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STATUTORY INSTRUMENTS

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**2022 No. 1315**

**The Animals and Animal Health, Feed and Food, Plants  
and Plant Health (Amendment) Regulations 2022**

**PART 3**

**Amendment of Regulation (EU) No 2017/625**

**Amendment of Article 4**

**5.—**(1) Article 4 (designation of competent authorities) is amended as follows.

(2) For paragraph 1 substitute—

“**1.** The appropriate authority may—

- (a) for each of the areas governed by the rules referred to in Article 1(2), designate any other authority as a competent authority responsible for any of the OCR functions;
- (b) modify<sup>(1)</sup> any designation made under point (a).

**1A.** A designation for the purposes of paragraph 1 above does not prevent the appropriate authority from exercising the relevant functions itself.

**1B.** The amendments made to Article 3(3) and this Article by the 2022 Regulations do not affect the continued operation of any existing designation.

**1C.** But the appropriate authority may—

- (a) by regulations, revoke any existing designation contained in subordinate legislation (whether made under section 2(2) of the European Communities Act 1972<sup>(2)</sup> or otherwise) conferring responsibility for any of the OCR functions on the appropriate authority which is no longer required in consequence of the amendments made to Article 3(3) and this Article by the 2022 Regulations;
- (b) revoke any other existing designation conferring responsibility for any of the OCR functions on the appropriate authority which is no longer required in consequence of the amendments made to those provisions by those Regulations.

**1D.** In addition, the appropriate authority may—

- (a) by regulations, modify any existing designation contained in subordinate legislation (whether made under section 2(2) of the European Communities Act 1972 or otherwise) conferring responsibility on any other authority for any of the OCR functions;
- (b) by notice in writing, modify any other existing designation conferring responsibility on any other authority for any of the OCR functions.

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(1) “Modify” is defined in section 20(1) of the European Union (Withdrawal) Act 2018.

(2) 1972 c. 32.

**1E.** Paragraphs 1C and 1D are without prejudice to section 14 of the Interpretation Act 1978(3).

**1F.** For the purposes of this Article—

- (a) “the 2022 Regulations” means the Animals and Animal Health, Feed and Food, Plants and Plant Health (Amendment) Regulations 2022;
- (b) “existing designation” means a designation conferring responsibility for any of the OCR functions on an authority which—
  - (i) was made for the purposes of this Article before 13th December 2022, and
  - (ii) is effective immediately before that date;
- (c) “the OCR functions” means the organisation or performance of official controls or other official activities in accordance with this Regulation and the rules referred to in Article 1(2).

**1G.** Paragraph 2 applies where, for the same area—

- (a) two or more authorities are each designated as a competent authority (whether under paragraph 1 or an existing designation), or
- (b) any such authority is permitted to delegate the exercise of specific responsibilities for official controls or other official activities to another public authority.”.

(3) In paragraph 2, for the words from “Where, for” to “other public authorities” substitute “Where this paragraph applies”.