

**2019 No. 1354**

**WILDLIFE**

**The Control of Trade in Endangered Species (Miscellaneous  
Amendments) Regulations 2019**

*Made - - - - at 9.59 a.m. on 16th October 2019*

*Laid before Parliament at 4.00 p.m. on 16th October 2019*

*Coming into force in accordance with regulation 1(1)*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is designated for the purposes of that section in relation to—

- (a) the environment(b), and
- (b) wild animals(c).

**PART 1**

**Introductory**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Control of Trade in Endangered Species (Miscellaneous Amendments) Regulations 2019 and come into force 21 days after the day on which they are laid.

(2) Regulations 2 and 4 extend to Scotland only.

(3) Regulation 6 extends to England and Wales only.

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- (a) 1972 c. 68. 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), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). Under section 57(1) of the Scotland Act 1998 (c. 46), despite the transfer to Scottish Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Scotland. Under paragraph 5 of Schedule 3 to the Government of Wales Act 2006 (c. 32), despite the transfer to the Welsh Ministers of functions in relation to implementing obligations under EU law in relation to devolved matters, the Secretary of State retains power to exercise such functions as regards Wales.
  - (b) S.I. 2008/301, which is prospectively revoked by S.I. 2018/1011 from exit day (see section 20 of the European Union (Withdrawal) Act 2018).
  - (c) S.I. 2014/1890, which is prospectively revoked by S.I. 2018/1011 from exit day (see section 20 of the European Union (Withdrawal) Act 2018).

## PART 2

### Amendment of primary legislation

#### **The Wildlife and Countryside Act 1981**

2. In section 7(3)(c)(a) of the Wildlife and Countryside Act 1981(b)—

- (a) for “Control of Trade in Endangered Species (Enforcement) Regulations 1997(c) (S.I. 1997/1372)” substitute “Control of Trade in Endangered Species Regulations 2018(d) (S.I. 2018/703)”;
- (b) for “under Regulation 9 of those Regulations” substitute “under paragraph 2 of Schedule 1 to those Regulations which consists of the conduct specified in the table in that paragraph as the subject-matter of Regulation 8(6) of those Regulations”.

#### **The Serious Crime Act 2007**

3. In Schedule 1 to the Serious Crime Act 2007(e), for each of paragraphs 13(4), 16M(4) and 29(4) substitute—

“(4) An offence under paragraph 1(2) of Schedule 1 to the Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703).

(5) An offence under paragraph 2 of that Schedule which consists of the conduct specified in the table in that paragraph as the subject matter of Article 16(1)(c) or (d) of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(f).”.

## PART 3

### Amendment of secondary legislation

#### **The Conservation (Natural Habitats, &c.) Regulations 1994**

4. In regulation 43 of the Conservation (Natural Habitats, &c.) Regulations 1994(g)—

(a) in paragraph (5)—

(i) for sub-paragraph (a)(iii) substitute—

“(iii) regulation 8(3) or (5) of the 2018 Regulations;”;

(ii) in sub-paragraph (b)(iii), for “1997” substitute “2018”;

(b) in paragraph (6)—

(i) in sub-paragraph (a)(iii), for “1997” substitute “2018”;

(ii) for sub-paragraph (c)(iii) substitute—

“(iii) regulation 10 of the 2018 Regulations.”;

(c) in paragraph (13), for the definition of “the 1997 Regulations” substitute—

““the 2018 Regulations” means the Control of Trade in Endangered Species Regulations 2018;”.

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(a) Section 7(3)(c) was inserted by paragraph 7(b) of Schedule 6 to the Nature Conservation (Scotland) Act 2004 (asp 6).

(b) 1981 c. 69.

(c) S.I. 1997/1372, which was revoked by S.I. 2018/703.

(d) S.I. 2018/703, to which there are amendments not relevant to these Regulations.

(e) 2007 c. 27. Part 1A was inserted by paragraph 31 of Schedule 1 to the Serious Crime Act 2015 (c. 9).

(f) OJ No L 61, 3.3.1997, p 1, as last amended by Commission Regulation (EU) 2017/160 (OJ No L 27, 1.2.2017, p 1).

(g) S.I. 1994/2716, amended by S.S.I. 2007/80; there are other amending instruments but none is relevant.

### **The Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

5. In the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(a), in Part 2—

- (a) omit the entry for “Control of Trade in Endangered Species (Enforcement) Regulations 1997”;
- (b) after the entry for “Commission Regulation (EC) No 865/2006(b)” insert—  
“Control of Trade in Endangered Species Regulations 2018”.

### **The Conservation of Habitats and Species Regulations 2017**

6.—(1) The Conservation of Habitats and Species Regulations 2017(c) are amended as follows.

(2) In regulations 44(11)(c) and 48(6)(c), for “1997” substitute “2018”.

(3) In regulation 49—

- (a) for the definition of “the 1997 Regulations” substitute—  
““the 2018 Regulations” means the Control of Trade in Endangered Species Regulations 2018;”;
- (b) in the definition of “the forfeiture provisions”, for sub-paragraph (b) substitute—  
“(b) regulation 10(a) and (b) of the 2018 Regulations (forfeiture)”;
- (c) in the definition of “the sampling provisions”, for sub-paragraph (b) substitute—  
“(b) regulation 8(3) and (5) of the 2018 Regulations (powers of entry);”.

### **The Economic Growth (Regulatory Functions) Order 2017**

7. In the Schedule to the Economic Growth (Regulatory Functions) Order 2017(d), in Part 3—

- (a) omit the entry for “Control of Trade in Endangered Species (Enforcement) Regulations 1997”;
- (b) after the entry for “Commission Regulation (EC) No 865/2006” insert—  
“Control of Trade in Endangered Species Regulations 2018”.

*Zac Goldsmith*

Parliamentary Under Secretary of State

At 9.59 a.m. on 16th October 2019

Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations update out of date references in primary and secondary legislation to the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) by replacing those references with references to the Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703).

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

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(a) S.I. 2007/3544, to which there are amendments not relevant to these Regulations.  
(b) OJ No L 166, 19.6.2006, p. 1, as last amended by Commission Regulation (EU) 2019/220 (OJ No L 35, 7.2.2019, p. 3).  
(c) S.I. 2017/1012, to which there are amendments not relevant to these Regulations.  
(d) S.I. 2017/267, to which there are amendments not relevant to these Regulations.

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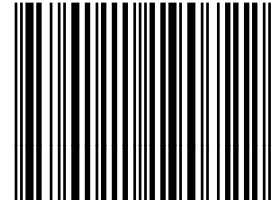
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