STATUTORY INSTRUMENTS

2020 No. 1463

EXITING THE EUROPEAN UNION
AGRICULTURE
ANIMALS
AQUACULTURE
SEEDS

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

Made - - - - 7th December 2020

Coming into force in accordance with regulation 1(2)

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(**1**).

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018.

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as 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.

(**1**) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); paragraph 21 of Schedule 7 was amended by section 41(4) and paragraphs 38 and 53 of Schedule 5 to that Act.

(2) They come into force as follows—

(a) as regards this Part and Part 2, immediately before IP completion day;

(b) as regards Parts 3, 4 and 5, on IP completion day.

(3) Parts 3, 4 and 5 extend to England and Wales, and to Scotland only.

(4) Regulations 2, 4, 6 and 7 apply in relation to England and Wales and Scotland only.

PART 2

Amendments to EU Exit domestic legislation

CHAPTER 1

Amendments to legislation relating to alien and locally absent species in aquaculture

Amendment of the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

2.—(1) The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019(**2**) are amended as follows.

(2) In regulation 9—

(a) in paragraph (2)—

(i) for sub-paragraphs (a) to (d) substitute—

"(a) in paragraph 1—

(i) for "the Union" substitute "Great Britain";

(ii) omit the words from "taking place" to the end;

(b) in paragraph 2, for "Member States" substitute "Great Britain";

(c) in paragraph 3, for "the jurisdiction of Member States" substitute "Great Britain";

(d) in paragraph 4, for the words from "comply with" to the end substitute "are closed ornamental facilities within the meaning of Article 2(a) of Commission Regulation 1251/2008(**3**).";";

(ii) in sub-paragraph (e), for paragraph (ii) substitute—

"(ii) for "their territory" substitute "the constituent GB territory for which it is responsible";";

(iii) in sub-paragraph (g), for paragraph (ii) substitute—

"(ii) for "their territory" substitute "the constituent GB territory for which it is responsible";";

(b) in paragraph (3), for sub-paragraphs (c) and (d) substitute—

"(c) for paragraph 18 substitute—

"**18.** 'the appropriate authority' means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(**2**) S. I. 2019/451, to which there is an amendment not relevant to these Regulations. S.I. 2019/451 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**3**) EUR 2008/1251, which is prospectively amended by S.I. 2019/451 and 795.

(c) in relation to Scotland, the Scottish Ministers;

but the appropriate authority is the Secretary of State if consent is given—

(a) in relation to Wales, by the Welsh Ministers;

(b) in relation to Scotland, by the Scottish Ministers;";

(d) for paragraph 19 substitute—

"**19.** 'constituent GB territory' means England, Wales or Scotland, as the case may be.".";

(c) in paragraph (5), for sub-paragraph (a) substitute—

"(a) in paragraph 1—

(i) for "Member States" substitute "The appropriate authority";

(ii) after "biodiversity" insert "in Great Britain";";

(d) in paragraph (6)(b), in the substituted words, for "appropriate" substitute "competent";

(e) in paragraph (11)—

(i) for sub-paragraphs (a) and (b) substitute—

"(a) in paragraph 2, for "the territory of the Union" substitute "Great Britain";

(b) for paragraph 3, substitute—

"**3.** The quarantine facility may be located in a constituent GB territory which is not the constituent GB territory in which the receiving aquaculture facility is located, provided that the appropriate authorities concerned agree and that this option has been included in the risk assessment under Article 9.";";

(f) for paragraph (13) substitute—

"(13) In Article 21, for the unnumbered paragraph substitute—

"**1.** The competent authority may, in exceptional cases and subject to approval where required by paragraph 2, require quarantine in accordance with Article 15(2), (3) and (4) before release of species from non-routine translocations into open aquaculture facilities.

2. Where the appropriate authority is a different person to the competent authority, prior approval of the appropriate authority is required. The request for approval by the appropriate authority must indicate the reasons why quarantine is required. The appropriate authority must reply to such requests within 30 days.".";

(g) in paragraph (14), omit sub-paragraph (b);

(h) for paragraph (17) substitute—

"(17) In Annex 3—

(a) in the second paragraph—

(i) omit "in the Member State of its location";

(ii) for the last sentence, substitute—

"If the quarantine facility is not located in the constituent GB territory into which the alien species is to be introduced or the locally absent species is to be translocated ("the receiving constituent GB territory"), the advisory committee responsible for the quarantine facility and the advisory

committee in the receiving constituent GB territory must agree on the duration.";

(b) in the paragraphs under the heading "Mortalities and disposal"—

(i) after "competent authority", in both places where it occurs, insert "responsible for the facility";

(ii) in the second paragraph, for "and Member States" substitute ", which".".

(3) In regulation 10—

(a) for paragraphs (2) and (3) substitute—

"(2) In Article 2—

(a) in the words before point (a), for "Article 24(2)" substitute "Article 24(3)";

(b) in point (b), for "a certain Member State" substitute "Great Britain".

(3) After Article 2 insert—

"Article 2a

Interpretation

In this Regulation, "the appropriate authority" means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers;

but the appropriate authority is the Secretary of State if consent is given—

(a) in respect of the functions exercisable in relation to Wales, by the Welsh Ministers;

(b) in respect of the functions exercisable in relation to Scotland, by the Scottish Ministers.".";

(b) after paragraph (7), insert—

"(8) In the Annex, in points 2.1.2.2, 3.2 and 3.4.3, omit "also in a second Community language (some lines)".".

Amendment of the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019

3.—(1) Regulation 3 of the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019(**4**) is amended as follows.

(2) After paragraph (2), insert—

"(2A) In regulations 6(1)(b) and 8(1), for the words "the United Kingdom" substitute "Great Britain".".

(3) After paragraph (3), insert—

"(4) For regulation 25 substitute—

"**25.** The competent authority may disclose information to—

(**4**) S.I. 2019/452, to which there are amendments not relevant to these Regulations. S.I. 2019/452 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(a) the equivalent authority in Scotland for the purposes of Council Regulation 708/2007, these Regulations, or legislation corresponding to these Regulations in Scotland;

(b) the equivalent authority in Northern Ireland for the purposes of Council Regulation 708/2007, as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018(**5**), these Regulations, or legislation corresponding to these Regulations in Northern Ireland.”.”.

Amendment of the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

4.—(1) Regulation 42 of the Common Fisheries Policy and Aquaculture (Amendment etc.) (EU Exit) Regulations 2019(**6**) is amended as follows.

(2) Before paragraph (2), insert—

“(1A) In Article 23, for the second and third paragraphs substitute—

“To facilitate the sharing of information contained in its register, the appropriate authority must use the information system set out in Commission Regulation 535/2008(**7**).

The appropriate authority may, by regulations, amend provisions of Commission Regulation 535/2008 relating to the establishment and development of an information system.”.”.

(3) In paragraph (2)(a), in inserted paragraph 1A, after point (b), insert——

“(c) amend Article 2 of Commission Regulation (EC) 535/2008 to adapt the specifications for the conditions necessary for adding species to Annex 4, as provided for in paragraph 3.”.

(4) In paragraph (4)—

(a) in inserted Article 24d—

(i) in paragraph 1, for “Article 24(1)” substitute “Articles 23 and 24(1)”;

(ii) omit paragraphs 4 and 8;

(b) in inserted Article 24e—

(i) in paragraph 2, for “the United Kingdom” substitute “Great Britain”;

(ii) omit paragraph 3(c);

(iii) in paragraph 4—

(aa) for “any” substitute “either”;

(bb) for “to (c)” substitute “or (b)”.

CHAPTER 2

Amendments to legislation relating to aquatic animal health and animals

Amendment of the Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019

5.—(1) The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019(**8**) are amended as follows.

(**5**) 2018 c. 16; section 7A was inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**6**) S.I. 2019/753, to which there are amendments not relevant to these Regulations. S.I. 2019/753 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).
(**7**) EUR 2008/535, which is prospectively amended by S.I. 2019/451.
(**8**) S.I. 2019/817.

(2) In regulation 2, in the definition of "the appropriate authority"—

(a) in paragraph (1), omit sub-paragraph (d);

(b) in paragraph (2), omit sub-paragraph (c).

(3) In regulation 3—

(a) in the definition of "the other responsible authorities", omit paragraph (c);

(b) in the definition of "third country", for "United Kingdom" substitute "British Islands".

(4) In regulation 4, in the words before paragraph (a), for "exit day" substitute "IP completion day".

(5) After regulation 5 insert—

"**Amendment of Commission Regulation (EC) No 1251/2008**

5A. In Commission Regulation (EC) No 1251/2008, after Article 2, insert—

"Article 2a

Interpretation: animal health certificates

In Articles 5 to 8a, 10 to 12, 14 and 16, "relevant model", in relation to an animal health certificate, a joint public and animal health certificate or an addendum to an animal health certificate, means the model of that certificate or addendum, as published by the appropriate authority from time to time.".."

(6) In regulation 6—

(a) in paragraph (3)—

(i) in sub-paragraphs (a) and (b), for "the United Kingdom" substitute "Great Britain";

(ii) in sub-paragraph (c)—

(aa) in the words before sub-paragraph (i), for "the United Kingdom" substitute "Great Britain";

(bb) in sub-paragraph (i), omit "in the United Kingdom";

(b) in paragraph (4)—

(i) in sub-paragraph (a), for "UK" substitute "GB";

(ii) in sub-paragraph (b)(ii), for "the United Kingdom" substitute "Great Britain";

(c) for paragraph (5) substitute—

"(5) In this regulation—

"Annex 1A" means Annex 1A to Commission Regulation (EC) No 1251/2008(**9**);

"constituent GB territory" means England, Wales or Scotland, as the case may be.".

(7) In regulation 7—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a) and in sub-paragraphs (c), (d), (e) and (g), for "the United Kingdom" substitute "Great Britain";

(ii) in sub-paragraph (f)—

(**9**) Annex 1A was inserted by regulation 2(19) of S.I. 2019/451.

(aa) for "made on behalf of the United Kingdom of the relevant competent authority" substitute "made of the relevant competent authority on behalf of the appropriate authority";

(bb) for "to the United Kingdom" substitute "to the appropriate authority";

(cc) for "at the request of the United Kingdom" substitute "at the request of the appropriate authority";

(b) in paragraph (3)—

(i) for "third country" substitute "country or territory";

(ii) omit "of that country";

(iii) after "country", in the third place where it occurs, insert "or territory (as the case may be)";

(iv) for "the United Kingdom" substitute "Great Britain".

(c) in paragraph (5), for the definition of "relevant competent authority" substitute—

""relevant competent authority", in relation to a country or territory, means the authority or authorities of that country or territory concerned with official responsibility for aquatic animal health.".

Amendment of the Animals (Legislative Functions) (EU Exit) Regulations 2019

6.—(1) The Animals (Legislative Functions) (EU Exit) Regulations 2019(**10**) are amended as follows.

(2) In regulation 3—

(a) in paragraph (3), in inserted Article 2a—

(i) in paragraph 1, omit point (d);

(ii) in paragraph 2, omit point (c);

(b) in paragraph (9), in inserted Article 9b—

(i) omit paragraphs 3 and 7;

(ii) in paragraph 5, for "National Assembly for Wales" substitute "Welsh Parliament".

(3) In regulation 4—

(a) in paragraph (3), in substituted Article 4, for paragraph 2 substitute—

"**2.** The appropriate authority that introduced the safeguard measures must notify each affected exporting country of the reasons for introducing such measures.";

(b) in paragraph (4), in substituted paragraph 7—

(i) after "each" insert "other";

(ii) for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (8), in substituted paragraph 5, in the words before point (a), omit "Each authority which in relation to any part of the United Kingdom is";

(d) in paragraph (16), in sub-paragraph (b), for "(f)" substitute "(g)";

(e) in paragraph (17), in substituted Article 24—

(i) in paragraph 5, for "National Assembly for Wales" substitute "Welsh Parliament";

(ii) omit paragraphs 3 and 7;

(**10**) S.I. 2019/588; to which there are amendments not relevant to these Regulations.

(f) in paragraph (19), for "paragraphs (19) and (20)", substitute "paragraphs (20) and (21)";

(g) in paragraph (21)(a), for paragraph (i) substitute—

"(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, with the consent of each other authority which, in relation to any part of Great Britain, is the appropriate authority so as";";

(4) In regulation 5—

(a) in paragraph (3), in inserted Article 2a—

(i) in paragraph 1, omit point (d);

(ii) in paragraph 2, omit point (c);

(b) in paragraph (8), in inserted Article 12a—

(i) omit paragraphs 3 and 7;

(ii) in paragraph 5, for "National Assembly for Wales" substitute "Welsh Parliament".

(5) In regulation 8—

(a) omit paragraph (2);

(b) in paragraph (8)(a)—

(i) for paragraph (i) substitute—

"(i) for "the Community" substitute "Great Britain";";

(ii) in paragraph (ii), for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (9), in the inserted Article 17(3)—

(i) omit point (d);

(ii) in the words after point (b)—

(aa) for "any" substitute "either"

(bb) for "points (a) to (c)" substitute "point (a) or (b)";

(d) in paragraph (22)—

(i) in sub-paragraph (a)(ii), in the substituted subparagraph, for "Community legislation" substitute "retained EU law";

(ii) in sub-paragraph (b)(ii), for sub-paragraph (aa) substitute—

"(aa) for "the Community" substitute "Great Britain";";

(iii) in sub-paragraph (c)—

(aa) in paragraph (i), in the substituted words, for "the United Kingdom" substitute "Great Britain";

(bb) for paragraph (ii) substitute—

"(ii) in point (c), for "the Community" substitute "Great Britain";";

(e) omit paragraphs (25) and (27);

(f) in paragraph (28), in substituted Article 52—

(i) omit paragraphs 3 and 7;

(ii) in paragraph 5, for "National Assembly for Wales" substitute "Welsh Parliament".

Amendment of the Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019

7.—(1) The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019(**11**) are amended as follows.

(2) In regulation 3—

(a) in paragraph (3)(b)(ii), for inserted points (d) and (e) substitute—

"(d) 'constituent territory' means England, Wales or Scotland, as the case may be;

(e) 'third country' means a country or territory outside the British Islands;";

(b) in paragraph (4), in inserted Article 2A, omit paragraphs 1(c) and 2(b);

(c) for paragraph (12), substitute—

"(12) Omit Article 9.";

(d) in paragraph (13)(d)(ii), in the substituted sentence, for "the United Kingdom" substitute "Great Britain";

(e) in paragraph (18)—

(i) in inserted Article 17A—

(aa) omit paragraphs 4 and 8;

(bb) in paragraph 6, for "National Assembly for Wales" substitute "Welsh Parliament";

(ii) in inserted Article 17B—

(aa) in paragraph 2, for "the United Kingdom" substitute "Great Britain";

(bb) omit paragraph 3(c);

(cc) in paragraph 4 for "any of the parties mentioned in paragraph (a) to (c)" substitute "either of the parties mentioned in paragraph (a) or (b)".

(3) In regulation 6(3)(b), in inserted paragraph 5, omit point (d).

(4) In regulation 7—

(a) in paragraph (3), in inserted Article 1A, for ", in relation to the United Kingdom, means England, Wales, Scotland or Northern Ireland" substitute "means England, Wales or Scotland, as the case may be";

(b) in paragraph (9)(a), for "export to a member State" substitute "export to a member State or movement to Northern Ireland,".

(5) In regulation 8(3), in inserted Article 1A, for ", in relation to the United Kingdom, means England, Wales, Scotland or Northern Ireland" substitute "means England, Wales or Scotland, as the case may be"

(6) In regulation 9(3), in inserted Article 1A, for ", in relation to the United Kingdom, means England, Wales, Scotland or Northern Ireland" substitute "means England, Wales or Scotland, as the case may be".

(7) In regulation 10—

(a) in paragraph (3), in inserted Article 1A, for ", in relation to the United Kingdom, means England, Wales, Scotland or Northern Ireland" substitute "means England, Wales or Scotland, as the case may be";

(b) in paragraph (6)(c), in paragraphs (i) and (ii), for "export to a member State" substitute "export to a member State or movement to Northern Ireland".

(**11**) S.I. 2019/740.

PART 3

Amendments to retained direct EU legislation relating to animal health

Amendment of Regulation (EU) No 576/2013

8.—(1) Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals(**12**) is amended as follows.

(2) In Article 5—

(a) in paragraph 3, for "Member States" substitute "The appropriate authority";

(b) in paragraph 4—

(i) for "Directive 92/65/EEC" substitute "the Trade Regulations";

(ii) for "Member States" substitute "the appropriate authority";

(iii) for "Directives 90/425/EEC or 91/496/EEC, as appropriate" substitute "the Trade Regulations and Regulation (EU) 2017/625 of the European Parliament and the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products(**13**)";

(c) in paragraph 5, for the words from "Commission" to "rules" substitute "appropriate authority may make regulations";

(d) omit paragraph 6.

(3) In Article 11—

(a) in paragraph 1, in the words before point (a)—

(i) for "Member States" substitute "the appropriate authority";

(ii) for the words from "their territory" to "Article 13(1) or (2)" substitute "the relevant constituent territory from third countries listed in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation";

(b) omit paragraph 3;

(c) in paragraph 4—

(i) in the first sentence, for the words from the beginning to "implementing act" substitute "The appropriate authority may, by regulations";

(ii) omit the second sentence.

(4) In Article 12—

(a) in paragraph 1—

(i) in the words before point (a), for the words from "a Member State" to the end, substitute "Great Britain from a third country listed in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation:";

(ii) in point (b), omit "territories or";

(iii) in point (c)—

(aa) omit "a territory or";

(bb) for "pursuant to Article 13(1) or (2)" substitute "in Part 1 or 2 of Annex 2 to the Commission Implementing Regulation";

(**12**) EUR 2013/576.
(**13**) EUR 2017/625.

(b) in paragraph 2—

(i) in the first sentence, for the words from the beginning to "implementing act" substitute "The appropriate authority may, by regulations";

(ii) omit the second sentence.

(5) In Article 13—

(a) for the heading, substitute—

"List of third countries";

(b) in paragraph 1—

(i) for the words from the beginning to "the list in" substitute "The appropriate authority may, by regulations, amend the list of third countries in Part 1 of Annex 2 to the Commission Implementing Regulation by adding or removing third countries, taking account in particular of the extent to";

(ii) omit "Section 1 of Chapter II,";

(iii) for "rules adopted" substitute "regulations made";

(c) in paragraph 2, in the words before point (a), for the words from the beginning to "the list in" substitute "The appropriate authority may, by regulations, amend the list of third countries in Part 2 of Annex 2 to the Commission Implementing Regulation by adding or removing third countries, taking account in particular of the extent to";

(d) omit paragraph 3.

(6) In Article 15—

(a) in the heading, omit "territories and";

(b) for the words from the beginning to "territories and" substitute "The appropriate authority may, by regulations adopt a list of";

(c) after "demonstrated" insert "to the satisfaction of the appropriate authority";

(d) omit "Section 2 of Chapter II,";

(e) for "rules adopted" substitute "regulations made".

(7) In Article 17(2), in the second subparagraph, for the words from "Commission" to "Article 39" substitute "appropriate authority may make regulations".

(8) In Article 19—

(a) in paragraph 1—

(i) in the first subparagraph, for the words from "Commission" to "Article 39" substitute "appropriate authority may make regulations";

(ii) omit the second subparagraph;

(b) in paragraph 2, for "a delegated act adopted pursuant to" substitute "regulations made under";

(c) in paragraph 3—

(i) in the words before point (a), for "The delegated acts provided for in" substitute "Regulations made under";

(ii) omit points (a) and (b).

(9) In Article 25(2)—

(a) for the words from "Commission" to "down" substitute "appropriate authority may publish";

(b) for "as well as" substitute "from time to time in such manner as appears to the appropriate authority to be appropriate. The appropriate authority may make regulations laying down";

(c) for "animal" substitute "pet";

(d) omit the final sentence;

(10) In Article 30—

(a) in paragraph 1, in the words before point (a)—

(i) for the words from "Commission" to "adopt" substitute "appropriate authority may publish";

(ii) for "which shall" substitute "from time to time in such manner as appears to the appropriate authority to be appropriate. The model must";

(b) in paragraph 2—

(i) for the words from "implementing" to "also lay" substitute "appropriate authority may make regulations laying";

(ii) for "that paragraph" substitute "paragraph 1";

(iii) omit the second sentence;

(c) in paragraph 3, for "the Union" substitute "Great Britain".

(11) In Article 38, for the words from "Commission" to "Article 39 to" substitute "appropriate authority may, by regulations,".

(12) For Article 39 substitute—

"Article 39

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(**14**).

3. 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.

4. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the Welsh Parliament.

5. 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).

6. 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.

7. Except as specified in paragraph 8, before making any regulations under this Regulation, an appropriate authority must consult—

(**14**) 2010 asp 10.

(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.

8. Where the appropriate authority considers there to be duly justified imperative grounds of urgency relating to a serious risk to public or animal health, the duty to consult set out in paragraph 7 does not apply to regulations made under Article 13, 19 or 36, provided that any such regulations are stated to expire at a date no later than six months after the date on which they are made.".

Amendment of Commission Implementing Regulation (EU) No 577/2013

9.—(1) Article 4 of Commission Implementing Regulation (EU) No 577/2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council(**15**) is amended as follows.

(2) In Article 1—

(a) in the heading, omit "7,";

(b) in paragraph 1—

(i) for "declarations" substitute "declaration";

(ii) omit "of Article 7(2) and".

(3) In Article 2—

(a) in the heading, omit "territories and";

(b) in paragraphs 1 and 2, omit "territories and".

(4) Omit Article 3.

(5) In Article 4—

(a) in the heading—

(i) for "animal", substitute "pet";

(ii) for "the Union", substitute "Great Britain";

(b) the existing paragraph is renumbered paragraph 1;

(c) in renumbered paragraph 1—

(i) in the words before point (a), for "animal", substitute "pet";

(ii) in point (a), for the words from "set out" to the end substitute "published by the appropriate authority from time to time, in such manner as appears to the appropriate authority to be appropriate;";

(iii) omit point (b);

(iv) in point (c), for "that Annex", in the first place it occurs, substitute "Annex 4";

(d) after paragraph 1 insert—

"**2.** Subject to paragraph 3, the pet health certificate referred to in Article 25(1) of Regulation (EU) No 576/2013 is valid for 10 days from the date of issue by the official veterinarian until the date of documentary and identity checks at the travellers' point of entry.

(**15**) EUR 2013/577.

3. In the case of transport by sea, the period of 10 days referred to in paragraph 2 is extended by an additional period corresponding to the duration of the journey by sea.".

(6) After Article 6, omit the words from "This Regulation" to "Member States.".

(7) In Annex 2—

(a) in the heading, omit "territories and";

(b) in Part 1—

(i) in the heading, omit "territories and";

(ii) in the table—

(aa) in the heading to the second column, omit "Territory or";

(bb) in the first column, in a new row after the entry "CH", insert "EU";

(cc) in the second column, in a new row after the entry "Switzerland", insert "EU Member States";

(c) in Part 2—

(i) in the heading, omit "territories and";

(ii) in the table, in the heading to the second column, omit "Territory or".

(8) Omit Annex 3.

(9) In Annex 4—

(a) omit Parts 1 and 2;

(b) in Part 3—

(i) in Section A, in the table, in the heading to the second column, for "Animal", substitute "Pet";

(ii) in Section B, for the words from "at least" to "English", substitute "English and may also be drawn up in other languages".

Amendment of Commission Implementing Decision (EU) 2019/294

10.—(1) Commission Implementing Decision (EU) 2019/294 laying down the list of territories and third countries authorised for imports into the Union of dogs, cats and ferrets and the model animal health certificate for such imports(**16**) is amended as follows.

(2) In Article 1—

(a) in the heading—

(i) omit "territories or";

(ii) omit "in accordance with Directive 92/65/EEC";

(b) in paragraph 1, for the words before point (a) substitute—

"**1.** Consignments of dogs, cats or ferrets may only be imported into Great Britain if the third countries they come from and any third country they transit are included in one of the lists set out in:";

(c) for paragraph 2 substitute—

"**2.** By way of derogation from paragraph 1, consignments of dogs, cats or ferrets destined for an approved body, institute or centre may only be imported into Great Britain if the third countries they come from, and any third countries they transit, are included in the list referred to in paragraph 1(b).

(**16**) EUDN 2019/294.

3. With respect to dogs, cats and ferrets, import conditions must be at least equivalent to those provided for in points (a) to (d) of Article 10(1), read subject to point (a) of Article 12(1), of Regulation (EU) No 576/2013.

4. Dogs, cats and ferrets must, during transport to the place of destination, be accompanied by a health certificate completed and signed by an official veterinarian of the third country of dispatch, who has attested that a clinical examination was carried out no more than 48 hours before the dispatch of the animals by a veterinarian authorised by the competent authority who has verified that, at the time of the clinical examination, the animals were fit to be transported for the intended journey.".

(3) After Article 1 insert—

"Article 1a

Definitions

In this Decision:

(a) "the appropriate authority" means the Secretary of State (in relation to England), the Welsh Ministers (in relation to Wales) and the Scottish Ministers (in relation to Scotland); but the "the appropriate authority" is the Secretary of State if consent is given by:

(i) in relation to Wales, the Welsh Ministers;

(ii) in relation to Scotland, the Scottish Ministers;

(b) "approved body, institute or centre" means any permanent, geographically limited establishment, approved by the competent authority, where one or more species of animal are habitually kept or bred (whether or not for commercial ends) exclusively for one or more of the following purposes:

(i) display of the animals and education of the public;

(ii) conservation of the species;

(iii) basic or applied scientific research or breeding of animals for the purposes of such research;

(c) "the competent authority" means the central authority of a constituent territory or a territory or third country, as the case may be, competent to carry out veterinary checks, or any authority to which it has delegated that competence;

(d) "constituent territory" means England, Wales or Scotland;

(e) "official veterinarian" means any veterinarian appointed or approved by the competent authority;

(f) "territory or third country" means a territory or country outside the British Islands.".

(4) In Article 2—

(a) in the heading, omit "territories or";

(b) in the words before (a), for "Member States" substitute "The appropriate authority";

(c) in point (a)—

(i) for "drawn up in accordance with the model as set out in Part 1 of the Annex" substitute "in the form published by the appropriate authority from time to time,";

(ii) for "the explanatory notes set out in Part 2 of the Annex" substitute "any explanatory notes to the certificate";

(d) in point (b), in both places where it occurs, omit "territories or".

(5) Omit Articles 4 and 6, the words following Article 6, and the Annex.

PART 4

Functions relating to the marketing of seed, plant and plant propagating material

CHAPTER 1

Introductory

Meaning of "the appropriate authority"

11.—(1) For the purposes of any power to make regulations under this Part, "the appropriate authority" means—

(a) in the case of regulations applying in relation to England, the Secretary of State;

(b) in the case of regulations applying in relation to Wales, the Welsh Ministers;

(c) in the case of regulations applying in relation to Scotland, the Scottish Ministers.

(2) But "the appropriate authority" is the Secretary of State if consent is given—

(a) in the case of regulations applying in relation to Wales, by the Welsh Ministers, provided the regulations do not amend, repeal or revoke enactments made by the Welsh Ministers or passed by the Welsh Parliament or require references to such enactments to be read subject to modifications;

(b) in the case of regulations applying in relation to Scotland, by the Scottish Ministers, provided the regulations do not amend, repeal or revoke enactments made by the Scottish Ministers or passed by the Scottish Parliament or require references to such enactments to be read subject to modifications.

General interpretation

12. In this Part, unless otherwise stated—

"Directive 93/49/EEC" means Commission Directive 93/49/EEC setting out the schedule indicating the conditions to be met by ornamental plant propagating material and ornamental plants(**17**);

"Directive 93/61/EEC" means Commission Directive 93/61/EEC setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed(**18**);

"Directive 98/56/EC" means Council Directive 98/56/EC on the marketing of propagating material of ornamental plants(**19**);

"Directive 2008/72/EC" means Council Directive 2008/72/EC on the marketing of vegetable propagating and planting material, other than seed(**20**);

"Directive 2008/90/EC" means Council Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production(**21**);

"Fruit Plant Marketing Regulations" means—

(**17**) OJ No. L 250, 07.10.1993, p.9, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.02.2020, p.1).
(**18**) OJ No. L 250, 07.10.1993, p.19, as last amended by Commission Implementing Directive (EU) 2020/177 (OJ No. L 41, 13.02.2020, p.1).
(**19**) OJ No. L 226, 13.08.1998, p.16, as last amended by Regulation (EU) 652/2014 (OJ No. L 189, 27.06.2014, p.1).
(**20**) OJ No. L 205, 1.08.2008, p.28, as last amended by Commission Implementing Directive (EU) 2019/990 (OJ No. L 160, 18.06.2019, p.14).
(**21**) OJ No. L 267, 8.10.2008, p.8, as last amended by Commission Implementing Decision (EU) 2019/120 (OJ No. L 24, 28.01.2019, p.27).

(a) in relation to England, the Marketing of Fruit Plant and Propagating Material (England) Regulations 2017(**22**);

(b) in relation to Wales, the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017(**23**);

(c) in relation to Scotland, the Marketing of Fruit Plant and Propagating Material (Scotland) Regulations 2017(**24**);

"fruit plant material" means plants and materials to which, or (as regards Scotland) to the marketing of which, the Fruit Plant Marketing Regulations apply;

"marketing" means holding available or in stock, display with a view to sale, offering for sale, sale or delivery by a supplier to another person;

"ornamental plant material" means plant material intended for the propagation of ornamental plants or intended for their production, provided that, in the case of production from complete plants, the resulting ornamental plant is intended for further marketing;

"vegetable plant material" means plant material to which the Marketing of Vegetable Plant Material Regulations 1995(**25**) apply.

CHAPTER 2

Retention of functions in Directive 98/56/EC

Power to set conditions with which ornamental plant material must comply

13.—(1) The appropriate authority may, by regulations—

(a) amend provision in any enactment which gave effect to provisions made by Article 3 of, and the Annex to, Directive 93/49/EEC;

(b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Article 3 of, and the Annex to, Directive 93/49/EEC to be read as a reference to that Article and Annex subject to modifications.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate—

(a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

(b) to address concerns relating to the quality of ornamental plant material;

(c) due to the economic importance of the ornamental plant material; or

(d) for consistency with international standards for pests and diseases affecting the quality of ornamental plant material.

Power to set labelling and document requirements for plant material

14.—(1) The appropriate authority may, by regulations, amend provision in any enactment which gave effect to provision made by Article 8(3) of Directive 98/56/EC.

(**22**) S.I. 2017/595, amended by S.I. 2019/1220, 1517, 2020/248, 682. It is prospectively amended from IP completion day by S.I. 2019/131.

(**23**) S.I. 2017/691 (W. 163), amended by S.I. 2019/1382 (W. 245), 2020/206 (W. 48), 311 (W. 70) and 833 (W. 182). It is prospectively amended from IP completion day by S.I. 2019/368 (W. 90).

(**24**) S.S.I. 2017/177, amended by S.S.I. 2019/59, 190, 421, 2020/34, 165. It is prospectively amended from IP completion day by S.S.I. 2019/289.

(**25**) S.I. 1995/2652, amended by S.I. 2011/1043 (in relation to the UK), 2014/487 (in relation to England), 2014/519 (W. 61) (in relation to Wales) and S.S.I. 2014/111 (in relation to Scotland), and prospectively from IP completion day by S.I. 2019/131 (in relation to England and Wales) and S.S.I. 2019/59 (in relation to Scotland); there are other amendments not relevant to these Regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it—

(a) necessary or appropriate to do so in the light of market conditions; or

(b) necessary to do so to ensure traceability of ornamental plant material.

CHAPTER 3

Retention of functions in Directive 2008/72/EC

Power to modify the regulated species of vegetable plant material

15.—(1) The appropriate authority may, by regulations—

(a) amend provision in any enactment which gave effect to provision made by Annex 2 to Directive 2008/72/EC;

(b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Annex 2 to Directive 2008/72/EC to be read as a reference to that Annex subject to modifications.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate to do so—

(a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

(b) to address concerns relating to the quality of vegetable plant material; or

(c) due to the economic importance of the vegetable plant material.

Power to set conditions with which vegetable plant material must comply

16.—(1) The appropriate authority may, by regulations—

(a) amend provision in any enactment which gave effect to provisions made by Article 3 of, and the Annex to, Directive 93/61/EEC;

(b) make provision requiring (whether by amending an enactment, or otherwise) a reference to Article 3 of, and the Annex to, Directive 93/61/EEC to be read as a reference to that Article and Annex subject to modifications.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate —

(a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

(b) to address concerns relating to the quality of vegetable plant material;

(c) due to the economic importance of the vegetable plant material; or

(d) for consistency with international standards for pests and diseases affecting the quality of vegetable plant material.

Power to set labelling and document requirements for plant material

17.—(1) The appropriate authority may, by regulations, amend provision in any enactment which corresponds to Article 6 of Directive 93/61/EEC.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it—

(a) necessary or appropriate to do so in the light of market conditions; or

(b) necessary to do so to ensure traceability of vegetable plant material.

Power to derogate in the event of temporary supply difficulties

18.—(1) The appropriate authority may, by regulations, amend, supplement, revoke or derogate from the provisions of the Marketing of Vegetable Plant Material Regulations 1995(**26**) in the event of a temporary difficulty affecting the supply of vegetable plant material.

(2) But regulations may only be made under paragraph (1) where—

(a) the appropriate authority has carried out an assessment that has taken account of available information regarding the temporary difficulty affecting the supply of vegetable plant material and the reasons for that difficulty;

(b) the assessment has confirmed that—

(i) there is a temporary difficulty affecting the supply of vegetable plant material in the United Kingdom; and

(ii) the derogations provide safeguards to address any risk to plant health arising from vegetable plant material in relation to which the derogations apply; and

(c) the assessment has been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers.

CHAPTER 4

Retention of functions in Directive 2008/90/EC

Power to modify the regulated species of fruit plant material

19.—(1) The appropriate authority may, by regulations, amend—

(a) in relation to England and Wales, Schedule 3 to the Fruit Plant Marketing Regulations;

(b) in relation to Scotland, Schedule 1 to the Fruit Plant Marketing Regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate—

(a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

(b) to address concerns relating to the quality of fruit plant material; or

(c) due to the economic importance of the fruit plant material.

Power to set conditions with which fruit plant material must comply

20.—(1) The appropriate authority may, by regulations, amend—

(a) in relation to England and Wales, Schedules 1 and 5 to the Fruit Plant Marketing Regulations;

(b) in relation to Scotland, Schedules 2 and 3 to the Fruit Plant Marketing Regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it is necessary or appropriate—

(a) in the light of developments in scientific or technical knowledge, production techniques or agronomic practices;

(**26**) S.I. 1995/2652, amended by S.I. 2011/1043 (in relation to the UK), 2014/487 (in relation to England), 2014/519 (W. 61) (in relation to Wales) and S.S.I. 2014/111 (in relation to Scotland), and prospectively from IP completion day by S.I. 2019/131 (in relation to England and Wales) and S.S.I. 2019/59 (in relation to Scotland); there are other amendments not relevant to these Regulations.

(b) to address concerns relating to the quality of fruit plant material;

(c) due to the economic importance of the fruit plant material; or

(d) for consistency with international standards for pests and diseases affecting the quality of fruit plant material.

Power to set labelling and document requirements for fruit plant material

21.—(1) The appropriate authority may, by regulations, amend—

(a) in relation to England and Wales, Schedule 2 to the Fruit Plant Marketing Regulations;

(b) in relation to Scotland, Schedule 5 to the Fruit Plant Marketing Regulations.

(2) But the appropriate authority may exercise the power in paragraph (1) only to the extent that the appropriate authority considers it—

(a) necessary or appropriate to do so in the light of market conditions; or

(b) necessary to do so to ensure traceability of fruit plant material.

Power to derogate in the event of temporary supply difficulties

22.—(1) The appropriate authority may, by regulations, amend, supplement, revoke or derogate from the provisions of the Fruit Plant Marketing Regulations in the event of a temporary difficulty in the supply of fruit plant material.

(2) But regulations may only be made under paragraph (1) where—

(a) the appropriate authority has carried out an assessment that has taken account of available information regarding the temporary difficulty in the supply of fruit plant material and the reasons for that difficulty;

(b) the assessment has confirmed that—

(i) there is a temporary difficulty in the supply of fruit plant material in the United Kingdom; and

(ii) the derogations provide safeguards to address the risk to plant health arising from fruit plant material to which regulations under paragraph (1) will apply; and

(c) the assessment has been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers.

CHAPTER 5

Regulations

Procedure for regulations and ancillary powers

23.—(1) This regulation sets out—

(a) the procedure for the making of regulations under this Part; and

(b) power to make ancillary provision.

(2) Regulations made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.

(3) For regulations made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(**27**).

(**27**) 2010 asp 10.

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

(5) A statutory instrument containing regulations made by Welsh Ministers is subject to annulment in pursuance of a resolution of the Welsh Parliament.

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

(7) Regulations may—

(a) contain supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.

PART 5

Functions relating to third country equivalence and the marketing of seed, plant and plant propagating material in Directives 66/401/EEC, 66/402/EEC, 1999/105/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC

Meaning of "the appropriate authority"

24.—(1) In this Part, "the appropriate authority", in relation to an authorisation, means—

(a) in relation to England, the Secretary of State;

(b) in relation to Wales, the Welsh Ministers;

(c) in relation to Scotland, the Scottish Ministers.

(2) But "the appropriate authority" is the Secretary of State if consent is given—

(a) in the case of an authorisation in relation to Wales, by the Welsh Ministers;

(b) in the case of an authorisation in relation to Scotland, by the Scottish Ministers.

General interpretation

25. In this Part—

"agricultural seed" means seed intended to be used for agricultural or horticultural production, of the plants listed—

(a) in relation to England, in the first column of the table in Schedule 1 to the Seed Marketing Regulations 2011(**28**);

(b) in relation to Wales, in the first column of the table in Schedule 1 to the Seed Marketing (Wales) Regulations 2012(**29**);

(c) in relation to Scotland, in—

(i) Schedule 1 to the Vegetable Seeds Regulations 1993(**30**);

(ii) Schedule 1 to the Oil and Fibre Plant Seed (Scotland) Regulations 2004(**31**);

(iii) Schedule 1 to the Cereal Seed (Scotland) Regulations 2005(**32**);

(**28**) S.I. 2011/463, relevant amending instruments are S.I. 2017/288, 2020/579.
(**29**) S.I. 2012/245 (W. 39), relevant amending instruments are S.I. 2017/1095 (W. 276), 2020/601 (W. 138).
(**30**) S.I. 1993/2008, relevant amending instruments are S.I. 2002/3175, 2005/3035 (W. 223), S.S.I 2007/305 .
(**31**) S.S.I. 2004/317, amended by S.S.I. 2010/219; there are other amending instruments but none is relevant.
(**32**) S.S.I. 2005/328, amended by S.S.I. 2010/219; there are other amending instruments but none is relevant.

(iv) Schedule 1 to the Fodder Plant Seed (Scotland) Regulations 2005(**33**);

(v) Schedule 1 to the Beet Seed (Scotland) (No. 2) Regulations 2010(**34**);

"forest reproductive material" has the meaning given in regulation 2 of the Forest Reproductive Material (Great Britain) Regulations 2002(**35**);

"OECD Seed Scheme" means any of the schemes established by the Organisation for Economic Cooperation and Development for the varietal certification or the control of seed moving in international trade for—

(a) grasses and legumes;

(b) crucifers and other oil or fibre species;

(c) cereals;

(d) maize;

(e) sorghum;

(f) beet; and

(g) vegetables;

"OECD Forest Scheme" means the scheme established by the Organisation for Economic Cooperation and Development for the certification of forest reproductive material moving in international trade;

"plant material" means agricultural seed, forest reproductive material and seed potatoes;

"relevant legislation" means—

(a) the Forest Reproductive Material (Great Britain) Regulations 2002(**36**);

(b) in relation to England—

(i) the Seed Marketing Regulations 2011(**37**);

(ii) the Seed Potatoes (England) Regulations 2015(**38**);

(c) in relation to Wales—

(i) the Seed Marketing (Wales) Regulations 2012(**39**);

(ii) the Seed Potatoes (Wales) Regulations 2016(**40**);

(d) in relation to Scotland—

(i) the Vegetable Seeds Regulations 1993(**41**);

(ii) the Oil and Fibre Plant Seed (Scotland) Regulations 2004(**42**);

(iii) the Cereal Seed (Scotland) Regulations 2005(**43**);

(**33**) S.S.I. 2005/329, amended by S.S.I. 2010/219; there are other amending instruments but none is relevant.
(**34**) S.S.I. 2010/148, to which there are amendments not relevant to the Schedule. It is prospectively amended by S.S.I. 2019/59.
(**35**) S.I. 2002/3026, to which there are amendments not relevant to this definition and Schedule 1.
(**36**) S.I. 2002/3026, amended by S.I. 2006/2530, 2011/1043, 2013/755 (W. 90), 2014/1833, 2019/496 (W. 113), 1517, 2020/206 (W. 48), S.S.I. 2019/421, 734. It is prospectively amended by S.I. 2019/131, S.S.I. 2019/130, S.I. 2019/735 (W. 138).
(**37**) S.I. 2011/463, amended by S.I. 2011/2992, 2012/3035, 2014/487, 2016/613, 2017/288, 2019/131, 472, 2020/579, 682. It is prospectively amended by S.I. 2019/809.
(**38**) S.I. 2015/1953, amended by S.I. 2017/288, 2018/575, 2019/472, 1517, 2020/682. It is prospectively amended by S.I. 2019/809.
(**39**) S.I. 2012/245 (W. 39), amended by S.I. 2013/889 (W. 101), 2014/519 (W. 61), 2016/1242 (W. 294), 2017/1095 (W. 276), 2019/368 (W. 90), 737 (W. 140), 2020/601 (W. 138), 833 (W. 182).
(**40**) S.I. 2016/106 (W. 52), amended by S.I. 2017/596 (W. 139), 1095 (W. 276), 2018/1216 (W. 249), 2020/206 (W. 48), 833 (W. 182). It is prospectively amended by S.I. 2019/738 (W. 141).
(**41**) S.I. 1993/2008, amended by S.I. 1996/1452, 1997/616, 1999/1863, 2000/1790, 2001/3510, 2001/3667 (W. 299), 2002/3175, 2005/3035 (W. 223), 2011/1043, S.S.I 2000/250, 2007/305, 2010/219, 425, 2013/326, 2016/434, 2019/59, 2020/165. It is prospectively amended by S.S.I. 2019/190.
(**42**) S.S.I. 2004/317, amended by S.S.I. 2006/313, 2007/224, 2009/223, 2010/219, 2016/68, 434, 2019/59, 2020/165.
(**43**) S.S.I. 2005/328, amended by S.S.I. 2006/313, 448, 2007/224, 2009/223, 2010/219, 2011/1043, 2016/68, 434, 2019/59, 2020/165. It is prospectively amended by S.S.I. 2019/190.

(iv) the Fodder Plant Seed (Scotland) Regulations 2005(**44**);

(v) the Beet Seed (Scotland) (No. 2) Regulations 2010(**45**);

(vi) the Seed Potatoes (Scotland) Regulations 2015(**46**);

"seed potatoes" has the meaning given—

(a) in relation to England, by regulation 2 of the Seed Potatoes (England) Regulations 2015;

(b) in relation to Wales, by regulation 2 of the Seed Potatoes (Wales) Regulations 2016;

(c) in relation to Scotland, by regulation 2 of the Seed Potatoes (Scotland) Regulations 2015.

Power to recognise the equivalence of plant material measures adopted by countries outside the British Islands

26.—(1) The appropriate authority may authorise the marketing of plant material from any country outside the British Islands if satisfied—

(a) that the plant material produced in that country has been produced under conditions equivalent to the requirements in the relevant legislation relating to the plant material concerned; and

(b) in relation to plant material other than forest reproductive material, that the official checks on practices for the maintenance of varieties for the plant material concerned carried out in that country afford the same guarantees as those carried out under the Seeds (National Lists of Varieties) Regulations 2001(**47**).

(2) The appropriate authority may only give an authorisation under paragraph (1) where—

(a) the appropriate authority has made an assessment of the legislation of the country concerned;

(b) the appropriate authority has made an assessment of the practices of the competent authority of the country concerned, including as regards the certification, inspection and examination of the plant material;

(c) in relation to agricultural seed, the country concerned is a member of the relevant OECD Seed Scheme;

(d) in relation to forest reproductive material, unless such material is not available from any country that is a member of the OECD Forest Scheme, the country concerned is a member of that Scheme.

(3) An authorisation given under paragraph (1)—

(a) must be based on assessments that have been approved by the Secretary of State, the Welsh Ministers and the Scottish Ministers;

(b) must be in writing;

(c) may be subject to conditions; and

(d) may be amended, suspended or revoked by notice.

(**44**) S.S.I. 2005/329, amended by S.S.I. 2006/313, 448, 2007/224, 2009/223, 330, 2010/219, 2011/1043, 2012/5, 2013/326, 2016/68, 434, 2017/384, 2019/59, 2020/165.

(**45**) S.S.I. 2010/148, amended by S.S.I. 2016/68, 434, 2011/1043, 2019/59.

(**46**) S.S.I. 2015/395, amended by S.S.I. 2016/68, 434, 2018/391, 2019/59, 421, 2020/165. It is prospectively amended by S.S.I. 2019/190.

(**47**) S.I. 2001/3510, amended by S.S.I. 2004/317, S.I. 2004/2949, S.S.I. 2005/328, 329, S.I. 2007/1871, 2009/1273, 2010/1195, 2011/464, 2012/2897, 2013/2042, 2014/487, S.S.I 2015/395, S.I. 2016/106 (W. 52), 2018/942, 2020/579. It is prospectively amended by S.I. 2019/162.

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

7th December 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a), (b), (c), (d), (f) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Parts 2 and 3 make amendments to legislation relating to animal health and welfare, and animal health requirements for aquaculture animals and products including alien and locally absent species in aquaculture.

Parts 4 and 5, which apply in relation to the marketing of seed, plant and plant propagating material, including seed potatoes and forest reproductive material, make provision for certain functions of the European Commission of a legislative character to be exercisable instead by the Secretary of State, the Welsh Ministers or the Scottish Ministers.

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