

This Statutory Instrument has been made to correct errors in S.I. 2019/90, 170 and 1220 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No. 1229

EXITING THE EUROPEAN UNION

ANIMALS

ENVIRONMENTAL PROTECTION

**The Animal Health and Genetically Modified Organisms
(Amendment) (EU Exit) Regulations 2019**

Approved by both Houses of Parliament

Made - - - - at 12.30 a.m. on 5th September 2019

Laid before Parliament at 4.00 p.m. on 5th September 2019

Coming into force in accordance with regulation 1

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).

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019.

(2) This regulation and regulation 4 come into force immediately before Part 4 of the Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019(b) comes into force.

(3) The remaining regulations come into force immediately before exit day.

(a) 2018 c. 16.
(b) S.I. 2019/1220.

PART 2

Amendments to legislation concerning animal health

Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies

2.—(1) Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies is amended as follows.

(2) Annex 4, Chapter 5, Section E is amended in accordance with paragraphs (3) and (4).

(3) In point 2—

(a) in point (a)(ii), for “Union” substitute “EU-derived domestic”;

(b) in point (b)—

(i) in point (v)—

(aa) for “competent authority of the Member State”, in both places where it occurs, substitute “appropriate authority of the relevant constituent nation”;

(bb) in the second paragraph, for “this Member State” substitute “the relevant constituent nation”;

(ii) in point (viii)—

(aa) in the first indent, for “Union territory”, in both places where it occurs, substitute “United Kingdom”;

(bb) in the second indent, for the words from “introduced” to the end substitute “or any replacement system in place in the United Kingdom, and the border inspection post of exit must be indicated in the relevant Box”;

(cc) in the fourth and fifth indents, after “TRACES”, insert “or any replacement system in operation in the United Kingdom”.

(4) In point 5(d), for “Union territory” substitute “United Kingdom”.

(5) In Annex 9, in Chapter D, in Section B, in point 2, in the sentence after point (b), for “Union” substitute “EU-derived domestic”.

The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019

3.—(1) The Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 2—

(a) in paragraph (48)(e)(i)(aa), omit “in the words before point (a),”;

(b) in paragraph (51)—

(i) in sub-paragraph (a), for “4.2(b)” substitute “4.2”;

(ii) in sub-paragraph (b), for “4.3(c)” substitute “4.3”.

(3) In regulation 6—

(a) after paragraph (12) insert—

“(12A) In Article 20a—

(a) in the heading, omit “in Member States”;

(a) S.I. 2019/170, amended by the Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019 S.I. 2019/1220.

- (b) in the words before point (a), omit “of a Member State”;
 - (c) in point (a), for “Commission website” substitute “website of the relevant appropriate authority”;
 - (d) in point (b), for the words from “in TRACES” to “as” substitute “in, or accessible by means of, TRACES or any replacement system in operation in the United Kingdom as”;
- (b) for paragraph (27) substitute—
- “(27) In Article 30—
- (a) in the first subparagraph—
 - (i) after “TRACES system” insert “or any replacement system in operation in the United Kingdom”;
 - (ii) for “Commission” substitute “appropriate authority”;
 - (b) omit the third subparagraph.”;
- (c) in paragraph (29), after sub-paragraph (b) insert—
- “(c) in paragraph 7, after “TRACES” insert “or any replacement system in operation in the United Kingdom.”;
- (d) in paragraph (33), after sub-paragraph (f) insert—
- “(g) after paragraph 59 insert—
- “60. ‘constituent nation’ means England, Wales, Scotland or Northern Ireland.”**
- ;
- (e) in paragraph (47)—
- (i) re-number sub-paragraphs (i) to (iv) as (a) to (d);
 - (ii) in each of sub-paragraphs (b) and (c) (as re-numbered), re-number paragraphs (aa) and (bb) as (i) and (ii);
 - (iii) for sub-paragraph (d) (as re-numbered) substitute—
- “(d) in paragraph 6—
- (i) in point (b), for “one of the official languages” to the end of the second subparagraph, substitute “English, and may also be drawn up in other languages”;
 - (ii) in point (f)(viii), for “Member State” substitute “constituent nation”;
 - (iii) omit point (i).”;
- (f) in paragraph (95), for sub-paragraph (c)(ii) substitute—
- “(ii) in the words before the form—
- (aa) omit “inform the competent authority of the Member State of origin and”;
 - (bb) for “Member State”, in the second place it occurs, substitute “constituent nation”;
 - (cc) after “TRACES” insert “or any replacement system in operation in the United Kingdom”.

The Animal Health, Invasive Alien Species, Plant Breeders’ Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019

4. In regulation 5(4) of the Animal Health, Invasive Alien Species, Plant Breeders’ Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019(a), omit sub-paragraph (b).

(a) S.I. 2019/1220.

PART 3

Amendments to legislation concerning genetically modified organisms

The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019

5.—(1) The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 9, in paragraphs (6)(b) and (7)(a), in each place where it occurs, for “countries” substitute “constituent nations”.

(3) In regulation 10(4)—

(a) after sub-paragraph (a) insert—

“(aa) in paragraph 2, for “notification” substitute “consent””;

(b) in sub-paragraph (b) omit “in paragraph 2.”.

Gardiner of Kimble

Parliamentary Under Secretary of State

At 12.30 a.m. on 5th September 2019

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations are made in exercise of the powers in section 8(1) of 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 in section 8(2)(a), (b), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends legislation concerning animal health required as a result of recent amendments made to EU legislation. It amends retained direct EU legislation and secondary legislation.

Part 3 amends the Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/90) to correct some minor inconsistencies of terminology.

An impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) S.I. 2019/90, to which there are amendments not relevant to these Regulations.

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