
STATUTORY INSTRUMENTS

2021 No. 207

**The Fertilisers and Ammonium Nitrate Material
(Amendment) (EU Exit) Regulations 2021**

Application to Northern Ireland of Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers

3.—(1) The provisions of Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers⁽¹⁾, as it applies in England and Wales and Scotland also apply in Northern Ireland, subject to the modifications listed in paragraph (3).

(2) Paragraph (1) is without prejudice to the application in Northern Ireland of Regulation (EC) No 2003/2003 as it applies by virtue of the Protocol on Ireland/Northern Ireland in the withdrawal agreement.

(3) The modifications are that—

(a) in Article 2(1)—

(i) the definition of “appropriate authority” is to be read as if in point (ii), after the third indent there were inserted—

— “in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”;

(ii) the definition of “enforcement authority” is to be read as if after point (ii) there were inserted—

“(iii) in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”;

(iii) the definition of “relevant authority” is to be read as if after point (ii) there were inserted—

“(iii) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.”;

(b) in Article 2(2)—

(i) paragraph (a) is to be read as if after point (ii) there were inserted—

“(iii) in relation to Northern Ireland, the Northern Ireland Assembly if it were included in an Act of the Assembly (see section 6 of the Northern Ireland Act 1998);”;

(ii) paragraph (b) is to be read as if after point (ii) there were inserted—

“(iii) in relation to Northern Ireland, a provision of an Act of the Northern Ireland Assembly conferring the function (or conferring it so as to be exercisable in that way) would be outside the legislative competence of the Assembly.”;

(c) Article 32 is to be read as if—

(i) for paragraph 2 there were substituted—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“2. The Secretary of State may not make regulations under this Regulation in relation to Northern Ireland, unless the Secretary of State also makes the same regulations, or regulations containing the same or substantially the same provision, in relation to Great Britain.”;

- (ii) in paragraph 3, for “each person who is a relevant authority” there were substituted “the Department of Agriculture, Environment and Rural Affairs”;
- (iii) in paragraph 4, for “any of the relevant authorities” there were substituted “the Department of Agriculture, Environment and Rural Affairs”.