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WELSH STATUTORY INSTRUMENTS

2020 No. 177 (W. 38)

AGRICULTURE, WALES ANIMALS, WALES

The Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020

<i>Made</i>	- - - -	<i>24 February 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>26 February 2020</i>
<i>Coming into force</i>	- -	<i>20 March 2020</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Welsh Ministers are designated for the purposes of section 2(2) of that Act in relation to the veterinary and phytosanitary fields for the protection of public health(2).

Title and commencement

1. The title of these Regulations is the Trade in Animals and Related Products (Wales) (Amendment) Regulations 2020 and they come into force on 20 March 2020.

Amendment to the Trade in Animals and Related Products (Wales) Regulations 2011

2.—(1) The Trade in Animals and Related Products (Wales) Regulations 2011(3) are amended as follows.

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- (1) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (2) S.I. 2008/1792, which is prospectively revoked by S.I. 2018/1011 from IP completion day.
- (3) S.I. 2011/2379 (W. 252), amended by S.I. 2020/44 (W. 5); there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In regulation 12(4), for the words from “echinoderms” to “local authority” substitute “echinoderms, live tunicates and live marine gastropods and composite products containing processed fishery products intended for human consumption, the enforcement authority”.

(3) In regulation 20—

(a) in paragraph (7), omit the words from “but is entitled” to the end;

(b) omit paragraph (8).

(4) In regulation 23(6), omit the words from “but is entitled” to the end.

(5) In Schedule 2, in paragraph 9(1), in the English language text, after “purposes” insert “of”.

24 February 2020

Lesley Griffiths
Minister for Environment, Energy and Rural
Affairs, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Trade in Animals and Related Products (Wales) Regulations 2011 (“the 2011 Regulations”).

Regulation 12(4) of the 2011 Regulations is amended to clarify that official fish inspectors are responsible for decisions relating to composite products containing processed fishery products.

Regulations 20(7) and 23(6) of the 2011 Regulations relate to cases where non-compliant products and animals are required to be treated, re-dispatched or destroyed. These provisions make the importer or the importer’s representative liable for the costs incurred for any enforcement measures taken following failure of checks or seizure of goods and animals imported from countries outside the European Union. The amendments to these provisions ensure that the importer or importer’s representative is not entitled to any payment following their destruction.

Regulation 20(8) of the 2011 Regulations is omitted, in view of the last subparagraph of Article 66(3) of the Regulation (EU) 2017/625 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 (OJ No. L 95, 7.4.2017, p. 1). By virtue of Article 66(3), in certain circumstances the importer or the importer’s representative is entitled to be heard regarding a requirement proposed to be imposed in relation to a non-compliant consignment.

Schedule 2 to the 2011 Regulations is amended to correct a minor error in its text.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.