STATUTORY RULES OF NORTHERN IRELAND

2020 No. 353

EXITING THE EUROPEAN UNION

ANIMAL HEALTH

AQUATIC ANIMAL HEALTH

MEDICINES

The Animals (Health, Identification, Trade and Veterinary Medicines) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Made - - - - 23rd December 2020

Coming into operation in accordance with Regulation 1(2) and (3)

The Department of Agriculture, Environment and Rural Affairs(**a**) makes these Regulations in exercise of the powers conferred by sections 11 and 22 of, paragraph 1(1) of, Part 1 and paragraph 11M of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**).

PART 1

Introductory

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals (Health, Identification, Trade and Veterinary Medicines) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 and come into operation in accordance with paragraphs (2) and (3).

(2) This regulation and regulation 11 come into operation immediately before IP completion day.

(3) Regulations 2 to 10 come into operation on IP completion day.

(**a**) Formerly the Department of Agriculture and Rural Development (DARD see section 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1)).DARD was renamed the Department of Agriculture, Environment and Rural Affairs (DAERA) by Article 1(2) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).

(**b**) 2018(c16); Part 1C of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (the 2020 Act). Paragraph 21(b) of Schedule 7 was amended by paragraph 53(2)(b) of Schedule 5 to the 2020 Act.

(4) The Interpretation Act (Northern Ireland) 1954(**a**) applies to these Regulations as it applies to an Act of the Assembly.

PART 2

Animal Health

Amendments to the Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007

2.—(1) The Avian Influenza (H5N1 in Poultry) Regulations (Northern Ireland) 2007(**b**) are amended as follows.

(2) In regulation 13(2)—

(a) in sub-paragraph (c)(i), for "UK" substitute "UK(NI)";

(b) omit sub-paragraph (c)(iii).

(3) In the Schedule, in paragraph 2, in the mark and in sub-paragraph (a), for "UK" in each place it occurs, substitute "UK(NI)".

Amendments to the Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007

3. In Schedule 1 to the Avian Influenza (H5N1 in Wild Birds) Regulations (Northern Ireland) 2007(**c**), in Part III, paragraph 2—

(a) in sub-paragraph (1)(c)(i) for "UK" substitute "UK(NI)";

(b) omit sub-paragraph (1)(c)(iii);

(c) in the identification mark and in paragraph (a) below it, for "UK" in each place it occurs, substitute "UK(NI)".

Amendment to the Scrapie (Fees) Regulations (Northern Ireland) 2008

4. In regulation 2(1) of the Scrapie (Fees) Regulations (Northern Ireland) 2008(**d**), in the definition of "the Community TSE Regulation", for "2019/1091" substitute "2020/1593".

Amendments to the Aquatic Animal Health Regulations (Northern Ireland) 2009

5.—(1) The Aquatic Animal Health Regulations (Northern Ireland) 2009(**e**) are amended as follows.

(2) In regulation 19(8)(b)(i) and 19(9)(a), after "from" insert "Northern Ireland, zone or compartment or".

(3) In regulation 25—

(i) in paragraph (1), after "outside" insert "Northern Ireland or";

(ii) in paragraph (2), after "such animal into" insert "Northern Ireland or";

(4) In regulation 56(2) omit "Directive 2006/88,".

(**a**) 1954 c.33.(NI)
(**b**) S.R. 2007 No. 207, to which a relevant amendment was made by S.R. 2019 No. 82.
(**c**) S.R. 2007 No. 208, to which there have been amendments not relevant to these Regulations.
(**d**) S.R. 2008 No. 456, to which relevant amendments were made by S.R. 2019 No. 82 and S.R. 2019 No. 197.
(**e**) S.R. 2009 No. 129, to which there have been amendments not relevant to these Regulations.

PART 3

Livestock Identification

Amendments to the Cattle Identification (No.2) Regulations (Northern Ireland) 1998

6.—(1) The Cattle Identification (No.2) Regulations (Northern Ireland) 1998(**a**) are amended as follows.

(2) In regulation 2(1), omit the definition of "Council Directive 91/496/EEC".

(3) In regulation 9(1), for "Council Directive 91/496/EEC" substitute "Regulation (EU) 2017/625".

Amendment to the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009

7. In article 29(3)(a) of the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2009(**b**), after "UK" insert "or the three digit code 826".

PART 4

Trade

Amendments to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011

8.—(1) The Trade in Animal and Related Products Regulations (Northern Ireland) 2011(**c**) are amended as follows.

(2) In regulation 2(1), for "the United Kingdom" substitute "Northern Ireland".

(3) In regulation 17, for "the United Kingdom" substitute "Northern Ireland".

(4) In regulation 18—

(a) in the heading, for "the United Kingdom" substitute "Northern Ireland";

(b) in paragraph (1), for "the United Kingdom" substitute "Northern Ireland";

(c) in paragraph (3), for "the United Kingdom", in each place it occurs, substitute "Northern Ireland";

(d) in paragraph (3A), for "the United Kingdom" substitute "Northern Ireland".

(5) In regulations 20(2), 22(1) and 29(1) for "the United Kingdom", in each place it occurs, substitute "Northern Ireland".

(6) In Schedule 2, omit the entries in both columns relating to "Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries".

(7) In Schedule 4, paragraph 5, omit "or another part of the United Kingdom".

(**a**) S.R. 1998 No. 279, to which relevant amendments were made by S.R. 2004 No. 420, S.R. 2012 No. 416 and S.R. 2019 No. 82.

(**b**) S.R. 2009 No. 411, to which there are amendments not relevant to these Regulations.

(**c**) S.R. 2011 No. 438, to which relevant amendments were made by S.R. 2014 No. 196, S.R. 2019 No. 82, S.R. 2019 No. 197 and S.R. 2019 No. 227.

PART 5

Transmissible Spongiform Encephalopathies

Amendment to the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018

9. In the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2018(**a**), in Schedule 4, in paragraph 7(2)(b), before "be exported" insert "except as provided by sub-paragraph (3)".

PART 6

Veterinary Medicines

Amendments to the Veterinary Medicines Regulations 2013

10.—(1) The Veterinary Medicines Regulations (Northern Ireland) 2013(**b**) are amended as follows.

(2) In regulation 2(2), after the definition of "Regulation (EC) No 767/2009" insert—

""Regulation (EU) 2017/625" means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products;".

(3) In regulation 8(a), for "the United Kingdom" substitute "Northern Ireland".

(4) In regulation 9(1), for "the United Kingdom" substitute "Northern Ireland".

(5) In regulation 25—

(a) in paragraphs (5) and (6)(a), for "another" substitute "a";

(b) in paragraph (6)(b)(iii), for "the United Kingdom" substitute "Northern Ireland";

(c) after paragraph (8), insert—

"(9) For the purpose of this regulation, references to import or importation of an unauthorised veterinary medicinal product include the movement of such a product from Great Britain to Northern Ireland.".

(6) For regulation 26(4) substitute—

"(4) A veterinary surgeon who practices in Northern Ireland and a member State may hold veterinary medicinal products authorised in the member State provided that the amount held does not exceed the amount expected to be used in that member State.".

(7) In regulation 31(1), for "member State", in each place it occurs, substitute "country".

(8) In regulation 34—

(a) in paragraph (5), omit sub-paragraph (b) and the word "and" immediately before it;

(b) in paragraph (10), for "another" substitute "a";

(c) for paragraph (11), substitute—

"(11) In this regulation, a reference to justice of the peace is a reference to a lay magistrate.".

(9) In regulation 39—

(a) in paragraph (1), after "magistrates' court" omit "or, in Scotland, to the sheriff";

(**a**) S.R. 2018 No. 213, to which there has been an amendment not relevant to these Regulations.
(**b**) S.I. 2013/2033, to which a relevant amendment was made by S.I. 2014/599.

(b) omit paragraph (3).

(10) In regulation 41—

(a) in paragraph (6), after "magistrates' court" omit "(or in Scotland, the sheriff court)";

(b) omit paragraph (8).

(11) For regulation 45(3)(c), substitute—

"(c) Regulation (EU) 2017/625; and"

(12) In regulation 46—

(a) in paragraph (2), omit "other";

(b) for paragraph (3)(f), substitute—

"(f) Regulation (EU) 2017/625;".

(13) In Schedule 1—

(a) in the heading, after "Marketing Authorisations" insert "in Northern Ireland";

(b) in Part 1, in paragraph 2(3)(n)(i), for "another" substitute "a" and omit "other";

(c) in Part 2, paragraph 10(6)—

(i) for "another" substitute "a";

(ii) for "the United Kingdom", in each place it occurs, substitute "Northern Ireland";

(d) in paragraph 13—

(i) in sub-paragraph (1), for "another" substitute "a";

(ii) in sub-paragraphs (1), (2), (3), (6) and (7), for "the United Kingdom" substitute "Northern Ireland";

(e) in paragraph 16, for "another" substitute "a";

(f) in Part 3—

(i) in paragraph 18, after "established in" insert "the United Kingdom or";

(ii) in paragraph 20, for "another" substitute "a";

(iii) in paragraph 29(1)(b) and (3), in each place it occurs, for "another" substitute "a";

(iv) in paragraph 31(1) and (2), in each place it occurs, for "the United Kingdom" substitute "Northern Ireland";

(v) in paragraph 32(8) and (9), in each place it occurs, for "the United Kingdom" substitute "Northern Ireland";

(g) in Part 5—

(i) paragraph 39(3)(b), for "the United Kingdom" substitute "Northern Ireland" and omit "other";

(ii) in paragraph 41(3), for "another" substitute "a";

(h) in Part 6—

(i) in paragraph 42—

(aa) in the heading and sub- paragraph (1), for "another" substitute "a";

(bb) in sub-paragraph (1), for "the United Kingdom" substitute "Northern Ireland";

(ii) in paragraph 43—

(aa) in the heading, for "another" substitute "a";

(bb) in sub-paragraph (1), for "another" substitute "a";

(i) in Part 7, in paragraph 46—

(i) for "UK" substitute "UK(NI)";

(ii) for "the United Kingdom" substitute "Northern Ireland";

(j) in Part 8—

(i) in paragraph 55, after "a member State" insert "or the United Kingdom".

(ii) in paragraph 57, in the heading and in sub-paragraph (1), for "the United Kingdom" substitute "Northern Ireland";

(iii) in paragraph 58—

(aa) in sub-paragraph (1), for "the United Kingdom" substitute "Northern Ireland";

(bb) in sub-paragraph (4), omit "other";

(iv) in paragraph 59(2) and (3), in each place where it occurs, for "the United Kingdom" substitute "Northern Ireland";

(v) in paragraph 61—

(aa) in sub-paragraph (1), for "another" substitute "a" and omit "other";

(bb) in sub-paragraph (2), omit "other";

(k) in Part 9, in paragraph 64(4), for "another" substitute "a".

(14) In Schedule 4—

(a) in paragraph 1, in each place it occurs, for "United Kingdom" substitute "Northern Ireland";

(b) in paragraph 5, for "the United Kingdom" substitute "Northern Ireland";

(c) in paragraph 6—

(i) in the heading, omit "other";

(ii) in sub-paragraph (1), for "another" substitute "a";

(iii) in sub-paragraphs (1), 1(d) and 3(b) for "the United Kingdom", in each place it occurs, substitute "Northern Ireland".

(iv) for sub-paragraph (3)(a), substitute—

"(a) ensure that the withdrawal period specified on the label of the product is complied with, or the Northern Ireland withdrawal period for the equivalent product authorised in Northern Ireland if this is longer than the one on the label; and".

(15) In Schedule 5—

(a) in the Contents, in item 4, for "Regulation (EC) No 882/2004" substitute "Regulation (EU) 2017/625";

(b) for paragraph 4, and the heading substitute—

"**Enforcement of Regulation (EU) 2017/625**

4. For the purposes of Regulation (EU) 2017/625 the competent authority is the Secretary of State."

(c) in paragraph 28—

(i) in the heading, for "between" substitute "with";

(ii) for "another" substitute "a";

(iii) in sub-paragraph (b), for "the United Kingdom" substitute "Northern Ireland";

(d) in paragraph 29—

(i) in sub-paragraph (1), for "another" substitute "a";

(ii) in sub-paragraph (2), for "the United Kingdom" substitute "Northern Ireland".

(16) In Schedule 6, in paragraph (3)(b), for "another" substitute "a".

PART 7

Revocation

Revocation

11. In the Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(**a**), regulation 9(2)(b) is revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 23rd December 2020.

L.S.

Perpetua McNamee
A senior officer of the Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of powers conferred by sections 11 and 22 of, paragraph 1(1) of, Part 1 and paragraph 11M of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018. They ensure that Northern Ireland secondary legislation relating to animal (including aquatic) health, identification, trade and veterinary medicines can continue to operate effectively after the EU exit transition period and remains aligned with the EU law in accordance with the Protocol on Ireland/Northern Ireland.

These Regulations also revoke a provision contained in the Exotic Disease (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 which is no longer required.

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

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