

This Statutory Instrument has been made, in part, in consequence of defects in S.I. 2019/802, S.I. 2020/1481 and S.I. 2020/1590, and is being issued free of charge to all known recipients of those Statutory Instruments.

Draft Regulations laid before Parliament under paragraph 1(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2022 No.

ANIMALS

**The Animal Welfare (Miscellaneous Amendments) Regulations
2022**

Made - - - - - ***

Coming into force - - - - - ***

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

Under paragraph 1(3) of Schedule 7 to that Act, a draft of these Regulations was laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Animal Welfare (Miscellaneous Amendments) Regulations 2022 and come into force on the day after the day on which they are made.

Extent and application

2. These Regulations—
- (a) extend to the United Kingdom; but
 - (b) apply to England and Wales, and Scotland, only.

(a) 2018 c. 16. Paragraph 21 of Schedule 7 was amended by paragraph 53 of Part 2 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

PART 2

Amendment and modification of retained EU law

Amendment of Regulation (EU) 2017/625

3. In Article 154 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(a), in paragraph 2—

- (a) omit “, 24”(b); and
- (b) omit “paragraph 3 of this Article”.

Amendment of Regulation (EC) No 1/2005

4.—(1) Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations(c) (referred to in these Regulations as “Regulation (EC) No 1/2005”) is amended as follows.

- (2) In each place it occurs—
 - (a) for “a competent authority” (including where any of the words is capitalised) substitute “the competent authority”;
 - (b) in the phrase “the relevant competent authority” omit “relevant”.
- (3) In Article 1(2), for “Articles 3 and 27” substitute “Article 3”.
- (4) In Article 2(1), in point (f), for “competent authorities as defined” substitute ““the competent authority” within the meaning given”.
- (5) In Article 17(2), for “in in” substitute “in”.
- (6) Omit Article 25(d).
- (7) Omit Article 27.
- (8) In the heading to Chapter 5 (immediately before Article 30), omit “Committee”.

Modification of certain provisions of Regulation (EC) No 1/2005 that have been deleted but which continue to apply

5.—(1) Articles 14, 15, 16, 23 and 26 of Regulation (EC) No 1/2005(e), insofar as they continue to apply by virtue of Article 154 of Regulation (EU) 2017/625, are to be read in accordance with the following modifications.

- (2) Article 14 is to be read as if, in paragraph 1—
 - (a) in the words before point (a), for “Member States and with” there were substituted “Great Britain and”;
 - (b) in point (d), the words from “, of the exit” to the end were omitted.
- (3) Article 15 is to be read as if—

(a) EUR 2017/625, amended by S.I. 2020/1481.

(b) The reference to Article 24 of EUR 2005/1 is removed to reflect the fact that that Article, insofar as it continued to apply by virtue of paragraph 2 of Article 154 of EUR 2017/625, was subsequently revoked in full by regulation 3(30) of S.I. 2019/802 (as amended by regulation 42(2)(c) of S.I. 2020/1481).

(c) EUR 2005/1, amended by EUR 2017/625 and by S.I. 2019/588 (as amended by S.I. 2019/1312 and 2020/1590) and 2019/802 (as amended by S.I. 2020/1481 and 1590).

(d) Reg 3(30) of S.I. 2019/802, which, as made, omitted Article 25, was amended by regulation 42(2)(c) of S.I. 2020/1481 so as to retain Article 25.

(e) Articles 21 and 24 of EUR 2005/1 were also deleted by paragraph 1(2) of Article 154 of EUR 2017/625, but they continued to apply by virtue of paragraph 2 of Article 154 of EUR 2017/625. Article 21 continues to apply with the amendments made by regulation 3(27) of S.I. 2019/802 (as amended by regulation 2(27) of S.I. 2020/1590). Article 24 no longer has effect: please see footnote (b).

- (a) in paragraph 2—
 - (i) for “Member States and with” there were substituted “Great Britain and”;
 - (ii) for “veterinary Community” there were substituted “retained EU veterinary”;
 - (b) in paragraph 3, for the words from “Regulation (EC) No 854/2004” to the end there were substituted “Regulation (EU) 2017/625”.
- (4) Article 16 is to be read as if, in the first indent, for “Regulation (EEC) No 3821/85” there were substituted “Regulation (EU) No 165/2014”(a).
- (5) Article 23 is to be read as if—
- (a) in paragraph 1, in the second subparagraph, for “Competent authority shall” there were substituted “competent authority may”;
 - (b) in paragraph 5—
 - (i) in both places, for “authorities” there were substituted “authority”;
 - (ii) after “the authorisation” there were inserted “, if different,”.
- (6) Article 26 is to be read as if—
- (a) in paragraph 1, for “7” there were substituted “6”;
 - (b) in paragraph 2, after “competent authority which granted the authorisation” there were inserted “, if different,”;
 - (c) in paragraph 3—
 - (i) after “destination” there were inserted “in Great Britain”;
 - (ii) after “departure” there were inserted “, if different”;
 - (d) in paragraph 6—
 - (i) for “a Member State” there were substituted “the competent authority”;
 - (ii) the words from “, even if” to the end were omitted;
 - (e) paragraph 7 were omitted.

Name
Minister of State

Date Department of Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union. In addition, the free issue procedure is being used for these Regulations as they correct errors that arise from a number of other instruments.

Regulation 3 makes corrections to paragraph 2 of Article 154 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 (EUR 2017/625).

Regulation 4 makes corrections to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations (EUR 2005/1).

(a) EUR 2014/165, amended by S.I. 2019/453 and 2021/135.

Regulation 5 contains modifications to correct deficiencies in certain provisions of EUR 2005/1 (the “saved provisions”) that were deleted before IP completion day, but which were saved, and which continue to apply, by virtue of Article 154 of EUR 2017/625. The saved provisions were amended by regulation 3 of the Animal Welfare (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/802), which was in turn amended by regulation 2 of the Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1590). However, regulation 42 of the Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1481) removed most of the amendments to the saved provisions, except the amendments to Article 21, and the deletion of Article 24, of EUR 2005/1.

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

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