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STATUTORY INSTRUMENTS

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**2020 No. 1637**

The Agricultural Products, Food and Drink  
(Amendment etc.) (EU Exit) Regulations 2020

PART 4

Amendment of subordinate legislation: amendments  
coming into force on IP completion day

CHAPTER 3

Amendment of subordinate legislation so far as it extends to Northern Ireland

**The Spirit Drinks Regulations 2008**

- 13.—(1) The Spirit Drinks Regulations 2008 are amended as follows.
- (2) For “relevant court”, in each place it occurs, substitute “magistrates’ court”.
- (3) In regulation 1—
- (a) in the heading, for “and commencement” substitute “, commencement and extent”;
  - (b) number the existing paragraph as paragraph (1);
  - (c) after paragraph (1) (as numbered by sub-paragraph (b)), insert—  
““(2) They extend to Northern Ireland.””
- (4) In regulation 3—
- (a) for the definition of “food authority” substitute—  
““food authority” means a district council;”;
  - (b) for the definition of “port health authority” substitute—  
““port health authority” means, in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(1), the port health authority for that district;”;
  - (c) omit the definition of “relevant court”.
- (5) In regulation 5(1) insert “in Northern Ireland” after—
- (a) “responsible”;
  - (b) “market” in both places it occurs.
- (6) In regulation 6—
- (a) in paragraph (2), for the words from “being” to the end substitute—  
“being—  
(a) imported into, or exported from, Northern Ireland;

- (b) moved from Northern Ireland into Great Britain;
- (c) moved into Northern Ireland from Great Britain”;
- (b) in paragraph (4), for the words from “being” to the end substitute—
  - “being—
  - (a) imported into, or exported from, Northern Ireland;
  - (b) moved from Northern Ireland into Great Britain;
  - (c) moved into Northern Ireland from Great Britain”.
- (7) In regulation 7(2), for the words from “being” to the end substitute—
  - “being—
  - (a) imported into, or exported from Northern Ireland;
  - (b) moved from Northern Ireland into Great Britain;
  - (c) moved into Northern Ireland from Great Britain”.
- (8) In regulation 10—
  - (a) for paragraph (2) substitute—
    - “(2) The authorised officer may take with them such other person as they consider necessary.”;
  - (b) in paragraph (5), for “justice of the peace” substitute “lay magistrate”;
  - (c) omit paragraphs (14) and 15.
- (9) In regulation 12—
  - (a) for paragraph (16) substitute—
    - “(16) The procedure in a magistrates’ court under this regulation is by way of complaint, and the Magistrates’ Courts (Northern Ireland) Order 1981(2) applies to the proceedings.”;
  - (b) omit paragraph (17).
- (10) In regulation 14—
  - (a) for paragraph (2) substitute—
    - “(2) The procedure on an appeal to a magistrates’ court under paragraph (1) is by way of complaint, and the Magistrates’ Courts (Northern Ireland) Order 1981 applies to the proceedings.”;
  - (b) omit paragraph (3).
- (11) Omit regulation 30(9).

### **The Wine Regulations 2011**

- 14.**—(1) The Wine Regulations 2011 are amended as follows.
- (2) After regulation 1(3) insert—
    - “(4) All the other provisions extend to Northern Ireland.”.
  - (3) In regulation 2(2), for the definition of “the Agency” substitute—
    - ““the Agency” means the Food Standards Agency”.
  - (4) In regulation 3—

- (a) for paragraph (1) substitute—
  - “(1) The local authority enforces the European Regulations in relation to retail sale.”;
- (b) in paragraph (2), for “Secretary of State” substitute “Department of Agriculture, Environment and Rural Affairs”;
- (c) omit paragraphs (3), (4), (6), (8) and (9);
- (d) insert as paragraph (10)—
  - “(10) In this regulation—
    - (a) “general customs official” means a general customs official designated under section 3(1) of the Borders, Citizenship and Immigration Act 2009<sup>(3)</sup>;
    - (b) “local authority” means a district council within the meaning of the Interpretation Act (Northern Ireland) 1954<sup>(4)</sup>.”.
- (5) In regulation 4—
  - (a) in paragraph (1)—
    - (i) at the beginning insert “In respect of Northern Ireland,”;
    - (ii) for “as the” substitute “as if a”;
  - (b) omit paragraph (3).
- (6) Omit regulation 6.
- (7) For regulation 8(4) substitute—
  - “(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.”.
- (8) In regulation 9(1)—
  - (a) in paragraph (1)—
    - (i) in the words before sub-paragraph (a), for the words from “justice” to “Ireland” substitute “lay magistrate”;
    - (ii) in the words after sub-paragraph (b), for “justice” substitute “magistrate”;
  - (b) omit paragraph (5).
- (9) In regulation 16(2) omit sub-paragraphs (b) and (c).
- (10) Omit Schedules 1 and 2.

### **The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018**

15.—(1) The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018 are amended as follows.

- (2) In regulation 1—
  - (a) in the heading, for “and commencement” substitute “, commencement and extent”;
  - (b) number the existing paragraph as paragraph (1);
  - (c) after paragraph (1) (as numbered by sub-paragraph (b)) insert—
    - “(2) The following provisions extend to Northern Ireland—
      - (a) this Part and Parts 2 to 4;
      - (b) regulations 21 to 23.”.

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<sup>(3)</sup> 2009 c. 11.

<sup>(4)</sup> 1954 c. 33 (N.I.).

- (3) In regulation 3(2)—
  - (a) at the beginning insert “As regards Northern Ireland,”;
  - (b) in sub-paragraph (c)(ii) omit “, as read with Article 15”.
- (4) For regulation 6(4) substitute—
  - “(4) For the purposes of these Regulations any district council within the meaning of the Interpretation Act (Northern Ireland) 1954 is eligible for appointment as an enforcement authority.”.
- (5) In regulation 10—
  - (a) in paragraph (4), in the words before sub-paragraph (a), omit—
    - (i) the words from “justice of the peace in England” to “Scotland or”;
    - (ii) “justice, sheriff or”;
  - (b) for paragraph (8)(a) substitute—
    - “(a) be accompanied by such other persons as the authorised officer considers necessary;”.
- (6) In regulation 12—
  - (a) in paragraph (2)(e) omit “15, 16, or as the case may be,”;
  - (b) in paragraph (3), for “regulations 15 to” substitute “regulation”.
- (7) In regulation 13—
  - (a) in paragraph (3)(e) omit “15, 16, or as the case may be,”;
  - (b) in paragraph (4), for “regulations 15 to” substitute “regulation”.
- (8) In regulation 14—
  - (a) in paragraph (4)(c)(i) omit “15, 16 or, as the case may be,”;
  - (b) in paragraph (5) for “regulations 15 to” substitute “regulation”.
- (9) Omit regulations 15 and 16.
- (10) In regulation 20, in the words before sub-paragraph (a), for “regulations 15 to” substitute “regulation”.
- (11) In regulation 22(1)(a), after “years” insert “in Northern Ireland”.
- (12) In regulation 23(4) omit “other”.