for the preservation of endangered breeds or the preservation of genetic diversity existing within those breeds, the appropriate authority may by regulations designate reference centres responsible for scientific and technical contribution to the establishment or harmonisation of those methods”;
- (d) omit paragraph 3;
- (e) in paragraph 4—
  - (i) in each place it occurs, omit “European Union”;
  - (ii) omit the words from “if those tasks” to the end;
- (f) after paragraph 4 insert—

“4A. Regulations under paragraph 1 or 2 may also make provision for reference centres to be responsible for tasks set out in Annex 4, point 4.”;

(g) in paragraph 5—

- (i) in the first subparagraph—

- (aa) in the words before point (a), for the words from “Commission” to “amending:” substitute “appropriate authority may by regulations amend.”;
  - (bb) in points (a) and (b), omit “European Union”;
  - (ii) in the second subparagraph, in the words before point (a), for “The delegated acts provided for in this paragraph” substitute “Regulations made under this paragraph”;
  - (h) omit paragraph 6.
- (7) In Article 30, for paragraphs 9 and 10 substitute—
  - “9. The appropriate authority may by regulations—
    - (a) amend the contents of the zootechnical certificates set out in Annex 5, in order to take account of—
      - (i) scientific advances;
      - (ii) technical developments;
      - (iii) the need to preserve valuable genetic resources;
    - (b) prescribe model forms to be used for zootechnical certificates for breeding animals and their germinal products.”.
- (8) In Article 32—
  - (a) in paragraph 1, for the words from “Commission” to “Article 61” substitute “appropriate authority may make regulations”;
  - (b) in paragraph 2—
    - (i) for “Commission may adopt implementing acts” substitute “appropriate authority may make regulations”;
    - (ii) omit the second sentence.
- (9) In Article 35—
  - (a) in paragraph 1—
    - (i) for “Commission may adopt implementing acts” substitute “appropriate authority may make regulations”;
    - (ii) omit the words after point (g);
  - (b) omit paragraph 2;
  - (c) in paragraph 3—
    - (i) for the words before point (a) substitute—

“Regulations under paragraph 1 may set out detailed arrangements governing the entry of breeding animals and their germinal products into the United Kingdom from a third country and may include:”;
    - (ii) in points (b) and (c), in each place where it occurs, for “Union” substitute “United Kingdom”;
  - (d) omit paragraph 4.
- (10) In Article 60(1)—
  - (a) in the words before point (a), for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;
  - (b) in point (a), for “Union”, substitute “United Kingdom”.
- (11) For Article 61, substitute—

*“Article 61**Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(23)</sup>.
3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979<sup>(24)</sup>.
4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.
5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).
7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954<sup>(25)</sup> as if they were a statutory instrument within the meaning of that Act.
8. Regulations made under this Regulation may—
  - (a) 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);
  - (b) make different provision for different purposes.”.

**PART 3****Saving and transitional provision****Saving and transitional provision for retained direct EU legislation in relation to model documents**

**12.**—(1) Notwithstanding anything in these Regulations, a document in the form of any standard model set out in retained direct EU legislation, as it had effect immediately before exit day, may continue to be used in relation to a matter in connection with which the model form is provided for such period as the appropriate authority or appropriate Minister may determine.

(2) Where these Regulations amend any provision of retained direct EU legislation which, on or after exit day, forms part of domestic law to enable the use of a document “made available or published for the time being”, “made available or published from time to time” or “published from time to time”, that amendment does not preclude the use of that document in the model form set out

(23) 2010 asp 10.

(24) S.I. 1979/1573 (N.I. 12). Articles 2(4)(v) and (vi) were inserted by S.I. 2018/1242.

(25) 1954 c.33 (N.I.). Section 41(6) was amended by S.I. 1999/663.



in the text of any such retained direct EU legislation (as it appeared immediately before the date on which these Regulations come into force) from being presented or otherwise used—

- (a) on or after exit day, in relation to the matter in connection with which the model form is provided instead of the equivalent document as published in accordance with that amendment; and
  - (b) as described in paragraph (a), for such further period after that date as the appropriate authority or appropriate Minister decides is necessary for transitional purposes.
- (3) In this regulation, “document” includes but is not limited to a health certificate, a veterinary certificate, a commercial document, a commercial declaration, an import or export label, a standard application format or a model form.

14th March 2019

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## 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) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (b), (d), (f) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of animal health and welfare and food composition and labelling providing for functions of the European Commission of making an instrument of a legislative character to be exercisable instead by the Secretary of State or the “appropriate authority” as defined.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.