This Statutory Instrument has been made to correct errors in S.I. 2019/527 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, and paragraph 1(1) and 8F(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No.

EXITING THE EUROPEAN UNION

WILDLIFE

ANIMALS

ENVIRONMENTAL PROTECTION

The Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 ("the 1972 Act")(**a**), and by section 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ("the 2018 Act")(**b**).

The Secretary of State has been designated for the purposes of section 2(2) of the 1972 Act in relation to the environment(**c**).

In accordance with paragraph 2(2) of Schedule 2 to the 1972 Act, and paragraphs 1(1) and 8F(1) of Schedule 7 to the 2018 Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

(**a**) 1972 c. 68 ("the 1972 Act"). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7). The 1972 Act is repealed on exit day by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) ("the 2018 Act"), but continues to have effect until IP completion day pursuant to section 1A of the 2018 Act, inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**b**) 2018 c. 16, amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**c**) S.I. 2008/301.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations—

(a) may be cited as the Animal Welfare and Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2020; and

(b) come into force as follows—

(i) as regards this Part, Part 2 and Chapter 1 of Part 3, immediately before IP completion day;

(ii) as regards Chapters 2 and 3 of Part 3, on IP completion day.

(2) Regulation 8 extends and applies to Northern Ireland only.

(3) Regulation 9(2) does not extend to Northern Ireland.

(4) Regulation 9(5) does not extend to Scotland or to Northern Ireland.

PART 2

Amendments concerning animal welfare

CHAPTER 1

General amendments concerning animal welfare

Amendment of the Animal Welfare (Amendment) (EU Exit) Regulations 2019

2.—(1) The Animal Welfare (Amendment) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) Regulation 2 is amended in accordance with paragraphs (3) to (6) of this regulation.

(3) In paragraph (3)(c), in the text to be inserted by that paragraph—

(i) in point (a) omit point (iv);

(ii) omit point (c);

(iii) in point (d) omit point (iv);

(iv) in point (e) omit "or a member State";

(v) omit paragraph 3.

(4) In paragraph (6), in the substituted text, for "the United Kingdom" substitute "Great Britain".

(5) In paragraph (9)—

(a) for sub-paragraph (b) substitute—

"(b) for "experts of the Commission as referred to in Article 28 of that Regulation" substitute "relevant competent authority";";

(b) omit sub-paragraph (c).

(6) In paragraph (10)(b)(ii)(cc), in the substituted text, for "the United Kingdom", in both places it occurs, substitute "Great Britain".

(7) Regulation 3 is amended in accordance with paragraphs (8) to (31) of this regulation.

(8) In paragraph (2), for sub-paragraph (a) substitute—

(**a**) S.I. 2019/802, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

"(a) in paragraph 1—

(i) for "the Community", in both places it occurs, substitute "Great Britain";

(ii) omit "the customs territory of";".

(9) In paragraph (3)—

(a) for sub-paragraph (g) substitute—

"(g) in point (q)(iii), for "Annex II" substitute "the form published by an Appropriate Minister from time to time";";

(b) in sub-paragraph (i), in the substituted text, for "the United Kingdom" substitute "Great Britain";

(c) in sub-paragraph (j), in the text to be inserted—

(i) in point (z1), omit the second point (iii);

(ii) in point (z2), for "United Kingdom or a member State" substitute "British Islands";

(iii) omit point (z4);

(iv) omit paragraph 2.

(10) After paragraph (3) insert—

"(3A) Before Article 3 insert—

"Article 2b

Authorisations and certificates issued in the Channel Islands and the Isle of Man

For the purposes of Chapter 2 and Chapter 3 of, and Annex 2 to, this Regulation, a transporter authorisation, certificate of competence or certificate of approval granted or issued in the Channel Islands or the Isle of Man is to be recognised as if it were issued by a competent authority in Great Britain.".".

(11) In paragraph (5)—

(a) in sub-paragraph (a), in the text to be inserted, for "a member State" substitute "Northern Ireland";

(b) for sub-paragraph (c) substitute—

"(c) in paragraph 4—

(i) for "Member States and with" substitute "Great Britain and";

(ii) for "Annex II" substitute "the form published by an Appropriate Minister from time to time"." .

(12) In paragraph (7)(a), in the substituted text, for "a member State" substitute "Northern Ireland".

(13) In paragraph (9), for the substituted text, substitute—

"**4.** Transporters must entrust the handling of the animals to personnel who have:

(a) received training on the relevant provisions of Annex 1 to this Regulation and the form to be published by the Appropriate Minister from time to time, or

(b) received training in Northern Ireland on the relevant provisions of Annexes 1 and 2 of the EU Council Regulation.".

(14) In paragraph (10)(a), in the substituted text, for "a member State" substitute "Northern Ireland".

(15) In paragraph (11), in the substituted text, after "of this Regulation or" insert ", where the certificate of approval was issued in Northern Ireland, Article 18(2) or 19(2)".

(16) In paragraph (13)—

(a) in sub-paragraph (a), in the text to be inserted, after "of this Regulation or" insert "has been inspected and approved in Northern Ireland under Article 18(1)";

(b) for sub-paragraph (b) substitute—

"(b) in paragraph 2—

(i) for "Community port" substitute "port in Great Britain";

(ii) at the end, insert "of this Regulation or has been inspected and approved in Northern Ireland under Article 19(1) of the EU Council Regulation".".

(17) In paragraph (14)(a)—

(a) in paragraph (i), in the substituted text, for "the United Kingdom and a member State or" substitute "Great Britain and";

(b) for paragraph (ii) substitute—

"(ii) in the second sentence—

(aa) after "long journeys" insert "between Great Britain and third countries";

(bb) for "Annex II" substitute "the form published by an Appropriate Minister from time to time".".

(18) In paragraph (15), after sub-paragraph (a) insert—

"(aa) in point (a), after the words "Annex I" insert "or have followed training courses in Northern Ireland on the relevant technical rules set out in Annex I of the EU Regulation";".

(19) In paragraph (16)(a)(ii)—

(a) omit sub-paragraph (aa);

(b) for sub-paragraph (bb) substitute—

"(bb) for "the Member State where they apply for authorisation" substitute "Great Britain";".

(20) In paragraph (17)(a)—

(a) in paragraph (ii), in the substituted text, after "of this Regulation or" insert ", where the certificate of competence has been issued in Northern Ireland, Article 17(2)";

(b) in paragraph (iii), in the substituted text, after "of this Regulation or" insert ", where the certificate of approval has been issued in Northern Ireland, Article 18(2)".

(21) In paragraph (19)(c)(i), for sub-paragraph (bb) substitute—

"(bb) for "the Member State" substitute "Great Britain";".

(22) In paragraph (20)(b)(i)(aa), for the substituted text substitute "Great Britain and".

(23) In paragraph (21)—

(a) in sub-paragraph (c)(i), for the substituted text substitute "Great Britain and third countries";

(b) after sub-paragraph (c), insert—

"(d) in paragraph (3), for the words from "Regulation (EC) No 854/2004" to "consumption" substitute "Regulation (EU) 2017/625".".

(24) In paragraph (23)(b), in the substituted text, for "the form published by an Appropriate Minister from time to time" substitute "Annex IV" the first time it occurs.

(25) In paragraph (24)(b), in the substituted text, for "the United Kingdom" substitute "Great Britain".

(26) In paragraph (25)—

(a) in sub-paragraph (a), for paragraph (ii) substitute—

"(ii) in point (a), for "the Member State where the application is made" substitute "Great Britain";";

(b) in sub-paragraph (b), in the substituted text, for "the United Kingdom" substitute "Great Britain".

(27) In paragraph (27)(a)—

(a) for paragraph (iii) substitute—

"(iii) in point (a), for the words from "Article 10(1)" to the end, substitute—

"(i) Article 10(1) of this Regulation or, where the authorisation has been issued in Northern Ireland, Article 10(1) of the EU Council Regulation, or

(ii) for long journeys, Article 11(1) of this Regulation or, where the authorisation has been issued in Northern Ireland, Article 11(1) of the EU Council Regulation";";

(b) after paragraph (iii) insert—

"(iv) in point (b), at the end insert "or, where the certificate of competence has been issued in Northern Ireland, Article 17(2) of the EU Council Regulation";".

(28) In paragraph (31)(c)(i), for the substituted text substitute "in Great Britain".

(29) For paragraph (40)(e) substitute—

"(e) in Chapter 5—

(i) in paragraph 1.7(b), omit "of the Community";

(ii) omit paragraph 1.9;".

(30) In paragraph (41)—

(a) in sub-paragraph (c), for the substituted text substitute "from Great Britain";

(b) in sub-paragraphs (d)(i), (e)(i) and (f)—

(i) in the text to be substituted, before "territory" insert "the";

(ii) for the substituted text substitute "Great Britain".

(31) In paragraph (44), after sub-paragraph (b) insert—

"(c) after paragraph 2, insert—

"3. Where a road driver or attendant holds a certificate of competence issued in the Republic of Ireland in accordance with Article 17(2) of the EU Council Regulation, that person will be deemed to have met the requirements of paragraph 1 for the purposes of this Regulation.".".

(32) Regulation 4 is amended in accordance with paragraphs (33) to (36) of this regulation.

(33) In paragraph (2), in the substituted text omit the second indent.

(34) In paragraph (3)—

(a) in sub-paragraph (c), in the text to be inserted—

(i) in point (s), omit point (iv);

(ii) in point (t), omit "or a member State";

(iii) omit paragraph 2.

(35) In paragraph (7)(b), for paragraph (i) substitute—

"(i) in the first subparagraph, for "the Member States concerned" substitute "Great Britain";".

(36) In paragraph (8), for sub-paragraph (b) substitute—

"(b) for paragraph 4 substitute—

"4. Competent authorities must recognise certificates of competence issued:

(a) by other competent authorities in Great Britain in accordance with this Regulation;

(b) in Northern Ireland in accordance with Article 21 of Council Regulation (EC) No 1099/2009 as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018.";".

Amendment of the Animals (Legislative Functions) (EU Exit) Regulations 2019

3.—(1) The Animals (Legislative Functions) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (3), in the new Article 2a inserted by that paragraph—

(i) in paragraph 1, omit point (d);

(ii) in paragraph 2, omit point (c);

(b) in paragraph (5), in the new Article 6c inserted by that paragraph, omit paragraphs 3 and 7.

(3) In regulation 6—

(a) in paragraph (3), in the new Article 2a inserted by that paragraph—

(i) in paragraph 1, omit point (d);

(ii) in paragraph 2, omit point (c);

(b) in paragraph (7)(f), for paragraph (i) substitute—

"(i) for "the Community" substitute "Great Britain";";

(c) in paragraph (8), in the new Article 30a inserted by that paragraph, omit paragraphs 3 and 7.

(4) In regulation 9—

(a) in paragraph (3), in the new Article 2a inserted by that paragraph—

(i) in paragraph 1, omit point (d);

(ii) in paragraph 2, omit point (c);

(b) in paragraph (14), in the new Article 24a inserted by that paragraph—

(i) omit paragraphs 3 and 7;

(ii) the second paragraphs 5 and 6 are renumbered paragraphs 8 and 9.

CHAPTER 2

Amendments concerning leghold traps and pelt imports

The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019

4.—(1) The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2019(**b**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (2), for sub-paragraph (a) substitute—

"(a) for the words "the Community" substitute "Great Britain";";

(b) in paragraph (3), for sub-paragraph (c) substitute—

"(c) after paragraph (2), insert—

"**3.** Paragraph 1 does not apply—

(a) where the pelts originate from an approved country; or

(b) to the introduction of—

(i) any goods into Northern Ireland, or

(**a**) S.I. 2019/588, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(**b**) S.I. 2019/16, which comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(ii) any goods subject to a transit procedure and travelling to Northern Ireland, other than goods subject to a transit procedure and travelling to Great Britain.

3A. For the purposes of paragraph 1, goods entering Northern Ireland subject to a transit procedure and travelling to Great Britain are to be treated as being introduced into the United Kingdom on their entry into Great Britain.

3B. In this Article, "transit procedure" means—

(a) a transit procedure referred to in section 3(4)(b) of the Taxation (Cross-border Trade) Act 2018(**a**); or

(b) a transit procedure referred to in Article 210(a) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(**b**), as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018.".";

(c) in paragraph (4), for the text to be substituted substitute—

"For the purposes of Article 3, pelts are to be considered to originate from an approved country only where the designated competent authority of the country from which the pelts, or the goods into which the pelts has been incorporated, have been exported or re-exported to the UK has certified, in accordance with Commission Regulation (EC) No 35/97 laying down provisions on the certification of pelts and goods covered by Council Regulation (EEC) No 3254/91(**c**), that such pelts originate in—

(a) an approved country; or

(b) the United Kingdom.".

(3) In regulation 3(2)(a)(iii), for "an approved country" substitute "an approved country or the United Kingdom".

(4) In regulation 4(2), in the text to be substituted, for "Article 3" substitute "Article 3(3)".

The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019

5.—(1) The Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019(**d**) are amended as follows.

(2) In regulation 10—

(a) for paragraph (2)(a) substitute—

"(a) in paragraph 1, omit the words from "unless the Commission" to the end;";

(b) in paragraph (2)(b), in new paragraph 4 to be inserted, for "paragraph 1" substitute "paragraph 3 and Article 4".

(**a**) 2018 c. 22, to which there are amendments not relevant to these Regulations.
(**b**) EUR 2013/952, which is prospectively amended by S.I. 2019/714, 715, 1219.
(**c**) EUR 1997/35, which is prospectively amended by S.I. 2019/16, 473.
(**d**) S.I. 2019/473, to which there are prospective amendments not relevant to these Regulations. S.I. 2019/473 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

PART 3

Amendments concerning invasive non-native species

CHAPTER 1

EU-exit related amendments

The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019

6.—(1) The Invasive Non-native Species (Amendment etc.) (EU Exit) Regulations 2019(**a**) are amended as follows.

(2) In regulation 2(1)(a), for "regulations 4 to 10" substitute "regulations 4 to 9, 10(1) to (4) and 10(7) to (11)".

(3) In regulation 4(2)—

(a) in paragraph (a), for "the United Kingdom" substitute "Great Britain";

(b) for paragraph (c) substitute—

"(c) for "at Union level" substitute "across Great Britain";".

(4) In regulation 5—

(a) in paragraph (3)(b)—

(i) for points (18) to (20) which are to be inserted substitute—

"(18) 'the responsible authorities' means—

(a) for the purposes of Articles 5(3), 18 and 19(6) as they apply in relation to any matter affecting the offshore marine area—

(i) each person mentioned in sub-paragraph (c);

(ii) the Scottish Ministers; and

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

(b) for the purposes of Articles 9, 16, 17 and 19(5)—

(i) each person mentioned in sub-paragraph (c);

(ii) the Scottish Ministers; and

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

(c) otherwise, each person who, in relation to any particular area or matter, is the appropriate authority;

(19) 'the other responsible authorities' means, in relation to the appropriate authority, the responsible authorities other than itself;

(20) 'the appropriate authority' means—

(a) the Secretary of State in relation to—

(i) England;

(ii) the offshore marine area; and

(iii) the regulation of imports into, and exports from, the United Kingdom;

(b) in relation to Wales, the Welsh Ministers;";

(ii) for point (23) which is to be inserted substitute—

(**a**) S.I. 2019/223, amended by S.I. 2019/813. SI 2019/223 comes into force on IP completion day by virtue of paragraph 1 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

"(23) 'England', 'Scotland' and 'Wales' include that part of the territorial sea which is respectively adjacent to them, and 'Northern Ireland' includes the Northern Ireland inshore region (except in the definition of that term);";

(iii) in point (26) which is to be inserted, for the full stop at the end substitute a semi-colon; and

(iv) after point (26), insert—

"(27) 'the GB marine area' consists of that part of the UK marine area which is not the Northern Ireland inshore region;

(28) 'the Northern Ireland inshore region' has the meaning given to it in section 2 of the Marine Act (Northern Ireland) 2013(**a**);

(29) 'qualifying Northern Ireland goods' has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.";

(b) in paragraph (4)(c)(ii), for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (4)(g), for the paragraph to be inserted substitute—

"**8.** For the purposes of this Article, references to "Great Britain" are to be read as references to Great Britain and the GB marine area.".

(5) In regulation 6—

(a) in paragraph (4)(c), in paragraph 3 to be substituted by that paragraph—

(i) at end of sub-paragraph (c), for "; and" substitute a full stop;

(ii) omit sub-paragraph (d).

(b) in paragraph (5)—

(i) in sub-paragraph (a)(ii), for "the United Kingdom" substitute "Great Britain";

(ii) in sub-paragraph (a)(iv), after the words "appropriate authority may" insert "by regulations";

(iii) in sub-paragraph (c), for paragraph (ii) substitute—

"(ii) for the words from "of the adoption" to "Union list" substitute "on which the emergency measures come into force";";

(iv) after sub-paragraph (c), insert—

"(ca) after paragraph 3, insert—

"**3A.** Emergency measures may not apply for a period exceeding 2 years.";";

(v) for sub-paragraph (e) substitute—

"(e) for paragraph 6 substitute—

"**6.** Where the Secretary of State includes the invasive alien species on the list of species of special concern before the end of the period referred to in paragraph 3A, the appropriate authority must repeal or amend the emergency measures.";";

(c) in paragraph (7)—

(i) for sub-paragraph (a)(ii) substitute—

"(ii) for the words from "their territory" to "Directive 2008/56/EC" substitute "Great Britain and the GB marine area";";

(ii) in sub-paragraph (d)(ii), for "the United Kingdom's" substitute "Great Britain's".

(6) In regulation 7—

(a) in paragraph (2)(b), for "England, Wales and Northern Ireland", in both places where it occurs, substitute "England and Wales";

(**a**) 2013 c. 10, to which there are amendments not relevant to this instrument.

(b) in paragraph (3)(c)(i), after the words "paragraph 3" insert "of this Article";

(c) in paragraph (4)(b)(ii), before the words "other responsible" insert "the";

(d) in paragraph (6)(c)(ii), for "the United Kingdom" substitute "Great Britain".

(7) In regulation 8(2)—

(a) in sub-paragraph (a)—

(i) in paragraph (i), at the end insert—

"(cc) for "their territory" substitute "the territory for which it is responsible";
";

(ii) in paragraph (ii), for "the appropriate authority" substitute "the constituent part of Great Britain";

(b) omit sub-paragraph (c)(iv);

(c) in sub-paragraph (c)(v)—

(i) for the word "sentence" substitute "two sentences";

(ii) for the full stop at the end substitute a semi-colon;

(d) after sub-paragraph (c), insert—

"(d) after paragraph 5, insert—

"**6.** Following a notification under paragraph 5 which relates to the offshore marine area, where appropriate the responsible authorities shall establish jointly agreed management measures.".".

(8) In regulation 9(3)(a)(vi), for the text to be substituted substitute—

"The Secretary of State must also endeavour to ensure co-ordination with the Department of Agriculture, Environment and Rural Affairs in Northern Ireland and with the Republic of Ireland.".

(9) In regulation 10—

(a) in paragraph (2)(a)(iii), for "England, Wales and Northern Ireland" substitute "England and Wales";

(b) in paragraph (4)(c), in the text to be inserted, for "the United Kingdom" substitute "Great Britain";

(c) in paragraph (5)—

(i) in sub-paragraph (a)(i), after the words "responsible authorities" insert "and the Scottish Ministers";

(ii) in sub-paragraph (b), in the text to be inserted, after the words "responsible authorities" insert "and the Scottish Ministers";

(d) in paragraph (6)(a), after the words "responsible authorities" insert "and the Scottish Ministers";

(e) in paragraph (8)—

(i) before sub-paragraph (a), insert—

"(za) in paragraph 1, after the words "Article 7(1)," insert "and, in relation to introduction into Great Britain from Northern Ireland, point (a) of Article 7(1),";";

(ii) in sub-paragraph (c), for the full stop at the end substitute a semi-colon and, after that sub-paragraph, insert—

"(d) after paragraph 4, insert—

"**5.** The references to "establishments" and "facilities" in paragraph 4 of this Article include establishments and facilities permitted or established (as the case may be) in Scotland by the Scottish Ministers for that purpose.".";

(f) for paragraph (9) substitute—

"(9) In Article 32—

(a) in paragraph 1, for the words "keep and transport" substitute "keep, transport and, in relation to qualifying Northern Ireland goods, introduce into Great Britain";

(b) after paragraph 1, insert—

"**1A.** The reference in paragraph 1 to "research or ex-situ conservation establishments and for the purposes of medicinal activities referred to in Article 8" includes establishments or activities referred to in Article 8 for which a permit has been issued by the Scottish Ministers in relation to Scotland, or by the Department of Agriculture, Environment and Rural Affairs in relation to Northern Ireland.

1B. So far as paragraph 1A relates to permits issued in relation to Northern Ireland, the reference in that sub-paragraph to Article 8 is to Article 8 of Regulation (EU) No 1143/2014(**a**) on the prevention and management of the introduction and spread of invasive alien species, as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018.";

(c) in paragraph 2, after the words "non-commercial users", insert "and, in relation to live specimens that are qualifying Northern Ireland goods, introduction into Great Britain for any such purposes";

(d) in paragraph 3, for "Member State" substitute "appropriate authority".";

(g) in paragraph (10), in Article 32A which is inserted by that paragraph—

(i) in paragraph 4, for the words "paragraph 1" substitute "Article 4(1)";

(ii) in paragraph 5, omit sub-paragraph (c);

(iii) after paragraph 5, insert—

"**6.** The Secretary of State may not—

(a) without the consent of the Scottish Ministers and the Welsh Ministers, make regulations under Article 10(1) which introduce controls on the introduction of species into Great Britain or their transportation from Great Britain;

(b) without the consent of the Scottish Ministers, the Welsh Ministers and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland, make any such regulations which apply in the offshore marine area.".

The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019

7.—(1) The Animal Health, Invasive Alien Species, Plant Breeders' Rights and Seeds (Amendment etc.) (EU Exit) Regulations 2019(**b**) are amended as follows.

(2) After regulation 1(3), insert—

"(4) Regulation 7 does not extend to Northern Ireland.".

(3) In regulation 7—

(a) for paragraph (4) substitute—

"(4) In article 12—

(a) after paragraph (1), insert—

"(1A) For the purposes of their application by virtue of paragraph (1), the offences in this Part apply as if the references to "Great Britain" in Article 7(1)(a) and (d) of the Principal Regulation included the offshore marine area, and the references to those offences in Table 1 of Schedule 1 are to be construed accordingly.";

(b) in paragraph (3), in the definition of "third country ship"—

(**a**) OJ No. L317, 4.11.2014, p. 35.
(**b**) S.I. 2019/1220, to which there are amendments not relevant to these Regulations.

(i) in sub-paragraph (a), for "(other than Gibraltar) which is not a member State" substitute "other than the United Kingdom";

(ii) in sub-paragraph (b), for "a member State" substitute "the United Kingdom"." ;

(b) after paragraph (4), insert—

"(4A) In article 16—

(a) in paragraph (1), for the words "Article 7(1)(b) (keeping) or (d) (transportation)" substitute "Article 7(1)(b) (keeping), 7(1)(d) (transportation) or, in relation to introduction into Great Britain from Northern Ireland, 7(1)(a) (introduction into Great Britain)";

(b) in paragraph (4), in the definitions of "relevant licence" and "relevant permit"—

(ii) at the end of sub-paragraph (a), insert "or";

(iii) at the end of sub-paragraph (b), for "; or" substitute a full stop;

(iv) omit sub-paragraph (c).

(4B) In article 18—

(a) for paragraph (2) substitute—

"(2) This article applies to—

(a) an offence under article 3(1) in relation to a breach of the restrictions in—

(i) Article 7(1)(b) (keeping), (d) (transportation), (e) (placing on the market) or (f) (use or exchange) of the Principal Regulation;

(ii) where the specimens are qualifying Northern Ireland goods, Article 7(1)(a) (introduction into the territory of Great Britain) of the Principal Regulation; and

(b) an offence under article 3(4).";

(b) for paragraph (6), substitute—

"(6) In this article—

"qualifying Northern Ireland goods" has the meaning given to it from time to time in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

"relevant permit" means—

(a) for the purposes of paragraph (3)(a), a permit under—

(i) article 35(1)(a) (permits for research or ex situ conservation);

(ii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of the Principal Regulation; or

(iii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for research or ex situ conservation in accordance with Article 8 of Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018;

(b) for the purposes of paragraph (3)(b), a permit under—

(i) article 35(1)(b) (permits for medicinal activities);

(ii) any provision in legislation which applies in relation to Scotland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of the Principal Regulation; or

(ii) any provision in legislation which applies in relation to Northern Ireland and which enables permits to be issued for scientific production and subsequent medicinal use in accordance with Article 8 of Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species as it has effect in Northern Ireland by virtue of section 7A of the European Union (Withdrawal) Act 2018.".";

(c) for paragraph (5) substitute—

"(5) In article 21—

(a) in paragraph (2)—

(i) for "the Union" substitute "Great Britain";

(ii) at the end of sub-paragraph (c)(iv), for the semi-colon substitute a full stop;

(iii) omit sub-paragraph (d);

(b) after paragraph (2), insert—

"(3) In this Part, references to—

(a) import into the United Kingdom are references to import into the United Kingdom by introduction into Great Britain,

(b) export from the United Kingdom are references to export from the United Kingdom by transportation from Great Britain,

and cognate expressions shall be construed accordingly.".";

(d) in paragraph (6), in paragraphs (a) and (b)(iii)(bb)—

(i) before "Union" insert "the";

(ii) for "United Kingdom" substitute "Great Britain".

CHAPTER 2

Amendments relating to Northern Ireland

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

8.—(1) The Invasive Alien Species (Enforcement and Permitting) Order 2019(**a**) is amended as follows.

(2) In article 2(1)—

(a) in the definition of "Principal Regulation", at the end insert "as it has effect by virtue of section 7A of the European Union (Withdrawal) Act 2018";

(b) after the definition of "research", insert—

""the retained EU Regulation" means EU Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species as it has effect by virtue of section 3 of the European Union (Withdrawal) Act 2018;".

(3) In article 3—

(a) after paragraph (1), insert—

"(1A) The offences in this Part apply as if the references to "the Union" in Article 7(1)(a) (bringing into the territory of the Union) and (d) (transportation) of the Principal Regulation included Northern Ireland, and the references to those offences in Table 1 of Schedule 1 are to be construed accordingly.";

(b) after paragraph (6), insert—

(**a**) S.I. 2019/527, amended by 2019/1213 and 1220.

"(7) Where regulations made under article 3A (emergency measures) provide that any provision specified in Table 1 of Schedule 1 is to apply in relation to a species specified in those regulations as it applies in relation to an invasive alien species, this Part and Parts 3 to 8 apply in relation to any contravention, or attempted contravention, of any such provision in relation to that species, as they apply in relation to a contravention, or attempted contravention, of that provision in relation to an invasive alien species.".

(4) After article 3, insert—

"**Emergency measures**

3A.—(1) For the purpose of Article 10 of the Principal Regulation (emergency measures), the Secretary of State may, by regulations, take emergency measures, consisting of relevant restrictions.

(2) In paragraph (1), "relevant restrictions" means restrictions of a kind specified in Article 7(1)(a) (bringing into territory of the Union) or (d) (transportation) of the Principal Regulation, in so far as they relate to controls on imports into and exports from the United Kingdom by the introduction of goods into, and transportation of goods from, Northern Ireland.

(3) The power to make regulations under paragraph (1) is exercisable by statutory instrument.

(4) A statutory instrument containing regulations under this regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations made under paragraph (1) may—

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different purposes.

(6) The Secretary of State may not make regulations under paragraph (1) without the consent of the Department of Agriculture, Environment and Rural Affairs in Northern Ireland.".

(5) Omit article 12.

(6) After Part 2, insert—

"PART 2A

Controls on invasive alien species in the offshore marine area

13A.—(1) Subject to paragraph (2), this Order applies (in so far as it is capable of so applying) to any person—

(a) in any part of the waters comprised in the offshore marine area;

(b) on a ship in any part of the waters comprised in the offshore marine area;

(c) on or under an offshore marine installation.

(2) For the purposes of this article, the Order shall apply—

(a) as if references to the "Principal Regulation" were to the retained EU Regulation, and references to provisions of the Principal Regulation were construed accordingly;

(b) as if—

(i) references to "invasive alien species" were to any species of animal, plant, fungus or micro-organism included from time to time on the list of species of special concern;

(ii) references to "the Union list" were to the list of species of special concern;

(iii) in Article 7(1)(a) (bringing into the territory of Great Britain) and (d) (transportation) of the retained EU Regulation, references to "Great Britain" included the offshore marine area, and the references to those offences in Table 1 of Schedule 1 were construed accordingly;

(iv) the reference in article 3(8)(a) to article 3A (emergency measures) were a reference to Article 10 of the retained EU Regulation (emergency measures).

(3) The offences applied by virtue of this Part do not apply to any person on a third country ship.

(4) In this article—

"list of species of special concern" has the same meaning as in the retained EU Regulation;

"offshore marine installation" means any artificial island, installation or structure (other than a ship) which is situated—

(a) in any part of the waters designated under section 1(7) of the Continental Shelf Act 1962 (exploration and exploitation of the continental shelf)(**a**); or

(b) in any part of the waters in any area designated under section 84(4) of the Energy Act 2004 (exploitation of areas outside the territorial sea for energy production)(**b**);

"ship" means any vessel (including hovercraft, submersible craft and other floating craft) other than one which permanently rests on, or is permanently attached to, the seabed;

"third county ship" means a ship which—

(a) is flying the flag, or registered in, any State or territory other than the United Kingdom; and

(b) is not registered in the United Kingdom.".

(7) In article 16(4)—

(a) in the definition of "relevant licence", for sub-paragraphs (b) and (c) substitute—

"(b) any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Scotland; or

(c) any provision corresponding to paragraphs (1) and (2)(d), read together, of article 36 which applies in relation to Northern Ireland;";

(b) in the definition of "relevant permit", for sub-paragraphs (b) and (c) substitute—

"(b) any provision corresponding to article 35 which applies in relation to Scotland; or

(c) any provision corresponding to article 35 which applies in relation to Northern Ireland;".

(8) In article 18(6)—

(a) in sub-paragraph (a), for paragraphs (ii) and (iii) substitute—

"(ii) any provision corresponding to article 35(1)(a) which applies in relation to Scotland; or

(iii) any provision corresponding to article 35(1)(a) which applies in relation to Northern Ireland;";

(b) in sub-paragraph (b), for paragraphs (ii) and (iii) substitute—

(**a**) 1964 c. 29. Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23). Areas have been designated under section 1(7) by S.I. 1987/1265 (as amended by S.I. 2000/3062) and 2013/3162.

(**b**) 2004 c. 20. Section 84(4) was substituted by paragraph 4 of Schedule 4 to the Marine and Coastal Access Act 2009 (c. 23). Areas have been designated under section 84(4) by S.I. 2004/2668 and 2013/3161.

"(ii) any provision corresponding to article 35(1)(b) which applies in relation to Scotland; or

(iii) any provision corresponding to article 35(1)(b) which applies in relation to Northern Ireland.".

(9) In article 21(2), omit sub-paragraphs (b) and (c).

CHAPTER 3

Amendments to domestic enforcement legislation in the United Kingdom

The Invasive Alien Species (Enforcement and Permitting) Order 2019

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

(2) After article 3(6), insert—

"(7) Where regulations made under Article 10 of the Principal Regulation(**b**) (emergency measures) provide that any provision specified in Table 1 of Schedule 1 is to apply in relation to a species specified in those regulations as it applies in relation to an invasive alien species, this Part and Parts 3 to 8 apply in relation to any contravention, or attempted contravention, of any such provision in relation to that species, as they apply in relation to a contravention, or attempted contravention, of that provision in relation to an invasive alien species.".

(3) In articles 26(7)(a)(ii), 30(3), 30(4)(ii), 30(5)(b)(ii) and 33(3)(ii), for the words "permit or licence" substitute "relevant permit or relevant licence".

(4) After article 33, insert—

"Meaning of relevant permit and relevant licence

33A. In this Part—

"relevant licence" means a licence granted in accordance with—

(a) article 36 (licences for activities relating to invasive alien species) of this Order;

(b) any provision corresponding to article 36 which applies in relation to Scotland;

(c) any provision corresponding to article 36 which applies in relation to Northern Ireland;

"relevant permit" means a permit under—

(a) article 35 (permits for activities relation to invasive species) of this Order;

(b) any provision corresponding to article 35 which applies in relation to Scotland;

(c) any provision corresponding to article 35 which applies in relation to Northern Ireland.".

(5) In Schedule 3, in paragraph 29, at the end insert—

"(4) The provisions in paragraphs 30(2) to (7) and 31 apply to non-compliance penalties served pursuant to this paragraph as they apply to such penalties served pursuant to paragraph 30(1).

(5) For the purposes of sub-paragraph (4), the references to "compliance notice, restoration notice or third party undertaking" in paragraph 30(2) and (5) are to be read as a reference to "enforcement undertaking"".

Signatory text

(**a**) S.I. 2019/527, amended by 2019/1213 and 1220.
(**b**) EUR 2014/1143 which is prospectively amended by S.I. 2019/223.

Name
Parliamentary Under Secretary of State
Date Department of Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in the exercise of powers in section 2(2) of the European Communities Act 1972 (c. 68) and sections 8 (in particular section 8(2)(a)-(d) and (g)) and 8C of the European Union (Withdrawal) Act 2018 (c. 16), in order to address failures of retained EU law to operate effectively and other deficiencies. This includes changes to the way in which such deficiencies are addressed in consequence of section 7A of the European Union (Withdrawal) Act 2018 relating to the Protocol on Ireland/Northern Ireland.

Part 2 contains amendments relating to animal welfare. Chapter 1 contains general amendments relating to animal welfare. It makes amendments to S.I. 2019/802 and 588, both of which make amendments to the retained direct EU legislation in the fields of control posts, animal welfare at transport and animal welfare at slaughter. Chapter 2 makes amendments relating to leghold traps and pelt imports. It amends S.I. 2019/16 and 473 which amend retained direct EU legislation concerning the use of leghold traps and the import of pelts and manufactured goods of certain wild animal species.

Part 3 contains amendments relating to invasive non-native species. Chapters 1 and 2 make amendments relating to the withdrawal of the United Kingdom from the European Union. Chapter 1 makes amendments to S.I. 2019/223 and 1220, both of which make amendments to retained EU legislation concerning invasive non-native species. Chapter 2 makes amendments to S.I. 2019/527 as it applies to Northern Ireland. Chapter 3 also amends S.I. 2019/527 and makes changes to how EU Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species (EUR 2014/1143) is given effect in the United Kingdom. With the exception of regulation 9(2) (which does not extend to Northern Ireland) and regulation 9(5) (which does not extend to Scotland or Northern Ireland), Chapter 3 extends and applies to the United Kingdom.

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

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