

2019 No. 73

EXITING THE EUROPEAN UNION

AGRICULTURE

FOOD

**The Agriculture Market Measures (EU Exit) (Scotland)
(Amendment) Regulations 2019**

Made - - - - - *26th February 2019*

Laid before the Scottish Parliament *27th February 2019*

Coming into force in accordance with regulation 1

The Scottish Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 of the European Union (Withdrawal) Act 2018^(a), and section 2(2) and paragraph 1A of schedule 2 of the European Communities Act 1972^(b), and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for references in these Regulations to Commission Implementing Regulation (EU) 2017/1185 to be construed as references to that Regulation as amended from time to time.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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^(c), during the preparation and evaluation of these Regulations so far as they relate to food.

Citation and commencement

1.—(1) These Regulations may be cited as the Agriculture Market Measures (EU Exit) (Scotland) (Amendment) Regulations 2019.

(a) 2018 c.16.

(b) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) and Part 1 of the schedule of the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”). The functions conferred upon the Minister of the Crown under section 2(2), insofar as exercisable within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and was amended by Part 1 of the schedule of the 2008 Act.

(c) OJ L 131, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2017/228 (OJ L 35, 10.2.2017, p.10).

(2) Subject to paragraph (3), these Regulations come into force on exit day.

(3) Regulations 2 and 5(3)(a) and (b) come into force on 28 March 2019.

Amendment of the Reporting of Prices of Milk Products (Scotland) Regulations 2005

2.—(1) The Reporting of Prices of Milk Products (Scotland) Regulations 2005(a) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Commission Regulation” substitute—

““Commission Regulation” means Commission Implementing Regulation (EU) 2017/1185 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations(b), and any reference to Annex I, Annex II or Annex III to the Commission Regulation means a reference to the Annex as amended from time to time;”;

(b) for the definition of “milk products” substitute—

““milk products” means the milk and milk products to which Point 7 of Annex I, Point 4 of Annex II and Point 9 of Annex III to the Commission Regulation apply.”.

(3) In regulation 3(1) (provision of information on prices) for “Articles 2 and 3” substitute “Articles 7, 11 and 12”.

Amendment of the Quality Meat Scotland Order 2008

3.—(1) The Quality Meat Scotland Order 2008(c) is amended as follows.

(2) In paragraph 9(1) of schedule 3 (levies) for “from another member State” substitute “into the United Kingdom”.

Amendment of the Beef and Pig Carcase Classification (Scotland) Regulations 2010

4.—(1) The Beef and Pig Carcase Classification (Scotland) Regulations 2010(d) are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation)—

(a) for “European beef”, in each place it occurs, substitute “retained EU beef”;

(b) for “European pig”, in each place it occurs, substitute “retained EU pig”;

(c) move the definitions of “retained EU beef provision” and “retained EU pig provision” (as so amended) to the end of that paragraph.

(3) In regulation 5(3) (small-scale bovine operators), for “European” substitute “retained EU”.

(4) In regulation 6(1)(c) (competent authority etc.: bovine carcasses), for “Articles 13 and” substitute “Article”.

(5) In regulation 17(2) (powers of entry), omit “, including any representative of the European Commission”.

(6) In regulation 19 (offences: European beef provisions), for “European” in each place it occurs including the heading substitute “retained EU”.

(7) In regulation 20 (offences: European pig provisions), for “European” in each place it occurs including the heading substitute “retained EU”.

(a) S.S.I. 2005/484, as amended by S.S.I. 2011/81.

(b) OJ No. L 171, 4.7.2017, p. 113.

(c) S.S.I. 2008/77.

(d) S.S.I. 2010/330, as amended by S.I. 2013/3235 and S.S.I. 2018/182.

(8) In regulation 28 (offences: punishment), for “European” in each place it occurs substitute “retained EU”.

(9) In schedule 1 (European beef provisions: bovine carcasses)—

- (a) in the heading, for “European” substitute “Retained EU”;
- (b) in the heading of column 1 of the table, for “European” substitute “retained EU”;
- (c) in the fourth row of the table, for “Union” substitute “United Kingdom”.

(10) In schedule 2 (European provisions: pig carcasses)—

- (a) in the heading, for “European” substitute “Retained EU”;
- (b) in the heading of column 1 of the table, for “European” substitute “retained EU”;
- (c) in the third row of the table, for “methods authorised by the Commission” substitute “authorised methods”.

Amendment of the Beef and Veal Labelling (Scotland) Regulations 2010

5.—(1) The Beef and Veal Labelling (Scotland) Regulations 2010(a) are amended as follows.

(2) In regulation 3 (enforcement authorities), omit paragraph (1)(d).

(3) In regulation 4 (offences under European legislation), in paragraph (1) omit—

- (a) sub-paragraph (a)(vii);
- (b) sub-paragraph (a)(viii);
- (c) sub-paragraph (b)(viii).

(4) In regulation 7(2) (powers of entry), omit “, including any representative of the European Commission”.

FERGUS EWING

A member of the Scottish Government

St Andrew’s House,
Edinburgh
26th February 2019

(a) S.S.I 2010/402, as amended by S.I. 2013/3235 and by S.S.I. 2018/391.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are in general made by the Scottish Ministers in exercise of the powers conferred by paragraphs 1(1) and (3) of Schedule 2 of the European Union (Withdrawal) Act 2018 (c.16), in order to address failures of EU derived domestic law to operate effectively and other deficiencies as regards Scotland that would otherwise arise as a result of the withdrawal of the UK from the European Union.

Regulations 2 and 5(3)(a) and (b) are made in exercise of the powers conferred by section 2(2) and paragraph 1A of Schedule 2 of the European Communities Act 1972, in order to correct before the date of withdrawal cross-references to European Union instruments in Scottish legislation.

These Regulations make amendments in the field of common market organisations for certain agricultural products.

Regulation 2 updates cross-references to EU instruments in the Reporting of Prices of Milk Products (Scotland) Regulations 2005.

Regulations 3 to 5 both update cross-references and fix deficiencies in the Scottish statutory instruments that implement or relate to EU measures providing for marketing standards and related measures as regards Quality Meat Scotland, beef and pig carcasses, and beef and veal labelling.

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