

## STATUTORY INSTRUMENTS

**2019 No. 782**

# **EXITING THE EUROPEAN UNION ANIMALS**

## **ANIMAL HEALTH**

### **The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2019**

*Made - - - - 1st April 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>F1</sup>.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**F1** 2018 c. 16.

## **PART 1**

### **Introductory**

#### **Citation and commencement**

**1.** These Regulations may be cited as the Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

#### **Commencement Information**

**II** Reg. 1 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

## PART 2

### Amendment of secondary legislation that applies in Great Britain

#### The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

2.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974 <sup>F2</sup> is amended as follows.

(2) In article 4—

(a) in paragraph 2—

- (i) in sub-paragraph (a)(i), for “another” substitute “a”;
- (ii) in sub-paragraphs (a)(ii), (b)(ii), (c)(ii) and (d)(ii), for “Council Directive [92/65/EEC](#)” substitute “the Trade in Animals and Related Products Regulations 2011 <sup>F3</sup>, the Trade in Animals and Related Products (Wales) Regulations 2011 <sup>F4</sup> or the Trade in Animals and Related Products (Scotland) Regulations 2012 <sup>F5</sup>”;

(b) in paragraph 11—

- (i) in sub-paragraph (a), omit paragraph (i) (together with the final “and”);
- (ii) omit sub-paragraph (b);

(c) in paragraph 12—

- (i) for “Council Directive [92/65/EEC](#)” substitute “the Trade in Animals and Related Products Regulations 2011, the Trade in Animals and Related Products (Wales) Regulations 2011 or the Trade in Animals and Related Products (Scotland) Regulations 2012”;
- (ii) for “the requirement” substitute “a requirement”;
- (iii) omit “, as referred to in Article 10(4) of that Directive”.

**F2** [S.I. 1974/2211](#); relevant amending instruments are [S.I. 2011/2883](#), 2014/3158, S.S.I 2012/177.

**F3** [S.I. 2011/1197](#), amended by [S.I. 2012/2897](#), 2013/2996, 2014/3158, 2018/575, 1037.

**F4** [S.I. 2011/2379](#) (W. 252), amended by [S.I. 2014/3158](#).

**F5** [S.S.I. 2012/177](#), amended by [S.S.I. 2012/198](#), 199, 2015/100, 401, [S.I. 2014/3158](#).

#### Commencement Information

**I2** Reg. 2 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### The Artificial Insemination of Pigs (EEC) Regulations 1992

3.—(1) The Artificial Insemination of Pigs (EEC) Regulations 1992 <sup>F6</sup> are amended as follows.

(2) In regulation 2—

- (a) in the heading, omit “Intra-Community”;
- (b) in paragraph (1), for “another” substitute “a”;
- (c) in paragraph (2), in the words before sub-paragraph (a), for “another” substitute “a”;
- (d) after paragraph (6) insert—

“(7) Council Directive [90/429/EEC](#) is to be read as follows—

(a) as if the reference in Article 3—

- (i) to “Each Member State” were to “The appropriate Minister”;

- (ii) to “intra-Community trade” were to “trade within Great Britain”;
- (b) as if the reference in Article 5(1)—
  - (i) in the first paragraph, to “Member State on whose territory” were to “appropriate Minister for the territory where”;
  - (ii) in the second paragraph, to “Member State” were to “appropriate Minister”.
- (3) In regulation 3, for “another” substitute “ a ”.

**F6** [S.I. 1992/3161](#).

#### **Commencement Information**

**I3** Reg. 3 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### **The Animals (Post-Import Control) Order 1995**

- 4.—(1) The Animals (Post-Import Control) Order 1995 <sup>F7</sup> is amended as follows.
- (2) For article 3(2) substitute—
- “(2) Paragraph (1) does not apply in the case of the importation of pigs from any of the territories specified in Annex 1 of Commission Decision [2008/185/EC](#) as at exit day.”.
- (3) In articles 5(1) and 6, omit “in any of the circumstances specified in a provision listed in Schedule 3 to this Order”.
- (4) Omit Schedules 1 and 3.

**F7** [S.I. 1995/2439](#), to which there are amendments not relevant to these Regulations.

#### **Commencement Information**

**I4** Reg. 4 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### **The Bovine Embryo (Collection, Production and Transfer) Regulations 1995**

- 5.—(1) The Bovine Embryo (Collection, Production and Transfer) Regulations 1995 <sup>F8</sup> are amended as follows.
- (2) In regulation 2(1), for the definition of “intra-Area trade” substitute—
- ““national trade” means trade within Great Britain;”.
- (3) Omit regulation 5.
- (4) In regulation 6—
- (a) in the heading, for “purposes other than intra-Area” substitute “ national ”;
  - (b) for “other than for the purposes of intra-Area” substitute “ for national ”.
- (5) In regulation 9, omit “5,”.
- (6) Omit regulation 10.
- (7) In regulation 11—
- (a) in the heading, for “not intended for intra-Area” substitute “ for national ”;
  - (b) in paragraph (1)—

- (i) in the words before sub-paragraph (a), for “not intended for intra-Area” substitute “ for national ”;
- (ii) in sub-paragraph (a), omit “regulation 5 or”;
- (c) in paragraph (2), in the words before sub-paragraph (a), omit “Schedule 4 or”;
- (d) in paragraph (3), omit the words from “provided” to the end.
- (8) In regulation 12(c), omit the words from “in accordance” to “intra-Area trade,”.
- (9) Omit regulations 13 to 15.
- (10) In regulation 16—
  - (a) in the heading, for “not intended for use in intra-Area” substitute “ for national ”;
  - (b) in paragraph (1), for “not intended for intra-Area” substitute “ for national ”.
- (11) In regulation 17, in the heading, for “use in intra-Area” substitute “ national ”.
- (12) In regulation 18—
  - (a) in the heading, for “not intended for intra-Area” substitute “ for national ”;
  - (b) for “use other than in inter-Area” substitute “ national ”;
  - (c) omit “regulation 13 or”.
- (13) Omit regulation 20(2).
- (14) Omit Schedule 1.
- (15) In Schedule 2—
  - (a) in the heading, for “purposes other than for intra-Area” substitute “ national ”;
  - (b) in paragraph 3—
    - (i) in the words before sub-paragraph (a), omit “either”;
    - (ii) for sub-paragraph (a) (together with the following “or”) substitute—
      - “(a) a permanent laboratory facility where the team has at its disposal—
        - (i) a work surface, a microscope and cryogenic equipment,
        - (ii) a room where bovine embryos can be manipulated, which is adjacent to but physically separate from the area used to handle the donor animals during collection,
        - (iii) a room or area equipped for cleansing and sterilising instruments and with equipment used in bovine embryo collection and manipulation, and
        - (iv) where micromanipulation of the bovine embryo which involves penetration of the zona pellucida is to be carried out, suitable laminar-flow facilities,”;
      - (iii) for sub-paragraph (b) substitute—
        - “(b) a mobile laboratory facility where the team has at its disposal—
          - (i) a work surface, a microscope and cryogenic equipment, and
          - (ii) a specially equipped part of the vehicle consisting of two separate sections, one for the examination and manipulation of bovine embryos which is a clean section, and the other for accommodating equipment and materials used in contact with the donor animals,”.
  - (16) In Schedule 4—
    - (a) in the heading—

- (i) for “the purposes of intra-Area” substitute “ national ”;
  - (ii) in the shoulder heading, for “Regulations 10 and 11” substitute “ Regulation 11 ”;
  - (b) in paragraph (1), for “intra-Area” substitute “ national ”.
- (17) In Schedule 5—
- (a) in the heading—
    - (i) omit “10 or”;
    - (ii) in the shoulder heading, for “Regulations 10 and 12” substitute “ Regulation 12 ”;
  - (b) in paragraph (1), omit “10 or”.
- (18) In Schedule 6, in the heading, for “not intended for intra-Area” substitute “ for national ”.
- (19) In Schedule 7—
- (a) for paragraph 2 substitute—

“2. Bovine embryos must be produced by an approved production team and must not come into contact with any other consignment of bovine embryos not meeting the requirements of these Regulations.”;

- (b) in paragraph (13), in the first sentence, for “intra-Area” substitute “ national ”.

**F8** [S.I. 1995/2478](#), to which there are amendments not relevant to these Regulations.

#### **Commencement Information**

**I5** Reg. 5 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

### **The Non-Commercial Movement of Pet Animals Order 2011**

- 6.—(1) The Non-Commercial Movement of Pet Animals Order 2011 <sup>F9</sup> is amended as follows.
- (2) In article 4(1), omit sub-paragraph (b) (together with the preceding “and”).
  - (3) In article 5(1)(c), for “another” substitute “ a ”.
  - (4) In article 11—
    - (a) in paragraph 2(b)—
      - (i) for “carrier or a” substitute “ carrier, ”;
      - (ii) after “Union carrier” insert “ UK air carrier or United Kingdom carrier, ”;
    - (b) in paragraph 6—
      - (i) in the definition of “Community air carrier”—
        - (aa) for “has” substitute “ and “UK air carrier” have ”;
        - (bb) omit the “and” at the end;
      - (ii) in the definition of “Union carrier”, for “and amending Regulation (EC) No 2006/2004” to the end substitute “ as it applies in the European Union <sup>F10</sup> as amended from time to time; and ”;
      - (iii) after the definition of “Union carrier” insert—

““United Kingdom carrier” has the meaning given by Article 3 of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway, and for the purposes

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**Changes to legislation:** There are currently no known outstanding effects for the The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

of travelling by sea and inland waterway, “recognised assistance dog” shall be interpreted in accordance with that Regulation.”.

(5) In article 15(2), omit “, including any representative of the European Commission”.

(6) Omit articles 19 and 22(2).

**F9** [S.I. 2011/2883](#), amended by [S.I. 2014/3158](#); there are other amending instruments but none is relevant.

**F10** OJ No L 364, 9.12.2004, p. 1.

#### Commencement Information

**I6** Reg. 6 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

## PART 3

### Amendment of secondary legislation that applies in England

#### The Bovine Semen (England) Regulations 2007

7.—(1) The Bovine Semen (England) Regulations 2007 <sup>F11</sup> are amended as follows.

(2) In the Regulations—

- (a) for “an EC”, in each place it occurs, substitute “ a licensed ”;
- (b) for “EC”, in each place it occurs, substitute “ licensed ”.

(3) In regulation 2(1)—

- (a) after the definition of “inspector” insert—  
““licensed” means licensed by the Secretary of State;”;
- (b) in the definition of “unlicensed processing premises”, in paragraph (a)(ii) for “intra-Community trade” substitute “ trade with a member State ”.

(4) In regulation 3—

- (a) in paragraph (2), in the words after sub-paragraph (c), for “intra-Community trade” substitute “ trade with a member State ”;
- (b) omit paragraph (4).

(5) In regulation 4—

- (a) in paragraph (b), in sub-paragraph (i) and (ii), for “intra-Community trade” substitute “ trade with a member State ”;
- (b) in paragraph (c), in sub-paragraph (i) and (ii), for “intra-Community trade” substitute “ trade with a member State ”.

(6) In regulation 29(c), for “in another member State or in a third country” substitute “ outside of the United Kingdom ”.

(7) In regulation 30—

- (a) for the heading substitute “ Trade in semen to a member State ”;
- (b) in paragraph (1), in the words before (a), for “for intra-Community trade” substitute “ to a member State ”;
- (c) in paragraph 1(b), for “another member State or imported from a third country in accordance with the Directive” substitute “ outside the United Kingdom ”;

- (d) in paragraph 2, for the words “for intra-Community trade” to the end, substitute “ with a member State must ensure that it is accompanied by the animal health certificate as published by the Secretary of State from time to time ”.
- (8) In regulation 38(1), for “another” substitute “ a ”.
- (9) In Schedule 3—
  - (a) in Part 2—
    - (i) in paragraph 2—
      - (aa) in sub-paragraph (1), for “supplied for intra-Community trade” substitute “ placed on the market ”;
      - (bb) in sub-paragraph (2), for “the subject of intra-Community trade” substitute “ placed on the market ”;
    - (ii) in paragraph 3, for “intra-Community trade” substitute “ trade with a member State ”;
  - (b) in Part 3, in paragraphs 1(b)(i) and (c), for “intra-Community” substitute “ other ”.
- (10) In Schedule 5, in Part 3, in paragraph 1—
  - (a) in sub-paragraph (a)(ii), for “another”, in the second place it occurs, substitute “ in a ”;
  - (b) in sub-paragraph (b), for the words from “marking” to the end substitute “ distinct marking that is different to marking used at licensed collection and storage centres ”.
- (11) In Schedule 8, in Part 1, in sub-paragraphs (a)(ii) and (b)(ii), for “another” substitute “ a ”.

**F11** [S.I. 2007/1319](#), amended by [S.I. 2011/454](#); there are other amending instruments but none is relevant.

#### **Commencement Information**

**I7** Reg. 7 in force at 31.12.2020 (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PROSPECTIVE

#### **The Trade in Animals and Related Products Regulations 2011**

**F12** 8. ....

**F12** Reg. 8 omitted (31.12.2020 before IP completion day) by virtue of [The Import of, and Trade in, Animals and Animal Products \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1462\)](#), regs. 1(2)(a), **36**

Department for Environment, Food and Rural  
Affairs

*Gardiner of Kimble*  
Parliamentary Under Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations are made in exercise of the powers in the European Union (Withdrawal) Act 2018 (c. 16) in order to address deficiencies of retained EU law to operate effectively and other deficiencies (in particular section 8(2)(b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation relating to imports in animals, germinal products and animal products.

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



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**Changes to legislation:**

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