

2020 No. 324

EXITING THE EUROPEAN UNION

AGRICULTURE

ANIMALS

AQUACULTURE

**The Agriculture, Animals and Aquaculture (Health,
Identification, Welfare, Trade etc.) (Amendment) (EU Exit)
Regulations (Northern Ireland) 2020**

Made - - - - 11th December 2020

*Coming into operation in accordance with Regulation 1(2)
and (3)*

The Department of Agriculture, Environment and Rural Affairs^(a) makes these Regulations in exercise of the powers conferred by sections 11 and 22 of, Parts 1 and 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018^(b).

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Agriculture, Animals and Aquaculture (Health, Identification, Welfare, Trade etc.) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and come into operation in accordance with paragraphs (2) and (3).

(2) This regulation, regulation 24 and the Schedule (*Revocations*) come into operation immediately before IP completion day.

(3) Regulations 2 to 23 come into operation on IP completion day.

(4) The Interpretation Act (Northern Ireland) 1954^(c) applies to these Regulations as it applies to an Act of the Assembly.

(a) Formerly the Department of Agriculture and Rural Development (DARD see section 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)). DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

(b) 2018(c16); Part 1C of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (the 2020 Act). Paragraph 21(b) of Schedule 7 was amended by paragraph 53(2)(b) of Schedule 5 to the 2020 Act.

(c) 1954 c.33 (NI)

PART 2

Agriculture (Food and Residues)

Amendments to the Eggs and Chicks Regulations (Northern Ireland) 2010

2.—(1) The Eggs and Chicks Regulations (Northern Ireland) 2010(a) are amended as follows—

(2) In Schedule 1, in Part 2 in the Table, in row 6 (Article 3(7)), in the third column, for “between Member States” substitute “between Northern Ireland and a Member State or a Member State and Northern Ireland”.

(3) In Schedule 2, in Part 2 in the Table—

- (a) in row 18 (Article 8(1)), in the third column, for “another Member State” substitute “a Member State”;
- (b) in row 20 (Article 8(5)), in the third column, for “another Member State” substitute “a Member State”.

Amendment to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016

3. In the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016(b), in regulation 2(1), in the definition of “unlicensed substance”, omit “other than the United Kingdom”.

PART 3

Agriculture (Common Agricultural Policy)

Amendment to the Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014

4. In the Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014(c), in regulation 5, after paragraph (4) insert—

“(4A) Paragraph (4)(b) applies only for matters relating to direct payments in a claim year prior to 2020.”.

Amendment to the Common Agricultural Policy (Control and Enforcement) Regulations (Northern Ireland) 2015

5. In the Common Agricultural Policy (Control and Enforcement) Regulations (Northern Ireland) 2015(d), for regulation 7(3) substitute—

“(3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by—

- (a) any representative of the European Commission, except for matters relating to direct payments for any claim year following 31st December 2019; and
- (b) such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).”.

(a) S.R. 2010 No. 125 as amended by S.R. 2014 No. 92, S.I. 2019 No. 347 and S.R. 2019 No. 210.

(b) S.R. 2016 No. 54

(c) S.R. 2014 No. 291

(d) S.R. 2015 No. 192 as amended by S.R. 2020 No. 22.

PART 4

Exotic Diseases

Amendment to the Foot-and-Mouth Disease Regulations (Northern Ireland) 2006

6. In regulation 57(1)(b) of the Foot-and-Mouth Disease Regulations (Northern Ireland) 2006(a), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Foot-and-Mouth Disease (Control of Vaccination) Regulations (Northern Ireland) 2006

7. In regulation 36(1)(b) of the Foot-and-Mouth (Control of Vaccination) Regulations (Northern Ireland) 2006(b), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007

8. In regulation 84(e) of the Avian Influenza and Influenza of Avian Origin in Mammals Regulations (Northern Ireland) 2007(c), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007

9. In regulation 22(1)(d) of the Avian Influenza (Vaccination) Regulations (Northern Ireland) 2007(d) for “Community” substitute “retained EU law or Protocol”.

Amendment to the Avian Influenza (Preventative Measures) Regulations (Northern Ireland) 2007

10. In regulation 18(d) of the Avian Influenza (Preventative Measures) Regulations (Northern Ireland) 2007(e), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007

11. In regulation 24(d) of the Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007(f), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007

12. In regulation 22(d) of the Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007(g), for “Community” substitute “retained EU law or Protocol”.

Amendment to the Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008

13. In Schedule 3 to the Products of Animal Origin (Disease Control) Regulations (Northern Ireland) 2008(h), for paragraph 1(b)(i) substitute—

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- (a) S.R. 2006 No. 42, to which a relevant amendment was made by S.I. 2019 No. 111.
(b) S.R. 2006 No. 43, to which a relevant amendment was made by S.I. 2019 No. 111.
(c) S.R. 2007 No. 68, to which a relevant amendment was made by S.I. 2019 No. 111.
(d) S.R. 2007 No. 69, to which there has been an amendment not relevant to these Regulations.
(e) S.R. 2007 No. 70, to which a relevant amendment was made by S.I. 2019 No. 111.
(f) S.R. 2007 No. 207, to which a relevant amendment was made by S.I. 2019 No. 111.
(g) S.R. 2007 No. 208, to which there have been amendments not relevant to these Regulations.
(h) S.R. 2008 No. 431, to which a relevant amendment was made by S.I. 2019 No. 111.

“(i) on its upper part the letters UK(NI);”.

Amendment to the Swine Vesicular Disease Regulations (Northern Ireland) 2009

14. In regulation 37(5)(b) of the Swine Vesicular Disease Regulations (Northern Ireland) 2009(a), for “Community” substitute “retained EU law or Protocol”.

PART 5

Livestock Identification

Amendments to the Cattle Identification (No. 2) Regulations (Northern Ireland) 1998

15.—(1) The Cattle Identification (No. 2) Regulations (Northern Ireland) 1998(b) are amended as follows.

(2) In regulation 8—

- (a) in the heading, for “Intra-Community trade” substitute “Trade with the EU”;
- (b) in paragraph (1), for “intra-Community trade” substitute “trade with the EU”.

Amendments to the Cattle Passport Regulations (Northern Ireland) 1999

16.—(1) The Cattle Passport Regulations (Northern Ireland) 1999(c) are amended as follows.

(2) Omit regulation 2(3).

(3) In regulation 2(4), for “intra- Community trade” substitute “trade with the EU”.

(4) In regulations 3(1), (3), 5 and 6(1), for “another part of the European Community” substitute “Great Britain, the Isle of Man, any of the Channel Islands or a member State”.

(5) In regulation 8, in the heading, for “other member States” substitute “a member State”.

Amendment to the Pigs (Records, Identification and Movement) Order (Northern Ireland) 2012

17. In article 11 of the Pigs (Records, Identification and Movement) Order (Northern Ireland) 2012(d), for “intra- Community trade” substitute “trade with the EU”.

PART 6

Animal Welfare

Amendment to the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006

18. In regulation 24(1)(b) of the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006(e), for “Community” substitute “retained EU law or Protocol”.

(a) S.R. 2009 No. 223, to which there have been an amendments not relevant to these Regulations.
(b) S.R. 1998 No. 279, to which there are amendments not relevant to these Regulations.
(c) S.R. 1999 No. 324, to which a relevant amendment were made by S.I. 2019 No. 111.
(d) S.R. 2012 No. 67
(e) S.R. 2006 No. 538, to which there have been amendments not relevant to these Regulations.

Amendments to the Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014

19.—(1) The Welfare of Animals at the Time of Killing Regulations (Northern Ireland) 2014(a) are amended as follows.

- (2) In regulations 11 and 13, for “another member State” substitute “a member State”.
- (3) In regulation 38(2), for “other member States” substitute “member States”.
- (4) In Schedule 2, in paragraph 3(2), for “EU” substitute “retained EU law or Protocol”.

PART 7

Trade

Amendment to Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996

20. In regulation 2(1) of the Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996(b), in the definition of “intra-Area trade”, omit “, other than the United Kingdom”.

PART 8

Animal By-Products

Amendment to the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

21. In regulation 12(6) of the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015(c), for “another member State” substitute “a member State”.

PART 9

Official Controls

Amendments to the Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019

22.—(1) The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019(d) are amended as follows.

- (2) In regulation 4, omit “other”.
- (3) In regulation 6(1)(a), for “another” substitute “a”.

(a) S.R. 2014 No. 107, to which a relevant amendment was made by S.I. 2019 No. 111.
(b) S.R. 1996 No. 389, to which there have been amendments not relevant to these Regulations.
(c) S.R. 2015 No. 332
(d) S.R. 2019 No. 227

PART 10
Aquaculture

Amendment to the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012

23. In regulation 25(1)(a) of the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012(a), for “in another” substitute “a”.

PART 11
Revocations

24. The Regulations mentioned in the Schedule are revoked to the extent specified in that Schedule.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 11th December 2020



Perpetua McNamee

A senior officer of the Department of Agriculture, Environment and Rural Affairs

(a) S.R. 2012 No. 335

SCHEDULE REVOCATIONS

Regulation 24

<i>Regulations</i>	<i>Reference</i>	<i>Extent of Revocation</i>
The Marketing of Bananas Regulations (Northern Ireland) 2019	S.R. 2019 No.66	Regulation 2(3).
The Zoonotic Disease Eradication and Control (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/76	Regulation 2(3).
The Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/111	Regulations 4(2), 5(4), 6(6), 7, 8(2), 8(4), 9(2)(a), 9(6), 10, 11, 12(3) and 13(4).
The Livestock (Records, Identification and Movement) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/157	Regulations 3(3), 5(2)(a), 5(3), 5(4), 5(5), 5(6), 5(7), 5(8) and 7.
The Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/158	Regulations 5, 6, 7(2), 7(3), 7(5) and 7(6).
The Official Controls (Animals, Feed and Food) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/272	The whole.
The Animal By- Products and Transmissible Spongiform Encephalopathies (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/273	Regulations 3, 4(2), 4(3), 4(5), 4(6)(b) to (d) and 4(7).
The Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/347	Regulations 4(2)(b), 4(6), 4(7)(a)(i), 4(7)(b), 6(2), 6(4)(a), 7, 9, 10 and 11.
The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/581	Regulation 2(2) to (14), 2(15)(a), 2(16) to (19) and the Schedule.
The Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019	SI 2019/811	Regulations 6(3)(b), 7(2), 9 and 12.
The Animal Health, Seed	SI 2019/962	Regulation 5.

Potatoes and Food
(Amendment) (Northern
Ireland) (EU Exit) Regulations
2019

The Agriculture, Environment
and Rural Affairs SI 2019/1101
(Amendment) (Northern
Ireland) (EU Exit) Regulations
2019

Regulations 8, 9, 10(11)(c),
10(13) and 11(3).

The Agriculture, Environment
and Rural Affairs SI 2019/1313
(Amendment) (Northern
Ireland) (EU Exit) (No.2)
Regulations 2019

Regulations 2(a) and 4.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of powers conferred by section 11 and 22 of, Parts 1 and 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to the European Union (Withdrawal) Act 2018 to ensure that Northern Ireland subordinate legislation relating to agriculture, animal health and welfare and aquaculture can continue to operate effectively after the EU exit transition period. The Statutory Rule will ensure Northern Ireland remains aligned with EU rules in these areas in accordance with the Protocol on Ireland/Northern Ireland.

These Regulations also revoke certain provisions contained in EU Exit Statutory Instruments that are no longer relevant.

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

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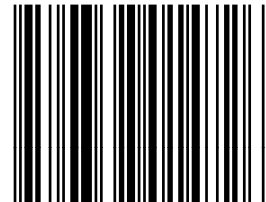
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