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STATUTORY INSTRUMENTS

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**2023 No. 17**

**EXITING THE EUROPEAN  
UNION, NORTHERN IRELAND**

**The Official Controls (Northern Ireland) Regulations 2023**

*Made* - - - - *11th January 2023*  
*Laid before Parliament* *12th January 2023*  
*Coming into force* - - *2nd February 2023*

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

**Citation, commencement and extent**

1. These Regulations—
  - (a) may be cited as the Official Controls (Northern Ireland) Regulations 2023;
  - (b) come into force on 2nd February 2023;
  - (c) extend to Northern Ireland only.

**Interpretation**

2. In these Regulations—

“the Official Controls Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council 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<sup>(2)</sup> as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;

“the competent authority” means the competent authority in Northern Ireland designated under Article 4(1) of the Official Controls Regulation.

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(1) 2018 c. 16, amended by sections 21 and 41(4) of, and paragraphs 38 and 53 of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) OJ No L 95, 7.4.2017, p.1, as last amended by Regulation (EU) 2021/1756 of the European Parliament and of the Council (OJ No L 357, 8.10.2021, p.27).

**Implementation of Article 64 of Regulation 2017/625 of the European Parliament and of the Council: concurrent powers and power of direction**

3.—(1) The Secretary of State may do anything that the Secretary of State considers appropriate for the purpose of implementing Article 64 of the Official Controls Regulation, in connection with the construction of facilities for the purpose of performing official controls.

(2) The reference in paragraph (1) to performing official controls is a reference to the competent authority performing official controls.

(3) The Secretary of State may direct the competent authority to recruit and employ a sufficient number of suitably qualified staff to implement Article 64 of the Official Controls Regulation.

(4) The competent authority must comply with a direction under paragraph (3) irrespective of whether any matter has been brought to the attention of, or discussed and agreed by, the Executive Committee of the Northern Ireland Assembly.

11th January 2023

*Benyon*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision allowing the Secretary of State to implement specific elements of Article 64 of Regulation (EU) 2017/625 of the European Parliament and of the Council 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, in Northern Ireland.

Regulation 3 provides that the Secretary of State may do anything that the Secretary of State considers appropriate in connection with the construction of facilities for the purpose of performing official controls. It also makes provision for the Secretary of State to direct the competent authority in Northern Ireland to recruit and employ staff to implement Article 64 in Northern Ireland.

A full impact assessment has not been published for this instrument as no or minimal impact on the costs of business and the voluntary sector is foreseen.