
STATUTORY INSTRUMENTS

2011 No. 2883

ANIMALS

ANIMAL HEALTH

The Non-Commercial Movement of Pet Animals Order 2011

<i>Made</i>	- - - -	<i>6th December 2011</i>
<i>Laid before Parliament</i>		<i>9th December 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>9th December 2011</i>
<i>Coming into force</i>	- -	<i>1st January 2012</i>

The Secretary of State and the Welsh Ministers are designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Union and measures in the veterinary and phytosanitary fields for the protection of public health.

The Secretary of State, in relation to England and Scotland, and the Welsh Ministers, in relation to Wales, make this Order in exercise of the powers conferred by section 10 of the Animal Health Act 1981⁽³⁾ and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽⁴⁾.

To the extent that this Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, it appears to the Secretary of State and the Welsh Ministers that it is expedient for the references in this Order to the Decision specified in paragraph (a), and to the provisions of the Regulation specified in paragraph (b), to be construed as references to that Decision or those provisions as amended from time to time—

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- (1) For the Secretary of State, see [S.I. 1972/1811](#) and [S.I. 1999/2027](#) and for the Welsh Ministers, see [S.I. 2010/2690](#) and [S.I. 2008/1792](#).
- (2) [1972 c. 68](#) (“the 1972 Act”). Section 2(2) was amended by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 27(1)(a), and the European Union (Amendment) Act [2008 \(c. 7\)](#), Part 1 of the Schedule.
- (3) [1981 c. 22](#) (“the 1981 Act”). Functions conferred under the 1981 Act on “the Ministers” (as defined in section 86) are now exercisable by the Secretary of State in relation to England, the Welsh Ministers in relation to Wales and the Scottish Ministers in relation to Scotland. In relation to England they were transferred, so far as exercisable by the Secretaries of State for Scotland and Wales, to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 ([S.I. 1999/3141](#)) and were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 ([S.I. 2002/794](#)). In relation to Wales, the functions of “the Ministers” were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 ([S.I. 1999/672](#)) and were then further transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act [2006 \(c. 32\)](#). In relation to Scotland, functions were transferred to the Scottish Ministers by section 53 of the Scotland Act [1998 \(c. 46\)](#). Despite this transfer, the Secretary of State retains power to exercise functions under section 10 of the 1981 Act by virtue of article 3(1) of, and Schedule 1 to, the Scotland Act 1998 (Concurrent Functions) Order 1999 ([S.I. 1999/1592](#)).
- (4) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and amended by the European Union (Amendment) Act 2008, Part 1 of the Schedule, and [S.I. 2007/1388](#). The Secretary of State retains power to exercise functions under section 2(2) of the 1972 Act as regards Scotland by virtue of section 57(1) of the Scotland Act 1998.

Status: Point in time view as at 29/12/2014.

Changes to legislation: There are currently no known outstanding effects for the The Non-Commercial Movement of Pet Animals Order 2011, Introductory Text. (See end of Document for details)

- a) Commission Decision [2007/25/EC](#) as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community⁽⁵⁾, and
- b) Annexes I and II to Regulation (EC) No 998/2003 of the European Parliament and of the Council on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive [92/65/EEC](#)⁽⁶⁾.

⁽⁵⁾ OJ No L 8, 13.1.2007, p29, as last amended by Commission Decision 2010/734/EU (OJ No L 316, 2.12.2010, p10).

⁽⁶⁾ OJ No L 146, 13.6.2003, p1, as last amended by Commission Delegated Regulation (EU) No 1153/2011 (OJ No L 296, 15.11.2011, p13).

Status:

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Changes to legislation:

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