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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 139**

- 9.** In Article 139 (penalties)—
- (a) in paragraph 1—
    - (i) for “appropriate authorities” substitute “appropriate authority”;
    - (ii) for “shall”, in the first place it occurs, substitute “may, by regulations,”;
    - (iii) after “Regulation” insert “or of any EU tertiary legislation<sup>(1)</sup>, or regulations, made under this Regulation”;
  - (b) in paragraph 2, omit “, in accordance with national law,”;
  - (c) after paragraph 2 insert—
    - “3.** Regulations under this Article may create offences.
    - 4.** Regulations may provide for an offence under the regulations to be triable—
      - (a) summarily, or
      - (b) either summarily or on indictment.
    - 5.** Regulations may provide for an offence under the regulations that is triable either way to be punishable—
      - (a) on summary conviction in England and Wales, with imprisonment for a term not exceeding three months or a fine (or both);
      - (b) on summary conviction in Scotland, with imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum (or both);
      - (c) on conviction on indictment, with imprisonment for a term not exceeding two years or a fine (or both).
    - 6.** Regulations may provide for a summary offence under the regulations to be punishable—
      - (a) in England and Wales, with imprisonment for a term not exceeding three months or a fine (or both);
      - (b) in Scotland, with imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale (or both).”.

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<sup>(1)</sup> “EU tertiary legislation” is defined in section 20(1) of the European Union (Withdrawal) Act 2018.

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**Status:** This is the original version (as it was originally made).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

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