

This Statutory Instrument has been made to correct errors in S.I. 2019/223, 451, 452 and 795, and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No. 813

EXITING THE EUROPEAN UNION

ANIMALS

AQUACULTURE

ENVIRONMENTAL PROTECTION

The Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019

Approved by both Houses of Parliament

Made - - - - 4th April 2019

Laid before Parliament 5th April 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.

Citation and commencement

1. These Regulations may be cited as the Animal Health, Alien Species in Aquaculture and Invasive Non-native Species (Amendment) (EU Exit) Regulations 2019 and come into force immediately before exit day.

The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019

2.—(1) The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In regulation 5(4)—

(a) 2018 c. 16.
(b) S.I. 2019/223.

- (a) in sub-paragraph (b), at the end insert—
 - “(iii) omit the words “the procedure referred to in”;;”;
 - (b) in sub-paragraph (c)(ii), for “biographical” substitute “biogeographical”.
- (3) In regulation 7—
- (a) in paragraph (3)—
 - (i) for sub-paragraph (c)(ii) substitute—
 - “(ii) after “Regulation (EC) No 882/2004 and” insert “retained EU law which transposed”;
 - (iii) for “points of entry in accordance with” substitute “points of entry as defined in”;;”;
 - (ii) for sub-paragraph (e) substitute—
 - “(e) in paragraph 6, omit the words from “, except where” to the end;;”;
 - (b) for paragraph (5)(b) and (c) substitute—
 - “(b) in paragraphs 1 and 2, for “Member States shall” substitute “the appropriate authority must”;
 - (c) in paragraphs 3 and 4, for “Member States shall” substitute “The appropriate authority must”;
 - (ca) in paragraph 3, for “Member States may” substitute “The appropriate authority may”;;”.
- (4) In regulation 9(3)—
- (a) in paragraph (a)—
 - (i) after sub-paragraph (i), insert—
 - “(ia) for “their” substitute “its”;;”;
 - (ii) after sub-paragraph (iii) insert—
 - “(iiia) in points (a) and (b), for “in accordance with” substitute “specified in”;;”;
 - (iii) omit sub-paragraph (v);
 - (b) in paragraph (b), after sub-paragraph (i), insert—
 - “(ia) for “their” substitute “its”;;”.

The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019

3.—(1) The Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

- (2) In the Schedule, for paragraph 9(1)(c) substitute—
 - “(c) paragraph 3 were omitted.”.

The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019

4.—(1) The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019(b) are amended as follows.

- (2) In regulation 2(7), in the inserted regulation 18 of the Aquatic Animal Health (England and Wales) Regulations 2009(c)—

(a) S.I. 2019/451.
 (b) S.I. 2019/452.
 (c) S.I. 2009/463, as amended by S.I. 2019/452; there are other amending instruments but none is relevant.

- (a) after paragraph (7)(a)(ii) insert—
 - “(iii) paragraph 3 were omitted; and”;
- (b) in paragraph (10)—
 - (i) in sub-paragraph (a), omit “paragraph 2 of”;
 - (ii) in sub-paragraph (b), for “paragraph 2(b)” substitute “paragraph (b)”.

The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019

5.—(1) The Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019(a) are amended as follows.

(2) For regulation 6(3) substitute—

“(3) For Article 2 substitute—

“Article 2

Unloading and landing of fish must be carried out in accordance with the hygiene requirements for fishery products contained in Section 8 of Annex 3 to Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin.”.

(3) In regulation 15(3), in the inserted Article 1a(2) of Commission Decision 2003/779/EC laying down animal health requirements and the veterinary certification for the import of animal casings from third countries, for point (d) substitute—

“(d) Article 13 is to be treated as if the following were omitted—

- (i) in paragraph 5, the last sentence, and
- (ii) paragraph 6.”.

(4) After regulation 18, insert—

“Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia

18A. In Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia, omit Article 5.”.

(5) In regulation 22, for paragraphs (7) and (8) substitute—

“(7) Omit Annexes 1 and 2.”.

(6) In regulation 26(25)(a)(i), for the substituted words “set out in” substitute “as set out in”.

(7) In regulation 42(2)(a), for paragraph (ii) substitute—

“(ii) in point (a), for “Decision 2004/211”, substitute “Commission Implementing Regulation 2018/659”;

(8) In regulation 43—

- (a) in paragraph (3)(a), for “Law” substitute “law”;
- (b) in paragraph (5)(c), in the substituted words omit “the”.

(9) Omit regulation 47.

(10) In regulation 50—

(a) in paragraph (13), for paragraph (b) substitute—

“(b) in paragraph 2—

- (i) in subparagraph (a)—

(a) S.I. 2019/795.

- (aa) for “European Union” substitute “United Kingdom national”, and
- (bb) omit the words “designated” to the end;
- (ii) in subparagraph (b)—
 - (aa) for “European Union” substitute “United Kingdom national”, and
 - (bb) omit the words “, designated” to the end;”;
- (b) in paragraph (22)(b), for sub-paragraph (aa) substitute—
 - “(aa) for the words “referred to in Article 7(1)” to “Regulation” substitute “, as indicated in the relevant health certificate published by the appropriate authority from time to time”,”.
- (11) In Schedule 2—
 - (a) omit paragraph 4;
 - (b) in paragraph 5, for “2006/65/EC” substitute “2006/605/EC”.

4th April 2019

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

They make amendments to the Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/223), the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/451), the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (England and Wales) (EU Exit) Regulations 2019 (S.I. 2019/452) and the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/795) to correct various errors.

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

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