STATUTORY INSTRUMENTS

2019 No. 588

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

PART 1

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

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;

[F1](d) . . . . . .

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;

[F2](c) . . . . . .".

(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—

[[F3](i) for "the Community" substitute "Great Britain";**]**

(ii) for "in accordance with the procedure referred to in Article 31(2)" substitute " by the appropriate authority, through regulations ";

[[F4](g) omit paragraph 8.**]**

(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 [M1].

[F5]**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.

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).

[F5]**7.** . . . . . .

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.”.

[F6](9) . . . . . .

Textual Amendments

F1 Words in reg. 6(3) omitted (31.12.2020 immediately before IP completion day) by virtue of The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **3(3)(a)(i)**

F2 Words in reg. 6(3) omitted (31.12.2020 immediately before IP completion day) by virtue of The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **3(3)(a)(ii)**

F3 Reg. 6(7)(f)(i) 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), **3(3)(b)**

F4 Reg. 6(7)(g) substituted (31.12.2020 immediately before IP completion day) by The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(2), **11(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F5 Words in reg. 6(8) omitted (31.12.2020 immediately before IP completion day) by virtue of The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590), regs. 1(1)(b)(i), **3(3)(c)**

F6 Reg. 6(9) omitted (31.12.2020 immediately before IP completion day) by virtue of The Common Fisheries Policy and Animals (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/1312), regs. 1(2), **11(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Marginal Citations

M1 2010 asp 10.

Changes to legislation:
There are currently no known outstanding effects for the The Animals (Legislative Functions) (EU Exit) Regulations 2019, Section 6.