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STATUTORY INSTRUMENTS

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**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

**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.

<sup>F1</sup>(2) .....

(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—

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“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—
    - [<sup>F2</sup>(i) for “the Community” substitute “Great Britain”];
    - (ii) for “harmonised” substitute “ the Secretary of State may, by regulations, lay down, in relation to the whole of [<sup>F3</sup>Great Britain], ”;
    - (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;
- <sup>F4</sup>(d) .....

Where [<sup>F5</sup>either] of the parties mentioned in [<sup>F6</sup>point (a) or (b)] 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;

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(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 [<sup>F7</sup>retained EU law], 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)—
      - [<sup>F8</sup>(aa) for “the Community” substitute “Great Britain”];
      - (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 [<sup>F9</sup>Great Britain].

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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”;

[<sup>F10</sup>(ii) in point (c), for “the Community” substitute “Great Britain”];

(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.”.

<sup>F11</sup>(25) .....

(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 ”.

<sup>F12</sup>(27) .....

(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>M1</sup>.

<sup>F13</sup>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 [<sup>F14</sup>Welsh Parliament].

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).

<sup>F13</sup>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); 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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- F1** Reg. 8(2) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(a)**
- F2** Reg. 8(8)(a)(i) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(b)(i)**
- F3** Words in reg. 8(8)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(b)(ii)**
- F4** Words in reg. 8(9) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(c)(i)**
- F5** Word in reg. 8(9) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(c)(ii)(aa)**
- F6** Words in reg. 8(9) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(c)(ii)(bb)**
- F7** Words in reg. 8(22)(a)(ii) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(d)(i)**
- F8** Reg. 8(22)(b)(ii)(aa) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(d)(ii)**
- F9** Words in reg. 8(22)(c)(i) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(d)(iii)(aa)**
- F10** Reg. 8(22)(c)(ii) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(d)(iii)(bb)**
- F11** Reg. 8(25) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(e)** and The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481), regs. 1, **44(2)** (as amended by S.I. 2020/1631, regs. 1(2), 10(2))
- F12** Reg. 8(27) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(e)**
- F13** Words in reg. 8(28) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and



Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(f)(i)**

- F14** Words in reg. 8(28) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **6(5)(f)(ii)**

**Commencement Information**

- I1** Reg. 8 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.

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**Changes to legislation:**

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