
DRAFT STATUTORY INSTRUMENTS

2022 No.

**The Animals and Animal Health, Feed and Food, Plants
and Plant Health (Amendment) Regulations 2022**

PART 3

Amendment of Regulation (EU) No 2017/625

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3. Regulation (EU) No 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⁽¹⁾ is amended in accordance with regulations 4 to 13.

Amendment of Article 3

4. In Article 3(3) (definition of “the competent authority”)—

(a) for point (a) substitute—

“(a) the appropriate authority or, as the case may be, the authority designated under or for the purposes of Article 4;”;

(b) omit point (b).

Amendment of Article 4

5.—(1) Article 4 (designation of competent authorities) is amended as follows.

(2) For paragraph 1 substitute—

“**1.** The appropriate authority may—

(a) for each of the areas governed by the rules referred to in Article 1(2), designate any other authority as a competent authority responsible for any of the OCR functions;

(b) modify⁽²⁾ any designation made under point (a).

1A. A designation for the purposes of paragraph 1 above does not prevent the appropriate authority from exercising the relevant functions itself.

1B. The amendments made to Article 3(3) and this Article by the 2022 Regulations do not affect the continued operation of any existing designation.

1C. But the appropriate authority may—

(1) EUR 2017/625. Articles 3(3), 4(1), 48, 115, 128, 139 and 150 were amended by [S.I. 2020/1481](#). Annex 6 was inserted by [S.I. 2020/1481](#). Annex 6, as it extends to England and Wales, was amended by [S.I. 2021/429](#), [2021/809](#), [2021/1096](#), [2021/1443](#) and [2022/621](#). Annex 6, as it extends to Scotland, was amended by [S.I. 2021/429](#), [2021/809](#) and [2022/621](#) and by [S.S.I. 2021/342](#), [2021/493](#) and [2022/90](#).

(2) “Modify” is defined in section 20(1) of the European Union (Withdrawal) Act 2018.

- (a) by regulations, revoke any existing designation contained in subordinate legislation (whether made under section 2(2) of the European Communities Act 1972⁽³⁾ or otherwise) conferring responsibility for any of the OCR functions on the appropriate authority which is no longer required in consequence of the amendments made to Article 3(3) and this Article by the 2022 Regulations;
- (b) revoke any other existing designation conferring responsibility for any of the OCR functions on the appropriate authority which is no longer required in consequence of the amendments made to those provisions by those Regulations.

1D. In addition, the appropriate authority may—

- (a) by regulations, modify any existing designation contained in subordinate legislation (whether made under section 2(2) of the European Communities Act 1972 or otherwise) conferring responsibility on any other authority for any of the OCR functions;
- (b) by notice in writing, modify any other existing designation conferring responsibility on any other authority for any of the OCR functions.

1E. Paragraphs 1C and 1D are without prejudice to section 14 of the Interpretation Act 1978⁽⁴⁾.

1F. For the purposes of this Article—

- (a) “the 2022 Regulations” means the Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022;
- (b) “existing designation” means a designation conferring responsibility for any of the OCR functions on an authority which—
 - (i) was made for the purposes of this Article before 13th December 2022, and
 - (ii) is effective immediately before that date;
- (c) “the OCR functions” means the organisation or performance of official controls or other official activities in accordance with this Regulation and the rules referred to in Article 1(2).

1G. Paragraph 2 applies where, for the same area—

- (a) two or more authorities are each designated as a competent authority (whether under paragraph 1 or an existing designation), or
- (b) any such authority is permitted to delegate the exercise of specific responsibilities for official controls or other official activities to another public authority.”.

(3) In paragraph 2, for the words from “Where, for” to “other public authorities” substitute “Where this paragraph applies”.

Amendment of Article 48

6. In Article 48 (animals and goods exempted from official controls at border control posts), in point (g), for “in those delegated acts” substitute “by or in accordance with the regulations”.

Amendment of Article 115

7. In Article 115 (contingency plans for food and feed)—

- (a) in paragraph 1, for the words from “For the” to “, the” substitute “The”;

(3) 1972 c. 32.

(4) 1978 c. 30.

- (b) in paragraph 4(a), for the words from “general plan” to “178/2002” substitute “contingency plans”.

Amendment of Article 128

8. In Article 128 (special measures regarding the entry to Great Britain of certain animals and goods), in paragraph 1, for “must make” substitute “may make”.

Amendment of Article 139

9. In Article 139 (penalties)—

(a) in paragraph 1—

- (i) for “appropriate authorities” substitute “appropriate authority”;
- (ii) for “shall”, in the first place it occurs, substitute “may, by regulations,”;
- (iii) after “Regulation” insert “or of any EU tertiary legislation⁽⁵⁾, or regulations, made under this Regulation”;

(b) in paragraph 2, omit “, in accordance with national law,”;

(c) after paragraph 2 insert—

“**3.** Regulations under this Article may create offences.

4. Regulations may provide for an offence under the regulations to be triable—

- (a) summarily, or
- (b) either summarily or on indictment.

5. Regulations may provide for an offence under the regulations that is triable either way to be punishable—

- (a) on summary conviction in England and Wales, with imprisonment for a term not exceeding three months or a fine (or both);
- (b) on summary conviction in Scotland, with imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum (or both);
- (c) on conviction on indictment, with imprisonment for a term not exceeding two years or a fine (or both).

6. Regulations may provide for a summary offence under the regulations to be punishable—

- (a) in England and Wales, with imprisonment for a term not exceeding three months or a fine (or both);
- (b) in Scotland, with imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale (or both).”.

Amendment of Article 150

10.—(1) Article 150 (transitional measures related to the repeal of [Directive 96/23/EC](#)) is amended as follows.

(2) In paragraph 1—

- (a) for “14 December 2022 or an earlier date to be determined by” substitute “the date specified in”;

(5) “EU tertiary legislation” is defined in section 20(1) of the European Union (Withdrawal) Act 2018.

- (b) omit, in the second place it occurs, “legislation which transposed”.
- (3) In paragraph 2 for “14 December 2022 or an earlier date to be determined by” substitute “the date specified in”.
- (4) For paragraph 3 substitute—
 - “3. The appropriate authority may make regulations specifying—
 - (a) the date for the purposes of paragraph 1;
 - (b) the date for the purposes of paragraph 2.”.

Amendment of Part 1 of Annex 6

- 11.—(1) Part 1 of Annex 6 (derogations and modifications: introductory) is amended as follows.
- (2) In paragraph 2—
 - (a) in the definition of “relevant goods” for “Article 47(1)(a) to (c)” substitute “Article 47(1)(a) to (d)”;
 - (b) in the definition of “territory subject to special transitional import arrangements”, in paragraph (a), for “Article 47(1)(a) and (b)” substitute “Article 47(1)(a), (b) or (d)”.
- (3) In paragraph 3—
 - (a) the existing text becomes subparagraph (1);
 - (b) after subparagraph (1) insert—
 - “(2) The appropriate authority may by regulations amend Part 2 of this Annex.”.

Amendment of Part 2 of Annex 6: England and Wales

- 12.—(1) Part 2 of Annex 6 (derogations and modifications: goods entering Great Britain from a relevant third country) as it extends to England and Wales is amended as follows.
- (2) In the first paragraph 13, in the inserted Article 56A (prior notification of entry to Great Britain: transitional arrangements), after paragraph 4B insert—
 - “5. From 13th December 2022, in addition to the requirements specified in paragraphs 3 and 4, operators must give prior notification of the arrival of any goods referred to in point (d) of Article 47(1).”.
- (3) Renumber the second paragraph 13 as paragraph 13A.

Amendment of Part 2 of Annex 6: Scotland

- 13.—(1) Part 2 of Annex 6 (derogations and modifications: goods entering Great Britain from a relevant third country) as it extends to Scotland is amended as follows.
- (2) In the first paragraph 13, in the inserted Article 56A (prior notification of entry to Great Britain: transitional arrangements), after paragraph 6 insert—
 - “7. From 13th December 2022, in addition to the requirements specified in paragraphs 3 and 4, operators must give prior notification of the arrival of any goods referred to in point (d) of Article 47(1).”.
- (3) Renumber the second paragraph 13 as paragraph 13A.