

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No. 0000

**EXITING THE EUROPEAN UNION
ANIMALS
FARRIERS
VETERINARY SURGEONS**

The Farriers and Animal Health
(Amendment) (EU Exit) Regulations 2019

Made - - - - - *******

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

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.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(2) In these Regulations, “the Act” means the Farriers (Registration) Act 1975⁽²⁾.

(1) 2018 c. 16.
(2) 1975 c. 35.

PART 2

Amendment and transitional provision regarding the Farriers (Registration) Act 1975

Amendment of the Act

- 2.**—(1) The Act is amended as follows.
- (2) Omit sections 3(2A) and 4(5)(3).
- (3) In section 7(4)—
- (a) in subsection (1)—
 - (i) in paragraph (d), at the end, insert “or”;
 - (ii) in paragraph (e)(i), for “a relevant European State” substitute “Great Britain”;
 - (iii) omit paragraphs (f) and (g);
 - (b) omit subsections (6) to (9).
- (4) In section 9(5)—
- (a) omit subsections (2) to (5);
 - (b) in subsections (6) and (7), omit “(2), (3) or (4)”.
- (5) In section 10(1)(b)(6), for “, Part IV or Part V” substitute “or Part 4”.
- (6) Omit section 15(1)(d)(7) (together with the preceding “or”).
- (7) Omit section 15A(1)(iii)(8) (together with the preceding “or”).
- (8) Omit section 16(2)(c)(9) (together with the preceding “or”).

Applications before exit day: transitional provision

- 3.**—(1) This regulation applies where before exit day—
- (a) an application under Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015(10) has been made but not determined, or
 - (b) an application under section 7(1)(g) of the Act has been made but not determined.
- (2) The provisions of the Act continue to apply to that application as if the Act were not amended by regulation 2 of these Regulations, but as if in section 7—
- (a) in subsection (1)—
 - (i) in paragraph (f)—
 - (aa) for “the European Union (Recognition of Professional Qualifications) Regulations 2015” there were substituted “the 2015 Regulations by virtue of the operation of paragraph 44 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019(11)”;

(3) Section 3(2A) and 4(5) were inserted by [S.I. 2008/646](#).

(4) Section 7 was substituted by [S.I. 2008/646](#) and amended by [S.I. 2015/2072](#).

(5) Section 9 was substituted by [S.I. 2008/646](#) and amended by [S.I. 2015/2072](#).

(6) Section 10(1)(b) was amended by [S.I. 2008/646](#).

(7) Section 15(1) was amended by [S.I. 2008/646](#), [2015/2072](#).

(8) Section 15A was inserted by the Farriers (Registration) (Amendment) Act [1977 \(c. 31\)](#), the Schedule and subsection 1(iii) was inserted by [S.I. 2008/646](#).

(9) Section 16(2)(c) was inserted by [S.I. 2008/646](#).

(10) [S.I. 2015/2059](#), to which there are amendments not relevant to these Regulations.

(11) [S.I. 2019/XXXX](#).

- (bb) for “those Regulations” there were substituted “the 2015 Regulations”;
- (ii) in paragraph (g), for “those Regulations” there were substituted “the 2015 Regulations, as they applied on the day before exit day”;
- (b) after subsection (1) there were inserted—
 - “(1A) In subsection (1), “the 2015 Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015.”.

Temporary and occasional provision of services: transitional provision

- 4.—(1) This Regulation applies to a declaration—
 - (a) which has been submitted or renewed in accordance with regulation 15 of the European Union (Recognition of Professional Qualifications) Regulations 2015, and
 - (b) in respect of which paragraph 42 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019 applies.
- (2) The provisions of the Act continue to apply to that declaration as if the Act were not amended by regulation 2 of these Regulations, but as if in section 7(6) after “if” it were inserted “, by virtue of the paragraph 42 of Schedule 1 to the Recognition of Professional Qualifications (Amendment etc.) (EU Exit) Regulations 2019,”.

PART 3

Amendment of the Animal Health Act 1981

Amendment of the Animal Health Act 1981

- 5.—(1) The Animal Health Act 1981(12) is amended as follows.
- (2) In section 64A(13)—
 - (a) in the heading, for “EU obligations” substitute “retained EU law”;
 - (b) in paragraph (a), in the words after sub-paragraph (ii), for the words from “the provisions” to “or are” substitute “any retained EU law within an order made under this Act has been or is”.
- (3) In Schedule 3, omit paragraph 2A(4)(a)(14).

PART 4

Amendment of subordinate legislation

Amendment of the Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2010

- 6.—(1) The Veterinary Surgery (Rectal Ultrasound Scanning of Bovines) Order 2010(15) is amended as follows.
- (2) In Article 1(2), in the definition of “approved course”, omit paragraph (b) (together with the preceding “or”).

(12) 1981 c. 22.

(13) Section 64A was inserted by S.I. 1992/3293 and amended by S.I. 2011/1043.

(14) Paragraph 2A was inserted, in England and Wales, by S.I. 2005/3475 and amended by S.I. 2011/1043.

(15) S.I. 2010/2056.

- (3) In Article 4(2), omit the words from “or a person” to “the Act”.

Amendment of the Veterinary Surgery (Epidural Anaesthesia of Bovines) Order 2010

7.—(1) The Veterinary Surgery (Epidural Anaesthesia of Bovines) Order 2010(16) is amended as follows.

- (2) In Article 3—
- (a) in the definition of “approved course”, omit paragraph (b) (together with the preceding “or”);
 - (b) in the definition of “embryo collection or embryo transfer team”—
 - (i) for “Secretary of State,” substitute “Secretary of State or”;
 - (ii) omit “or by the competent authority of a relevant European State”.
- (3) Omit Article 4(2)(b)(ii)(bb) (together with the preceding “or”).

Amendment of the Veterinary Surgery (Artificial Insemination) Order 2010

8.—(1) The Veterinary Surgery (Artificial Insemination) Order 2010(17) is amended as follows.

- (2) In Article 1(2), in the definition of “veterinary surgeon”, omit the words from “or who holds” to the end.
- (3) In Article 3—
- (a) in paragraph (2)(c)—
 - (i) in paragraph (ii), at the end, insert “or”;
 - (ii) omit paragraph (iv) (together with the preceding “or”);
 - (b) in paragraph (3), omit sub-paragraph (b) (together with the preceding “or”).
- (4) In Article 4(3), omit sub-paragraph (b) (together with the preceding “or”).

Date

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of domestic legislation to operate effectively and other deficiencies (in particular under section 8(2)(c) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to domestic legislation in the fields of mutual recognition of professional qualifications, in particular farriers, and animal health. Part 2 amends the Farriers (Registration) Act 1975 (c. 35) and makes transitional provision; Part 3 amends the Animal Health Act 1981 (c. 22); Part 4 amends subordinate legislation.

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