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STATUTORY INSTRUMENTS

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**2019 No. 1313**

**EXITING THE EUROPEAN  
UNION, NORTHERN IRELAND  
AGRICULTURE, NORTHERN IRELAND  
ANIMALS, NORTHERN IRELAND  
FOOD, NORTHERN IRELAND  
HORTICULTURE, NORTHERN IRELAND  
PLANT HEALTH, NORTHERN IRELAND  
WILDLIFE, NORTHERN IRELAND**

The Agriculture, Environment and Rural Affairs (Amendment)  
(Northern Ireland) (EU Exit) (No. 2) Regulations 2019

*Made* - - - - *at 2.00 p.m. on 7th  
October 2019*  
*Laid before Parliament* *at 4.00 p.m. on 7th  
October 2019*  
*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 <sup>M1</sup> makes the following Regulations.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

There has been open and transparent public consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council <sup>M2</sup> laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

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**Marginal Citations**

**M1** 2018 c. 16.

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019. (See end of Document for details)*

**M2** OJ No. L 31, 1.2.2002, p. 1, as amended by Commission Regulation (EC) No. 202/2008 (OJ No. L 60, 4.3.2008, p. 17).

## PART 1

### Introductory

#### Citation, commencement and extent

1.—(1) These Regulations may be cited as the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 and come into force in accordance with paragraph (2).

(2) These Regulations come into force as follows—

- (a) as regards regulations 1, 4 and 8, immediately before exit day;
- (b) as regards all other regulations, on exit day.

(3) These Regulations extend to Northern Ireland only.

#### Commencement Information

**I1** Reg. 1 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(a\)](#)

## PART 2

### Amendment of the Agriculture (Food) Provisions

#### Amendment of the Eggs and Chicks Regulations (Northern Ireland) 2010

2. In the Eggs and Chicks Regulations (Northern Ireland) 2010 <sup>M3</sup>, in Schedule 2, in Part 2 in the Table—

<sup>F1</sup>(a) .....

- (b) in row 26 (Article 12(2), fourth sub-paragraph), in the second column, for “Chapter III of Council Directive [1999/74/EC](#)” substitute “ Schedule 3 to the Northern Ireland welfare regulations ”.

#### Textual Amendments

**F1** Reg. 2(a) revoked (31.12.2020 immediately before IP completion day) by [The Agriculture, Animals and Aquaculture \(Health, Identification, Welfare, Trade etc.\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/324\)](#), [reg. 1\(2\)](#), [Sch.](#)

#### Commencement Information

**I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019. (See end of Document for details)*

#### Marginal Citations

**M3** S.R. 2010 No. 125. Relevant amendments are made to the Table in S.R. 2014 No. 92, [regulation 5\(11\)\(b\)\(iii\)](#) and S.I. 2019/347, [regulation 4\(7\)\(b\)](#).

## PART 3

### Amendment of the Animals Provisions

#### Amendment of the Importation of Animal Pathogens Order (Northern Ireland) 1999

3.—(1) The Importation of Animal Pathogens Order (Northern Ireland) 1999 <sup>M4</sup> is amended as follows.

- (2) In Article 2, in the definition of “another Member State”—
  - (a) for “another” substitute “ a ”;
  - (b) omit “other than the United Kingdom”.
- (3) In Article 6, for “another” substitute “ a ”.

#### Commencement Information

**I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

#### Marginal Citations

**M4** S.R. 1999 No. 433, as amended by S.I. 2011/1043.

## PART 4

### Amendment of the Horticulture Provisions

PROSPECTIVE

#### Amendment of the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

<sup>F2</sup>4. ....

#### Textual Amendments

**F2** Reg. 4 revoked (31.12.2020 immediately before IP completion day) by [The Agriculture, Animals and Aquaculture \(Health, Identification, Welfare, Trade etc.\) \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/324\)](#), [reg. 1\(2\)](#), [Sch.](#)

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019. (See end of Document for details)*

## PART 5

### Amendment of the Plant Health Provisions

#### Amendment of the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995

5. In the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 <sup>M5</sup>, in regulation 4A(1), and in the heading, for “European Union” substitute “United Kingdom”.

##### Commencement Information

**I4** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

##### Marginal Citations

**M5** S.R. [1995 No. 415](#). Regulation 4A was inserted by S.R. [2019 No. 161](#).

#### Amendment of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006

6. In the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 <sup>M6</sup>, in Article 2—  
 (a) omit the definitions from “Decision [2002/757/EC](#)” to “Decision (EU) 2018/1503”;  
 (b) omit paragraph (4).

##### Commencement Information

**I5** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

##### Marginal Citations

**M6** S.R. [2006 No. 66](#), as amended by S.R. [2012 No. 400](#), S.R. [2015 No. 129](#), S.R. [2019 No. 99](#), S.R. [2019 No. 162](#) and S.I. [2019/820](#).

#### Amendment of the Plant Health Order (Northern Ireland) 2018

7. In the Plant Health Order (Northern Ireland) 2018 <sup>M7</sup>, in Article 2, omit the definition of “Decision (EU) 2018/1503”.

##### Commencement Information

**I6** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(b\)](#)

##### Marginal Citations

**M7** S.R. [2018 No. 184](#), as amended by S.R. [2019 No. 49](#), S.R. [2019 No. 151](#), S.R. [2019 No. 160](#) and S.I. [2019/820](#).

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019. (See end of Document for details)*

## **Amendment of the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019**

8. In the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019<sup>M8</sup>, in regulation 56, for the words before the inserted text substitute—

“In regulation 5—

- (a) in paragraph (3), for “European Union” substitute “ United Kingdom ”;
- (b) at the end insert—”.

### **Commencement Information**

**I7** Reg. 8 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)\(a\)](#)

### **Marginal Citations**

**M8** [S.I. 2019/211](#) to which there are amendments not relevant to these Regulations.

## **PART 6**

### **Amendment of the Wildlife Provisions**

PROSPECTIVE

### **Amendment of the Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019**

**F39.** . . . . .

### **Textual Amendments**

**F3** Reg. 9 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Pesticides and Invasive Alien Species \(Enforcement and Permitting\)\(Amendment\)\(EU Exit\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/268\)](#), [regs. 1\(2\), 4](#)

Department for Environment, Food and Rural  
Affairs

*George Eustice*  
Parliamentary Under Secretary of State

**Status:** *This version of this Instrument contains provisions that are prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019. (See end of Document for details)*

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## 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 EU derived law to operate effectively and other deficiencies (in particular, the deficiencies referred to in paragraphs (a), (c), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. Part 2 amends the Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010 No. 125). It omits the Union requirements on the marking of eggs for cross-border delivery between Member States and substitutes a new domestic law reference.

Part 3 makes consequential amendments to the Importation of Animal Pathogens Order (Northern Ireland) 1999 (S.R. 1999 No. 433) to substitute an amended reference to a Member State.

Part 4 amends the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/1101) to insert a corrected reference to the community marketing rules offences.

Part 5 amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 (S.R. 1995 No. 415), the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006 No. 66), the Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) and the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211).

Part 6 amends the Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019 No. 159). It makes new substitutions in relation to the “Union List”.

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

**Status:**

This version of this Instrument contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the The Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019.