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STATUTORY INSTRUMENTS

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**2020 No. 1631**

**The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020**

**PART 5**

Transitional provisions

**General transitional provision relating to model certificates**

**33.**—(1) Subject to the application of regulation 34, where Part 3 of these Regulations amends any provision of legislation which, on or after IP completion day, forms part of retained EU law so as to enable the presentation or other use of a model certificate in the form “published by the appropriate authority from time to time”, that amendment does not preclude a model certificate in the form set out in the text of that legislation, as it had effect immediately before IP completion day, from being presented or otherwise used on or after IP completion day in connection with a relevant activity instead of the equivalent model certificate published by the appropriate authority.

(2) Paragraph (1) applies until such date as the appropriate authority may by regulations appoint.

(3) In paragraph (1), “relevant activity” means—

- (a) the importation of goods into, or movement of goods through or from, Great Britain;
- (b) the placing on the market or inspection of goods in Great Britain; or
- (c) the slaughter of animals in Great Britain.

**Transitional arrangements relating to model certificates for animals and products**

**34.**—(1) This regulation applies during the transitional staging period in relation to the entry of animals and products into, or movement within or through, Great Britain.

(2) Where a provision in retained EU legislation—

- (a) confers a function relating to the entry of animals and products into, or movement within or through, Great Britain; and
- (b) provides for the presentation or other use of a published model certificate in connection with the exercise of those functions;

such a provision does not prevent the presentation or other use of a model certificate in the form set out in the text of such legislation, as it had effect immediately before IP completion day, instead of the corresponding published model certificate.

(3) Paragraph (4) applies where—

- (a) immediately before IP completion day, a provision in a Directive—
  - (i) conferred a function relating to the entry of animals or products into, or movement within or through, a member State; and
  - (ii) provided for the presentation or other use of a model certificate in connection with the exercise of that function; and

- (b) on or after IP completion day, either—
  - (i) the function does not form part of retained EU legislation; or
  - (ii) retained EU legislation confers a function relating to the presentation or other use of a corresponding published model certificate.

(4) Where this paragraph applies, a model certificate in the form set out in the Directive referred to in paragraph (3)(a), as it had effect immediately before IP completion day, may continue to be presented or otherwise used in connection with the entry and movement of animals and products into or through Great Britain during the transitional staging period.

(5) In this regulation—

“entry into Great Britain” has the meaning given in Article 3(40) of Regulation (EU) 2017/625(1);

“model certificate” means a model form of health certificate or other document relating to the importation of animals or products, which provides certification or evidence of compliance with public, environmental or animal health and hygiene standards required for the purpose of entry into, or movement within or through, Great Britain or, as the case may be, an EEA state;

“product” means product of animal origin, germinal products, hay and straw, animal by-products and foodstuffs containing both products of plant origin and processed products of animal origin;

“products of animal origin”, “germinal products” and “animal by-products” have the meanings given in Article 3 of Regulation (EU) 2017/625;

“published model certificate” means a model certificate in the form published online by an appropriate authority, as amended from time to time;

“a territory subject to special transitional import arrangements” means an EEA state, the Faroe Islands, Greenland or Switzerland;

“third country” has the meaning given in given in Article 3(2D) of Regulation (EU) 2017/625(2);

“the transitional staging period” has the meaning given in Annex 6 to Regulation (EU) 2017/625(3).

### **Definition of appropriate authority**

**35.**—(1) In this Part, “the appropriate authority” means, subject to paragraph (2)—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers.

(2) The appropriate authority is the Secretary of State—

- (a) in relation to any functions exercisable in relation to a matter which is outside devolved competence; or
- (b) in any other case, if consent is given—
  - (i) in the case of functions conferred, or any provision in regulations applying, in relation to Wales, by the Welsh Ministers;
  - (ii) in the case of functions conferred, or any provision in regulations applying, in relation to Scotland, by the Scottish Ministers.

(1) The definition of ‘entry into Great Britain’ in Article 3 of Regulation (EU) 2017/625 was inserted by [S.I. 2020/1481](#).

(2) The definition of ‘third country’ in Article 3(2D) of Regulation (EU) 2017/625 was inserted by [S.I. 2020/1481](#).

(3) The definition of ‘the transitional staging period’ in Annex 6 to Regulation (EU) 2017/625 was inserted by [S.I. 2020/1481](#).

- (3) For the purposes of paragraph (1), a provision is “outside devolved competence”—
- (a) in relation to Wales, if it would not be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975<sup>(4)</sup>, that such consent were given);
  - (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

### **Regulations made under this Part**

**36.**—(1) Regulations made by the Secretary of State or the Welsh Ministers under this Part are to be made by statutory instrument.

(2) For regulations made by the Scottish Ministers under this Part, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010<sup>(5)</sup>.

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

(4) A statutory instrument containing regulations made by the Welsh Ministers under this Part is subject to annulment in pursuance of a resolution of Senedd Cymru.

(5) Regulations made by the Scottish Ministers under Part are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(6) Regulations made under this Part may make different provision for different purposes.

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<sup>(4)</sup> 1975 c. 26.

<sup>(5)</sup> 2010 asp 10.