
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Fertilisers and Ammonium Nitrate Material
(Amendment) (EU Exit) Regulations 2019**

PART 4

Amendment of primary and secondary legislation

The Agriculture Act 1970

7. In section 74A(4) of the Agriculture Act 1970⁽¹⁾, for “implementing or supplementing any EU instrument” substitute “supplementing retained direct EU legislation”.

The Fertilisers Regulations 1991

8.—(1) The Fertilisers Regulations 1991 are amended as follows.

(2) In regulation 2A, in the heading and in the regulation, for “EC” substitute “UK”.

(3) After regulation 2A insert—

“Scope: “EC fertilisers”

2B. These Regulations do not apply to fertilisers designated as “EC fertilisers” which comply with the requirements set out in Regulation (EC) No 2003/2003⁽²⁾ as it has effect in EU law as amended from time to time, where those fertilisers are placed on the market before the end of the period of two years beginning with exit day.”.

(4) In Schedule 2, in Part 1, in paragraph 1(j), for “European Union” substitute “United Kingdom”.

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

9.—(1) The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003 are amended as follows.

(2) In regulation 2(2)—

(a) in the definition of “batch”—

(i) in paragraph (a), in the words before sub-paragraph (i), omit the words from “which is” to the end;

(ii) omit paragraph (b);

(b) in the definition of “competent laboratory”, in paragraph (a), for “European Union” substitute “United Kingdom”.

(1) 1970 c. 40. Section 74A was inserted by the European Communities Act 1972, Schedule 4, paragraph 6; subsection (4) was amended by S.I. 2011/1043.

(2) OJ No L 304, 21.11.2003, p 1, as last amended by Commission Regulation (EU) 2016/1618 (OJ No L 242, 9.9.2016, p 24).

- (3) In regulation 4—
- (a) in paragraph (1) omit “from within the European Union”;
 - (b) in paragraph (2)—
 - (i) in the words before sub-paragraph (a) omit “from outside the European Union”;
 - (ii) omit sub-paragraphs (a) and (b);
 - (iii) in sub-paragraph (c), for “each such” substitute “a”;
 - (c) in paragraph (5)—
 - (i) in sub-paragraph (a) omit the words from the beginning to “Union,”;
 - (ii) omit sub-paragraph (b) (together with the preceding “and”).
- (4) In regulation 5—
- (a) omit paragraph (1)(b) (together with the preceding “and”);
 - (b) in paragraph (2) omit “from outside the European Union”;
 - (c) in paragraph (3), in the words after paragraph (b) omit “, where the material has been imported from outside the European Union,”;
 - (d) in paragraph (9)(c) omit “, if applicable,” in the first place it occurs.
- (5) In regulation 9(5)(a), for “European Union” substitute “United Kingdom”.
- (6) After regulation 12 insert—

“Transitional provision

- 13.**—(1) This regulation applies to relevant ammonium nitrate material imported into Great Britain from within the European Union, where that material is imported into Great Britain before the end of the period of two years beginning with exit day.
- (2) In regulation 2(2)(a), the definition of “competent laboratory” applies as if the reference to the United Kingdom were a reference to the United Kingdom and the European Union.
- (3) Regulation 4(2)(c) does not apply.”.
- (7) In Schedule 3, in the words before sub-paragraph (a) omit “outside the European Union”.

The EC Fertilisers (England and Wales) Regulations 2006

- 10.**—(1) The EC Fertilisers (England and Wales) Regulations 2006 are amended as follows.
- (2) In regulation 3—
- (a) in the heading, for “EC” substitute “UK”;
 - (b) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), for “an “EC” substitute “a “UK”;
 - (ii) in sub-paragraph (b), for “European Union” substitute “United Kingdom”.
- (3) In regulation 4(a), for “an “EC fertiliser”” substitute “a UK fertiliser”.
- (4) In regulation 5—
- (a) in the heading, for “EC” substitute “UK”;
 - (b) in paragraphs (1), (2) and (3), in the words before sub-paragraph (a), for “an EC” substitute “a UK”.
- (5) In regulations 6(a), 7(a) and 8(a), for “an EC” substitute “a UK”.
- (6) Omit regulation 12(2)(b) (together with the preceding “and”).

- (7) In regulation 17(a)(ii) omit “paragraphs (2) or (5) of”.
- (8) In regulation 18(1), for “an EC” substitute “a UK”.