
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Agricultural Products, Food and Drink
(Amendment etc.) (EU Exit) Regulations 2020**

PART 4

Amendment of subordinate legislation: amendments
coming into force on IP completion day

CHAPTER 1

Amendment of subordinate legislation extending to the United Kingdom

The Spirit Drinks Regulations 2008

- 7.—(1) The Spirit Drinks Regulations 2008(1) are amended as follows.
(2) Omit regulation 2 and Schedule 1.

The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

8.—(1) The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009(2) are amended as follows.

- (2) In rule 22—
(a) in paragraph (6)—
(i) after sub-paragraph (g), insert—
“**(h)** in an appeal against an agricultural product or foodstuff decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs as incorporated into domestic law by section 3(1) of the EUWA;
(i) in an appeal against an aromatised wine decision, within 28 days beginning with the day on which on which notice of the decision is published by the Secretary of State under Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical

(1) [S.I. 2008/3206](#); amended by [S.I. 2019/1289](#). Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, with the amendments in regulation 10 of this instrument and, in relation to Northern Ireland, with the amendments in regulation 13 of this instrument. There are other amending instruments but none is relevant.

(2) [S.I. 2009/1976](#); relevant amending instruments are [S.I. 2010/43](#) and, prospectively on IP completion day, [S.I. 2019/758](#), 828. Prospective amendments were also included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced with the amendments in regulation 8 of this instrument.

indications of aromatised wine products as incorporated into domestic law by section 3(1) of the EUWA.”;

(ii) after sub-paragraph (j) insert—

“(k) in an appeal against a spirit drink decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages⁽³⁾ as incorporated into domestic law by section 3(1) of the EUWA;

(l) in an appeal against a traditional term wine decision, within 28 days beginning with the day on which notice of the decision is published by the Secretary of State under Commission Delegated Regulation (EU) 2019/33 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation as incorporated into domestic law by section 3(1) of the EUWA.”.

(b) after paragraph (6) insert—

“(7) In this rule—

“agricultural product or foodstuff decision” means a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 1B to Regulation (EU) No 1151/2012 of the European Parliament and of the Council⁽⁴⁾;

“aromatised wine decision” means a decision of the Secretary of State specified in column 1 of the table in Annex 2B to Regulation (EU) No 251/2014 of the European Parliament and of the Council⁽⁵⁾;

“EUWA” means the European Union (Withdrawal) Act 2018;

“spirit drink decision” means a decision of the Secretary of State specified in column 1 of the table in Part 2 of Annex 2 to Regulation (EU) 2019/787 of the European Parliament and of the Council⁽⁶⁾;

“traditional term wine decision” means a decision of the Secretary of State specified in column 1 of the table in Annex A2 to Commission Delegated Regulation (EU) 2019/33⁽⁷⁾.”.

The Wine Regulations 2011

9.—(1) The Wine Regulations 2011⁽⁸⁾ are amended as follows.

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- (3) EUR 2019/787, amended on IP completion day by regulation 28 of, and Schedule 10 to, this instrument.
- (4) Annex 1B is inserted in EUR 2012/1151 on IP completion day by Part 7 of Schedule 2 of this instrument.
- (5) Annex 2B is inserted in EUR 2014/251 on IP completion day by Part 8 of Schedule 4 of this instrument.
- (6) Annex 2 is inserted in EUR 2019/787 on IP completion day by Part 3 of Schedule 10 to this instrument.
- (7) Annex A2 is inserted in EUR 2019/33 on IP completion day by Part 6 of Schedule 8 to this instrument.
- (8) S.I. 2011/2936, amended by S.I. 2013/3235, 2019/524, 2020/639. Prospective amendments were included in S.I. 2019/865. They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument. Those amendments are replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 11 of this instrument. They are replaced, in relation to Northern Ireland, on IP completion day with the amendments in regulation 14 of this instrument. There are other amending instruments but none are relevant.

- (2) In regulation 1(3) omit the words from “, and” to the end.
- (3) Omit regulation 20.

CHAPTER 2

Amendment of subordinate legislation so far as it extends to Great Britain

The Spirit Drinks Regulations 2008

- 10.**—(1) The Spirit Drinks Regulations 2008 are amended as follows.
- (2) In regulation 1—
 - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—
 - “(2) They extend to Great Britain.”.
 - (3) In regulation 3(1)—
 - (a) in the definition of “food authority” omit sub-paragraph (b);
 - (b) in the definition of “registered geographical indication”, for the words from “Annex” to “any” substitute “the”;
 - (c) in the definition of “relevant court”, for sub-paragraphs (c) and (d) substitute—
 - “(a) in relation to England and Wales, a magistrates’ court;
 - (b) in relation to Scotland, a sheriff;”.
 - (4) In regulation 5—
 - (a) in paragraph (1)—
 - (i) after “responsible” insert “in Great Britain”;
 - (ii) after “market”, in both places it occurs, insert “in Great Britain”;
 - (iii) for “technical file (if any)” substitute “GB product specification”.
 - (5) In regulation 6—
 - (a) in paragraph (1) omit “Article 24(1) of”;
 - (b) in paragraph (2)—
 - (i) omit “Article 24(1) of”;
 - (ii) for the words from “being” to the end substitute—
 - “being—
 - (a) imported into, or exported from, Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”;
 - (c) in paragraph (4), for the words from “being” to the end substitute—
 - “being—
 - (a) imported into, or exported from, Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”.
 - (6) In regulation 7(2), for the words from “being” to the end substitute—

“being—

- (a) imported into, or exported from Great Britain;
 - (b) moved into Great Britain from Northern Ireland;
 - (c) moved from Great Britain into Northern Ireland”.
- (7) In regulation 10—
- (a) for paragraph (2) substitute—
“(2) The authorised officer may take with them such other person as they consider necessary.”;
 - (b) omit paragraph (14);
 - (c) for paragraph (15) substitute—
“(15) In this regulation, a reference to a justice of the peace includes, in Scotland, a reference to the sheriff.”.
- (8) For regulation 12(16) substitute—
“(16) The procedure in a magistrates’ court under this regulation is by way of complaint, and, in England and Wales, the Magistrates’ Courts Act 1980 applies to the proceedings.”.
- (9) For regulation 14(2) substitute—
“(2) The procedure on an appeal to a magistrates’ court under paragraph (1) is by way of complaint, and in England and Wales, the Magistrates’ Courts Act 1980 applies to the proceedings.”.

The Wine Regulations 2011

- 11.**—(1) The Wine Regulations 2011 are amended as follows.
- (2) For any reference to “European Regulations” substitute “retained EU Regulations”.
 - (3) After regulation 1(3) insert—
“(4) All the other provisions extend to Great Britain.”.
 - (4) In regulation 2—
 - (a) in paragraph (1)(a), for “EU instruments” substitute “any of the Regulations listed in the definition of “the retained EU Regulations” in paragraph (2)”;
 - (b) in paragraph (2)—
 - (i) in the definition of “the Agency”, in sub-paragraph (a), for “, Wales and Northern Ireland” substitute “and Wales”;
 - (ii) omit the definition of “premises” and after the definition of “authorised officer” insert—
““premises” includes any land or vehicle;”.
 - (5) In regulation 3—
 - (a) for paragraph (1) substitute—
“(1) The local authority enforces the retained EU Regulations in relation to retail sale.”;
 - (b) omit paragraphs (4) and (8).
 - (c) after paragraph (9) insert—
“(10) In this regulation—

- (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009⁽⁹⁾;
 - (b) “local authority” means an authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990⁽¹⁰⁾.
- (6) In regulation 4—
- (a) in paragraph (1)—
 - (i) at the beginning insert “In respect of Great Britain,”;
 - (ii) omit “, and acts as the Member State for,”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a)(i) omit “or Member State”;
 - (ii) omit sub-paragraph (b);
 - (c) in paragraph (3) omit sub-paragraph (b).
- (7) For regulation 8(4) substitute—
- “(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9—
- (a) in paragraph (1), in the words before sub-paragraph (a) omit the words from “or in Northern” to “writing,”;
 - (b) for paragraph (5) substitute—

“(5) In this regulation, in Scotland, a reference to a justice of the peace includes a sheriff.”.
- (9) In regulation 16(2) omit sub-paragraph (d).

The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

12.—(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

- (2) In regulation 1—
- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—

“(2) The following provisions extend to Great Britain—

 - (a) this Part and Parts 2 to 4;
 - (b) regulations 22 and 23.”.
- (3) In regulation 2(1)(b), for “in regulation 3(2)(c)(iv)” substitute “where otherwise specified”.
- (4) For regulation 3(2) substitute—
- “(2) The Secretary of State is responsible for exercising the functions of the designated authority for the purposes of Articles 13(3), 24(2) and 34.”.

⁽⁹⁾ 2009 c. 11.

⁽¹⁰⁾ 1990 c. 16; section 5 of the Act was amended by paragraph 16(1) of Schedule 9 to the Local Government (Wales) Act 1994 (c. 19), paragraph 163(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39), paragraphs 7, 8 and 9 of Schedule 5 to the Food Standards Act 1999 (c. 28) and Part 1 of Schedule 3 to the Public Health etc. (Scotland) Act 2008(asp 5).

- (5) For regulation 6(4) substitute—
- “(4) For the purposes of these Regulations any authority (other than the council of a non-metropolitan district) that is a food authority for the purposes of the Food Safety Act 1990 is eligible for appointment as an enforcement authority.”.
- (6) In regulation 10—
- (a) in paragraph (4)—
- (i) for the first comma substitute “or”;
- (ii) omit “or lay magistrate in Northern Ireland”;
- (iii) for “, sheriff or lay magistrate,” substitute “or sheriff”;
- (b) for paragraph (8)(a) substitute—
- “(a) be accompanied by such other persons as the authorised officer considers necessary;”.
- (7) In regulation 12—
- (a) in paragraph (1)—
- (i) for sub-paragraph (a) substitute—
- “(a) has marketed, or is marketing or intending to market, a product—
- (i) under a registered PDO or PGI which has not been labelled in a way described in Article 12 of Regulation 1151/2012 as read with Article 16(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014(11), or
- (ii) under a registered TSG which has not been labelled in a way described in Article 23 of Regulation 1151/2012 as read with Article 25(4) of that Regulation and Article 2 of, and the Annex to, Regulation 664/2014;”.
- (ii) in sub-paragraph (j), for the words from “or (3)” to “2 of” substitute “to (3) of Regulation 668/2014(12) as read with Article 2 of, and the Annex to;”;
- (b) in paragraph (2)(e), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
- (c) in paragraph (3), for “to 17” substitute “and 16”.
- (8) In regulation 13—
- (a) in paragraph (3)(e), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
- (b) in paragraph (4), for “to 17” substitute “and 16”.
- (9) In regulation 14—
- (a) in paragraph (4)(c)(i), for “, 16 or, as the case may be, 17” substitute “or 16 as the case may be”;
- (b) in paragraph (5), for “to 17” substitute “and 16”.
- (10) Omit regulation 17.
- (11) In regulation 20, in the words before sub-paragraph (a), for “to 17” substitute “and 16”.

(11) EUR 2014/664. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 22 of, and Schedule 5 to, this instrument.

(12) EUR 2014/668. Prospective amendments were included in [S.I. 2019/865](#). They would have come into force on IP completion day. Those prospective amendments are omitted by regulation 6 of this instrument and replaced, in relation to Great Britain, on IP completion day with the amendments in regulation 23 of, and Schedule 6 to, this instrument.

- (12) Omit regulation 21.
- (13) In regulation 22—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a), after “years” insert “in Great Britain”;
 - (ii) in sub-paragraph (b), for “national opposition procedure” substitute “opposition procedure referred to in Article 51”;
 - (b) in paragraph (2), for the words from “Secretary” to the end substitute “registration takes effect”.

CHAPTER 3

Amendment of subordinate legislation so far as it extends to Northern Ireland

The Spirit Drinks Regulations 2008

- 13.**—(1) The Spirit Drinks Regulations 2008 are amended as follows.
- (2) For “relevant court”, in each place it occurs, substitute “magistrates’ court”.
- (3) In regulation 1—
 - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—

“(2) They extend to Northern Ireland.”
- (4) In regulation 3—
 - (a) for the definition of “food authority” substitute—

““food authority” means a district council;”;
 - (b) for the definition of “port health authority” substitute—

““port health authority” means, in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(13), the port health authority for that district;”;
 - (c) omit the definition of “relevant court”.
- (5) In regulation 5(1) insert “in Northern Ireland” after—
 - (a) “responsible”;
 - (b) “market” in both places it occurs.
- (6) In regulation 6—
 - (a) in paragraph (2), for the words from “being” to the end substitute—

“being—

 - (a) imported into, or exported from, Northern Ireland;
 - (b) moved from Northern Ireland into Great Britain;
 - (c) moved into Northern Ireland from Great Britain”;
 - (b) in paragraph (4), for the words from “being” to the end substitute—

“being—

 - (a) imported into, or exported from, Northern Ireland;

- (b) moved from Northern Ireland into Great Britain;
 - (c) moved into Northern Ireland from Great Britain”.
- (7) In regulation 7(2), for the words from “being” to the end substitute—
“being—
- (a) imported into, or exported from Northern Ireland;
 - (b) moved from Northern Ireland into Great Britain;
 - (c) moved into Northern Ireland from Great Britain”.
- (8) In regulation 10—
- (a) for paragraph (2) substitute—
“(2) The authorised officer may take with them such other person as they consider necessary.”;
 - (b) in paragraph (5), for “justice of the peace” substitute “lay magistrate”;
 - (c) omit paragraphs (14) and 15.
- (9) In regulation 12—
- (a) for paragraph (16) substitute—
“(16) The procedure in a magistrates’ court under this regulation is by way of complaint, and the Magistrates’ Courts (Northern Ireland) Order 1981(14) applies to the proceedings.”;
 - (b) omit paragraph (17).
- (10) In regulation 14—
- (a) for paragraph (2) substitute—
“(2) The procedure on an appeal to a magistrates’ court under paragraph (1) is by way of complaint, and the Magistrates’ Courts (Northern Ireland) Order 1981 applies to the proceedings.”;
 - (b) omit paragraph (3).
- (11) Omit regulation 30(9).

The Wine Regulations 2011

- 14.—(1) The Wine Regulations 2011 are amended as follows.
- (2) After regulation 1(3) insert—
“(4) All the other provisions extend to Northern Ireland.”.
- (3) In regulation 2(2), for the definition of “the Agency” substitute—
““the Agency” means the Food Standards Agency;”.
- (4) In regulation 3—
- (a) for paragraph (1) substitute—
“(1) The local authority enforces the European Regulations in relation to retail sale.”;
 - (b) in paragraph (2), for “Secretary of State” substitute “Department of Agriculture, Environment and Rural Affairs”;
 - (c) omit paragraphs (3), (4), (6), (8) and (9);
 - (d) insert as paragraph (10)—

- “(10) In this regulation—
- (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009⁽¹⁵⁾;
 - (b) “local authority” means a district council within the meaning of the Interpretation Act (Northern Ireland) 1954⁽¹⁶⁾.”.
- (5) In regulation 4—
- (a) in paragraph (1)—
 - (i) at the beginning insert “In respect of Northern Ireland,”;
 - (ii) for “as the” substitute “as if a”;
 - (b) omit paragraph (3).
- (6) Omit regulation 6.
- (7) For regulation 8(4) substitute—
- “(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9(1)—
- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), for the words from “justice” to “Ireland” substitute “lay magistrate”;
 - (ii) in the words after sub-paragraph (b), for “justice” substitute “magistrate”;
 - (b) omit paragraph (5).
- (9) In regulation 16(2) omit sub-paragraphs (b) and (c).
- (10) Omit Schedules 1 and 2.

The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

15.—(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

- (2) In regulation 1—
- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
 - (b) number the existing paragraph as paragraph (1);
 - (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—

“(2) The following provisions extend to Northern Ireland—

 - (a) this Part and Parts 2 to 4;
 - (b) regulations 21 to 23.”.
- (3) In regulation 3(2)—
- (a) at the beginning insert “As regards Northern Ireland,”;
 - (b) in sub-paragraph (c)(ii) omit “, as read with Article 15”.
- (4) For regulation 6(4) substitute—

⁽¹⁵⁾ 2009 c. 11.

⁽¹⁶⁾ 1954 c. 33 (N.I.).

- “(4) For the purposes of these Regulations any district council within the meaning of the Interpretation Act (Northern Ireland) 1954 is eligible for appointment as an enforcement authority.”.
- (5) In regulation 10—
- (a) in paragraph (4), in the words before sub-paragraph (a), omit—
 - (i) the words from “justice of the peace in England” to “Scotland or”;
 - (ii) “justice, sheriff or”;
 - (b) for paragraph (8)(a) substitute—
 - “(a) be accompanied by such other persons as the authorised officer considers necessary;”.
- (6) In regulation 12—
- (a) in paragraph (2)(e) omit “15, 16, or as the case may be,”;
 - (b) in paragraph (3), for “regulations 15 to” substitute “regulation”.
- (7) In regulation 13—
- (a) in paragraph (3)(e) omit “15, 16, or as the case may be,”;
 - (b) in paragraph (4), for “regulations 15 to” substitute “regulation”.
- (8) In regulation 14—
- (a) in paragraph (4)(c)(i) omit “15, 16 or, as the case may be,”;
 - (b) in paragraph (5) for “regulations 15 to” substitute “regulation”.
- (9) Omit regulations 15 and 16.
- (10) In regulation 20, in the words before sub-paragraph (a), for “regulations 15 to” substitute “regulation”.
- (11) In regulation 22(1)(a), after “years” insert “in Northern Ireland”.
- (12) In regulation 23(4) omit “other”.