
STATUTORY INSTRUMENTS

2022 No. 1322

**The Trade in Animals and Related Products (Amendment
and Legislative Functions) Regulations 2022**

PART 4

Legislative and other functions

Provisions containing legislative and other functions

8.—(1) The Schedule contains lists of provisions of EU Directives that confer functions on the appropriate authority, together with any provisions that are to be retained because they are either to be read with a listed provision and are relevant to the exercise of that function, or connected to the purpose of that function, for the purposes of paragraphs (2), (3) and (4) of this regulation.

(2) Where the Secretary of State is the appropriate authority the functions conferred by the provisions referred to in the Schedule—

- (a) together with any other provisions listed in the Schedule that may be relevant or connected to the exercise of a listed function, as modified by Part 5 of those Regulations and so far as they relate to consignments to which these Regulations apply, are exercisable as if those provisions formed part of domestic law; and
- (b) are to be treated as a function conferred by these Regulations.

(3) Where the Scottish Ministers are the appropriate authority the functions conferred by the provisions referred to in the Schedule—

- (a) together with any other provisions listed in the Schedule that may be relevant or connected to the exercise of a listed function, as modified by Part 5 of those Regulations and so far as they relate to consignments to which these Regulations apply, are exercisable as if those provisions formed part of domestic law; and
- (b) are to be treated as a function conferred by these Regulations.

Regulation-making procedure

9.—(1) Regulations made by the Secretary of State under any of the functions listed in the Schedule are to be made by statutory instrument.

(2) Regulations made by the Scottish Ministers under any of the functions listed in the Schedule are to be made by Scottish statutory instrument⁽¹⁾.

(3) A statutory instrument containing regulations made by the Secretary of State under any of the functions listed in the Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

(1) See section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(4) Regulations made by the Scottish Ministers under any of the functions listed in the Schedule are subject to the negative procedure⁽²⁾.

(5) Regulations made under any of the functions listed in the Schedule may—

(a) contain consequential, incidental, supplementary, transitional or saving provision, including provision amending, repealing or revoking any enactment⁽³⁾;

(b) make different provision for different purposes.

(6) Before making any regulations under any of the functions listed in the Schedule, 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.

⁽²⁾ See section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010.

⁽³⁾ “Enactment” has the meaning given by the parent act, the European Union Withdrawal Act 2018 (c. 16). Note that “enactment” does not include an Act of Parliament.