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STATUTORY INSTRUMENTS

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**2020 No. 1463**

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

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<sup>(1)</sup> 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<sup>(2)</sup>”;
- (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—

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(1) EUR 2013/576.

(2) EUR 2017/625.

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**Changes to legislation:** There are currently no known outstanding effects for the *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, Section 8.* (See end of Document for details)

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- (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”;
  - (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(3).

**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.

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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—

- (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.”.

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**Commencement Information**

**II** Reg. 8 in force at 31.12.2020 on IP completion date, see **reg. 1(2)(b)**

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