
STATUTORY INSTRUMENTS

2019 No. 588

**The Animals (Legislative Functions)
(EU Exit) Regulations 2019**

PART 1

Amendment of retained direct EU legislation
relating to animals and products of animal origin

Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing

9.—(1) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing is amended as follows.

(2) In Article 2, after point (r) insert—

“(u) for the meaning of ‘the appropriate authority’ see Article 2a.”

(3) After Article 2 insert—

“Article 2a

Definition of Appropriate Authority

1. Subject to paragraph 2, ‘the appropriate authority’ means—

- (a) for regulations applying in relation to England, the Secretary of State;
- (b) for regulations applying in relation to Wales, the Welsh Ministers;
- (c) for regulations applying in relation to Scotland, the Scottish Ministers;

^{F1}(d)

2. ‘The appropriate authority’ is the Secretary of State if consent is given by—

- (a) for regulations applying in relation to Wales, the Welsh Ministers;
- (b) for regulations applying in relation to Scotland, the Scottish Ministers;

^{F2}(c)”.

(4) In Article 4—

(a) in paragraph 2—

- (i) before “Annex I”, insert “ The appropriate authority may, by regulations, amend ”;
- (ii) omit “may be amended”;
- (iii) omit “on the basis of an opinion of EFSA and in accordance with the procedure referred to in Article 25(2)”;

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Changes to legislation: There are currently no known outstanding effects for the The Animals (Legislative Functions) (EU Exit) Regulations 2019, Section 9. (See end of Document for details)

(b) for paragraph 3 substitute—

“3. The Appropriate Minister may publish from time to time guidelines concerning the methods set out in Annex 1.”.

(5) In Article 5(4)—

(a) for “and on the basis of an opinion of EFSA,” substitute “ and to take account of scientific and technical progress the appropriate authority may, by regulations, make provision for derogating ”;

(b) omit “may be adopted in accordance with the procedure referred to in Article 25(2)”.

(6) In Article 11(1), for the words from “to be established” to the end substitute “ specified in regulations made by the appropriate authority ”.

(7) In Article 14(3) —

(a) in the first subparagraph, for “The following may be adopted in accordance with the procedure referred to in Article 25(2)” substitute “ The appropriate authority may, by regulations, make ”;

(b) in point (a), for “derogations” substitute “ provision for derogating ”;

(c) for point (b) substitute—

“(b) such amendments to Annex 2 as the appropriate authority considers necessary to take account of scientific and technical progress.”;

(d) in the second subparagraph—

(i) for “Member States” substitute “ appropriate authority ”,

(ii) omit “national”.

(8) For Article 14(4) substitute—

“4. The Appropriate Minister may publish guidelines from time to time relating to the implementation of paragraph 2 and Annex 2.”.

(9) In Article 15—

(a) for paragraph 4 substitute—

“4. To take account of scientific and technical progress the appropriate authority may by regulations amend Annex 3.”.

(b) for paragraph 5 substitute—

“5. The Appropriate Minister may publish guidelines from time to time relating to the implementation of the rules set out in Annex 3.”.

(10) For Article 16(6) substitute—

“6. The Appropriate Minister may publish from time to time guidelines concerning monitoring procedures in slaughterhouses.”.

(11) In Article 18—

(a) for paragraph 5 substitute—

- “5. The Appropriate Minister may publish from time to time guidelines for the drawing up and implementation of depopulation action plans.”;
- (b) in paragraph 6, for the words from “a derogation” to the end substitute “ the appropriate authority may, by regulations, make provision for derogating from the reporting obligation laid down in paragraph 4 ”.
- (12) For Article 21(8) substitute—

- “8. The Appropriate Minister may publish from time to time guidelines for the application of paragraph 1.”.
- (13) In Article 24—
- (a) for “Any” substitute “ The appropriate authority may, by regulations, make ”;
- (b) omit the words from “may be adopted” to the end.
- (14) After Article 24, insert—

“Article 24a
Regulations: general

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.
2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M1}.

^{F3}3.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

^{F3}7.

[^{F4}8]. Regulations made under this Regulation may—

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- (a) contain consequential, incidental, supplementary, transitional or saving provision, including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018);
- (b) make different provision for different purposes.

[^{F4}]. Before making any regulations under this Regulation, an Appropriate Authority must consult—

- (a) such bodies or persons as appear to the Appropriate Authority to be representative of the interests likely to be substantially affected by the regulations;
- (b) such other bodies or persons as the Appropriate Authority may consider appropriate.”.

Textual Amendments

- F1** Words in [reg. 9\(3\)](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), [regs. 1\(1\)\(b\)\(i\)](#), [3\(4\)\(a\)\(i\)](#)
- F2** Words in [reg. 9\(3\)](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), [regs. 1\(1\)\(b\)\(i\)](#), [3\(4\)\(a\)\(ii\)](#)
- F3** Words in [reg. 9\(14\)](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), [regs. 1\(1\)\(b\)\(i\)](#), [3\(4\)\(b\)\(i\)](#)
- F4** [Reg. 9\(14\)](#): in text of inserted [Art. 24a](#), second paras. 5, 6 renumbered as paras. 8, 9 (31.12.2020 immediately before IP completion day) by [The Animal Welfare and Invasive Non-native Species \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1590\)](#), [regs. 1\(1\)\(b\)\(i\)](#), [3\(4\)\(b\)\(ii\)](#)

Commencement Information

- I1** [Reg. 9](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M1** [2010 asp 10](#).

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Changes to legislation:

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