

2019 No. 1313

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

AGRICULTURE, NORTHERN IRELAND

ANIMALS, NORTHERN IRELAND

FOOD, NORTHERN IRELAND

HORTICULTURE, NORTHERN IRELAND

PLANT HEALTH, NORTHERN IRELAND

WILDLIFE, NORTHERN IRELAND

**The Agriculture, Environment and Rural Affairs (Amendment)
(Northern Ireland) (EU Exit) (No. 2) Regulations 2019**

Approved by both Houses of Parliament

Made - - - - at 2.00 p.m. on 7th October 2019

Laid before Parliament at 4.00 p.m. on 7th October 2019

Coming into force in accordance with regulation 1

The Secretary of State, 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) makes the following Regulations.

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.

There has been open and transparent public consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^(b) laying down the general principles and requirements of food law,

(a) 2018 c. 16.

(b) OJ No. L 31, 1.2.2002, p. 1, as amended by Commission Regulation (EC) No. 202/2008 (OJ No. L 60, 4.3.2008, p. 17).

establishing the European Food Safety Authority and laying down procedures in matters of food safety.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) (No. 2) Regulations 2019 and come into force in accordance with paragraph (2).

(2) These Regulations come into force as follows—

- (a) as regards regulations 1, 4 and 8, immediately before exit day;
- (b) as regards all other regulations, on exit day.

(3) These Regulations extend to Northern Ireland only.

PART 2

Amendment of the Agriculture (Food) Provisions

Amendment of the Eggs and Chicks Regulations (Northern Ireland) 2010

2. In the Eggs and Chicks Regulations (Northern Ireland) 2010(**a**), in Schedule 2, in Part 2 in the Table—

- (a) omit rows 18, 19 and 20 (relating to Article 8 of Commission Regulation (EC) No. 589/2008);
- (b) in row 26 (Article 12(2), fourth sub-paragraph), in the second column, for “Chapter III of Council Directive 1999/74/EC” substitute “Schedule 3 to the Northern Ireland welfare regulations”.

PART 3

Amendment of the Animals Provisions

Amendment of the Importation of Animal Pathogens Order (Northern Ireland) 1999

3.—(1) The Importation of Animal Pathogens Order (Northern Ireland) 1999(**b**) is amended as follows.

(2) In Article 2, in the definition of “another Member State”—

- (a) for “another” substitute “a”;
- (b) omit “other than the United Kingdom”.

(3) In Article 6, for “another” substitute “a”.

(a) S.R. 2010 No. 125. Relevant amendments are made to the Table in S.R. 2014 No. 92, regulation 5(11)(b)(iii) and S.I. 2019/347, regulation 4(7)(b).

(b) S.R. 1999 No. 433, as amended by S.I. 2011/1043.

PART 4

Amendment of the Horticulture Provisions

Amendment of the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

4. In the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(a), in regulation 10(13), in the text inserted as regulation 25(1) of the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010(b), for “Regulation 17” substitute “Regulation 15”.

PART 5

Amendment of the Plant Health Provisions

Amendment of the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995

5. In the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995(c), in regulation 4A(1), and in the heading, for “European Union” substitute “United Kingdom”.

Amendment of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006

6. In the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(d), in Article 2—
- (a) omit the definitions from “Decision 2002/757/EC” to “Decision (EU) 2018/1503”;
 - (b) omit paragraph (4).

Amendment of the Plant Health Order (Northern Ireland) 2018

7. In the Plant Health Order (Northern Ireland) 2018(e), in Article 2, omit the definition of “Decision (EU) 2018/1503”.

Amendment of the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

8. In the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(f), in regulation 56, for the words before the inserted text substitute—

“In regulation 5—

- (a) in paragraph (3), for “European Union” substitute “United Kingdom”;
- (b) at the end insert—”.

(a) S.I. 2019/1101.

(b) S.R. 2010 No. 198 as amended by S.R. 2012 No. 299, S.R. 2014 No. 92 and S.I. 2019/1101.

(c) S.R. 1995 No. 415. Regulation 4A was inserted by S.R. 2019 No. 161.

(d) S.R. 2006 No. 66, as amended by S.R. 2012 No. 400, S.R. 2015 No. 129, S.R. 2019 No. 99, S.R. 2019 No. 162 and S.I. 2019/820.

(e) S.R. 2018 No. 184, as amended by S.R. 2019 No. 49, S.R. 2019 No. 151, S.R. 2019 No. 160 and S.I. 2019/820.

(f) S.I. 2019/211 to which there are amendments not relevant to these Regulations.

PART 6

Amendment of the Wildlife Provisions

Amendment of the Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019

9.—(1) The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019(a) is amended as follows.

(2) In Parts 1 and 3, in each place where it occurs (except as otherwise indicated in paragraph (3)(b)), for “Union list” substitute “list of species of special concern”.

(3) In Article 2(2)—

(a) after the definition of “licence”, insert—

““the list of species of special concern” means the list of species in the Annex to Commission Implementing Regulation (EU) 2016/1141 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council, as amended from time to time;”;

(b) omit the definition of “the Union list”.

At 2.00 p.m. on 7th October 2019

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) S.R. 2019 No. 159.

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 EU derived law to operate effectively and other deficiencies (in particular, the deficiencies referred to in paragraphs (a), (c), (d) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 amends the Eggs and Chicks Regulations (Northern Ireland) 2010 (S.R. 2010 No. 125). It omits the Union requirements on the marking of eggs for cross-border delivery between Member States and substitutes a new domestic law reference.

Part 3 makes consequential amendments to the Importation of Animal Pathogens Order (Northern Ireland) 1999 (S.R. 1999 No. 433) to substitute an amended reference to a Member State.

Part 4 amends the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/1101) to insert a corrected reference to the community marketing rules offences.

Part 5 amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 (S.R. 1995 No. 415), the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006 No. 66), the Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) and the Marketing of Seeds and Plant Propagating Material (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/211).

Part 6 amends the Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 (S.R. 2019 No. 159). It makes new substitutions in relation to the “Union List”.

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

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