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

DRAFT STATUTORY INSTRUMENTS

# 2024 No. XXX

# ANIMALS

# FOOD

# PLANT HEALTH

# TRADE

# The Movement of Goods (Northern Ireland to Great Britain) (Animals, Feed and Food, Plant Health etc.) (Transitory Provision and Miscellaneous Amendments) Regulations 2024

*Made* - - - - ***

*Coming into force in accordance with regulation 1(1)*

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

In accordance with paragraph 8F of Schedule 7 to that Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation, commencement, extent, application and interpretation**

**1.**—(1) These Regulations may be cited as the Movement of Goods (Northern Ireland to Great Britain) (Animals, Feed and Food, Plant Health etc.) (Transitory Provision and Miscellaneous Amendments) Regulations 2024, and come into force on the day after the day on which these Regulations are made.

(2) These Regulations extend to, and apply in relation to, England and Wales and Scotland, save that—

(a) paragraph 2 of Schedule 2 extends to England and Wales and applies in relation to England only;

(**a**) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act") and the Retained EU Law (Revocation and Reform) Act 2023 (c.28). Section 8C was inserted by section 21 of the 2020 Act, and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27). Paragraph 38 of Schedule 7 allows the combination of instruments that would otherwise be subject to different Parliamentary procedures.

(b) paragraphs 3 and 4 of Schedule 2 extend to England and Wales and apply in relation to Wales only;

(c) paragraph 5 of Schedule 2 extends and applies in relation to Scotland only;

(d) regulation 3, so far as it relates to paragraphs 2 to 5 of Schedule 2, has the same extent and application as the paragraph in question.

(3) In these Regulations—

"Annex 6" means Annex 6 to the Official Controls Regulation, as amended from time to time;

"border control post" has the meaning given in Article 3(38) of the Official Controls Regulation;

"competent authority" has the meaning given in Article 3(3) of the Official Controls Regulation;

"official controls" has the meaning given in Article 2(1) of the Official Controls Regulation;

"the Official Controls Regulation" 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(**a**);

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

"relevant goods" has the meaning given in paragraph 2 of Annex 6;

"relevant third country" has the meaning given in paragraph 2 of Annex 6;

"the transitional staging period" has the meaning given in paragraph 2 of Annex 6.

**Movement of relevant goods into Great Britain from Northern Ireland: transitory provision**

**2.**—(1) For the purposes of this regulation, a "relevant movement" is a movement of relevant goods, other than qualifying Northern Ireland goods, from Northern Ireland to Great Britain during the period beginning with the date on which these Regulations come into force until the end of the transitional staging period.

(2) Subject to paragraphs (3) to (5)—

(a) the legislation listed in column 1 of the table in Schedule 1, so far as it relates to the movement of relevant goods to Great Britain from a relevant third country ("a specified movement"), applies for the purposes of any regulatory check, control or administrative process relating to a relevant movement, subject to the derogations and modifications specified in the transitional import arrangements set out in the provisions of the legislation listed in column 2 of that table (as amended from time to time), as it applies in relation to a specified movement;

(b) any requirement in the rules referred to in Article 1(2) of the Official Controls Regulation (as amended from time to time), other than legislation listed in column 1 of the table in Schedule 1, for goods to be accompanied by a health certificate, phytosanitary certificate or other document for the purpose of official controls carried out for the verification of, or to facilitate the verification of, compliance with those rules applies in relation to a relevant movement as it applies in relation to a specified movement.

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(**a**) EUR 2017/625. Annex 6 was inserted by S.I. 2020/1481 for the purposes of its application in relation to the entry of relevant goods from a relevant third country during the transitional staging period. The terms "relevant goods", "relevant third country" and "the transitional staging period" are defined in paragraph 2 of Annex 6, as amended by S.I. 2022/1315 and 2023/959. Annex 6 was amended by S.I. 2021/429, 809, 2022/621, 1315, 2023/959, 1131, 2024/20, 541 and 557. It was also amended in relation to England and Wales by S.I. 2021/1096 and 1443 and in relation to Scotland by S.S.I. 2021/342, 493 and 2022/90.

(**b**) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act") and the Retained EU Law (Revocation and Reform) Act 2023 (c.28). Section 8C was inserted by section 21 of the 2020 Act, and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27).

(3) Relevant goods moving in the course of a relevant movement may enter Great Britain through the following points of entry—

(a) as regards relevant goods referred to in Article 47(1)(a) of the Official Controls Regulation or exempted from Article 47(1) of the Official Controls Regulation in accordance with assimilated direct minor legislation or any regulations made under Article 48 of that Regulation, any point of entry;

(b) as regards relevant goods referred to in Article 47(1)(b) of the Official Controls Regulation—

(i) in relation to England, a border control post designated for goods of the category in question or Heysham;

(ii) in relation to Scotland and Wales, any point of entry;

(c) as regards relevant goods referred to in Article 47(1)(c) of the Official Controls Regulation, a border control post designated for goods of the category in question or any of the following ports—

(i) Cairnryan;

(ii) Fishguard;

(iii) Heysham;

(iv) Holyhead;

(d) as regards relevant goods referred to in Article 47(1)(d) of the Official Controls Regulation—

(i) a border control post designated for goods of the category in question;

(ii) Cairnryan;

(iii) Heysham; or

(iv) any point of entry in Wales.

(4) Official controls required by the competent authority to be carried out on relevant goods moving in the course of a relevant movement may be performed at a border control post, or, where such goods do not enter through a border control post, any other of the places specified in Article 44(3) of the Official Controls Regulation.

(5) Paragraph 2 of Annex 6 applies for the purposes of any movement which is a relevant movement as if for the definition of "appropriate frequency rate" there were substituted—

> ""appropriate frequency rate" in relation to the frequency of performance of official controls, means the frequency determined by the competent authority in accordance with the factors specified in Article 44(2) and published online;".

**Amendments to legislation relating to the definition of qualifying Northern Ireland goods**

**3.** The legislation specified in Schedule 2 is amended in accordance with that Schedule.

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

# SCHEDULE 1

Regulation 2(2)(a)

| *Legislation* | *Transitional import arrangements* |
|---|---|
| The Official Controls Regulation and legislation made under it | Annex 6;<br><br>Article 13a of Commission Delegated Regulation (EU) 2019/625 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with regard to requirements for the entry into the Union of consignments of certain animals and goods intended for human consumption(**a**);<br><br>Article 3A of Commission Delegated Regulation (EU) 2019/1666 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union(**b**);<br><br>Article 4 of Commission Implementing Decision (EU) 2019/2098 on temporary animal health requirements for consignments of products of animal origin for human consumption originating in and returning to the Union following a refusal of entry by a third country(**c**);<br><br>Article 12A of Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market(**d**);<br><br>Article 1A of Commission Implementing Regulation (EU) 2019/2124 of the European Parliament and of the Council as regards rules for official controls of consignments of animals and goods in transit, transhipment and onward transportation through the Union(**e**);<br><br>Article 8 of Commission Implementing |

(**a**) EUR 2019/625. Article 13a was inserted by S.I. 2020/1631.
(**b**) EUR 2019/1666. Article 3A was inserted by S.I. 2020/1481.
(**c**) EUDN 2019/2098. Article 4 was inserted by S.I. 2020/1631.
(**d**) EUR 2019/2122. Article 12A was inserted by S.I. 2020/1481.
(**e**) EUR 2019/2124. Article 1A was inserted by S.I. 2020/1631.

| | |
|---|---|
| | Regulation (EU) 2019/2129 establishing rules for the uniform application of frequency rates for identity checks and physical checks on certain consignments of animals and goods entering the Union(**a**). |
| The Trade in Animals and Related Products (England) Regulations 2011(**b**) | Schedule 5 to the Trade in Animals and Related Products (England) Regulations 2011 |
| The Trade in Animals and Related Products (Wales) Regulations 2011(**c**) | Schedule 5 to the Trade in Animals and Related Products (Wales) Regulations 2011 |
| The Trade in Animals and Related Products (Scotland) Regulations 2012(**d**) | Schedule 5 to the Trade in Animals and Related Products (Scotland) Regulations 2012 |
| Regulation (EU) 2016/2031 on protective measures against pests of plants(**e**) | Regulation 52 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020(**i**) |
| The Official Controls (Plant Health and Genetically Modified Organisms) (England) Regulations 2019(**f**) | Regulation 4 of the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021(**j**) |
| The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019(**g**) | Regulation 4 of the Plant Health and Plant Propagating Material (Miscellaneous Amendments) (Scotland) Regulations 2021(**k**) |
| The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020(**h**) | Regulation 3 of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2021(**l**) |

(**a**) EUR 2019/2129. Article 8 was inserted by S.I. 2020/1481.
(**b**) S.I. 2011/1197. Schedule 5 was inserted by S.I 2020/1462 and amended by S.I. 2021/1096, 1443, 2024/20 and 541.
(**c**) S.I. 2011/2379 (W. 252). Schedule 5 was inserted by S.I 2020/1612 (W. 337) and amended by S.I. 2021/384 (W.122), 847 (W. 197), 1094 (W. 260), 1480 (W. 382), 2024/20 and 541.
(**d**) S.S.I. 2012/177. Schedule 5 was inserted by S.S.I 2020/458 and amended by S.S.I. 2021/297, 342, 432, 493, 2022/90, 138, and by S.I. 2021/429, 809, 2024/20 and 541.
(**e**) EUR 2016/2031, amended by S.I. 2020/1482, 2021/79, 426, 2022/1315, 1367 and 2023/959.
(**f**) S.I. 2019/1517, amended by S.I. 2020/1014, 1089, 1482, 2021/79, 136, 2022/1367 and 2023/1056.
(**g**) S.S.I. 2019/421, amended by S.S.I. 2020/176, 466, 2021/159, 490, 2023/374 and S.I. 2022/1367 and 2023/1056.
(**h**) S.I. 2020/206 (W. 48), amended by S.I. 2020/1134 (W. 259), 1303 (W. 288), 1628 (W. 342), 2021/239 (W. 62), 2022/1367, 2023/1056 and 1332 (W. 240).
(**i**) S.I. 2020/1482, amended by S.I. 2020/1631, 2021/429, 1229, 1443, 2024/20, 541 and S.S.I. 2021/493.
(**j**) S.I. 2021/136, amended by S.I. 2021/187, 426 and 2024/541.
(**k**) S.S.I. 2021/87.
(**l**) S.I. 2021/302 (W. 76).

# SCHEDULE 2

Regulation 3

## Amendments to legislation

## Part 1

### Amendments to assimilated direct legislation

**Regulation (EU) 2016/2031 on protective measures against pests of plants**

**1.**—(1) Regulation (EU) 2016/2031 on protective measures against pests of plants(**a**) is amended as follows.

(2) In Article 2c(c), for the definition of "qualifying Northern Ireland Goods" substitute ""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**);".

## Part 2

### Amendments to secondary legislation

**The Trade in Animals and Related Products Regulations 2011**

**2.**—(1) The Trade in Animals and Related Products Regulations 2011 are amended as follows.

(2) In Schedule 5, in paragraph 5(4)(c), for the definition of "qualifying Northern Ireland goods" substitute ""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.".

**The Trade in Animals and Related Products (Wales) Regulations 2011 (English language text)**

**3.**—(1) The English language text of the Trade in Animals and Related Products (Wales) Regulations 2011 is amended as follows.

(2) In Schedule 5, in paragraph 5(4)(c), for the definition of "qualifying Northern Ireland goods" substitute ""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.".

**The Trade in Animals and Related Products (Wales) Regulations 2011 (Welsh language text)**

**4.**—(1) The Welsh language text of the Trade in Animals and Related Products (Wales) Regulations is amended as follows.

(2) In Schedule 5, in paragraph 5(4)(c), for the definition of "nwyddau cymwys Gogledd Iwerddon" substitute ""nwyddau cymwys Gogledd Iwerddon" yr ystyr a roddir iddo o bryd i'w gilydd mewn rheoliadau a wneir o dan adran 8C(6) o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 ".

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(**a**) EUR 2016/2031. Article 2c was inserted by S.I. 2021/79.

(**b**) 2018 c. 16. The European Union (Withdrawal) Act 2018 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act") and the Retained EU Law (Revocation and Reform) Act 2023 (c. 28). Section 8C was inserted by section 21 of the 2020 Act, and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27).

**The Trade in Animals and Related Products (Scotland) Regulations 2012**

**5.**—(1) The Trade in Animals and Related Products (Scotland) Regulations 2012 are amended as follows.

(2) In Schedule 5, in paragraph 4(6)(f), for the definition of "qualifying Northern Ireland goods" substitute ""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.".

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8C(1) of, and paragraph 21(a) of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) (the "2018 Act").

Regulation 2 extends the application of the special transitional import arrangements that currently apply to "relevant goods" moving from "relevant third countries" during "the transitional staging period" (terms defined in Annex 6 to Regulation (EU) 2017/625, "the Official Controls Regulation"), subject to certain exceptions specified in regulation 2(3) to (5). It applies the requirements imposed under these import arrangements to "relevant goods", other than "qualifying Northern Ireland goods", moving from Northern Ireland to Great Britain during the period beginning with the date on which these Regulations come into force until the end of the transitional staging period. (The definition of "qualifying Northern Ireland goods" is established in regulations made from time to time under section 8C(6) of the 2018 Act (currently S.I. 2020/1454, as amended by S.I. 2024/163).)

Until the transitional staging period comes to an end, these Regulations apply to such movements the following provisions and controls, as they are amended from time to time—

(a) certain provisions of official controls legislation set out in the Official Controls Regulation and legislation made under it, subject to the modifications and transitional arrangements set out in Annex 6 to that Regulation and other delegated legislation specified in column 2 of the table in Schedule 1 to these Regulations;

(b) certain provisions of the Trade in Animals and Related Products (England) Regulations 2011 (S.I. 2011/1197), the Trade in Animals and Related Products (Wales) Regulations 2011 (S.I 2011/2379 (W. 252)) and the Trade in Animals and Related Products (Scotland) Regulations 2012 (S.S.I. 2012/177), subject to the modifications and transitional arrangements set out in Schedule 5 to each of those instruments;

(c) certain provisions of plant health legislation subject to the modifications and transitional arrangements set out in regulation 52 of the Plant Health (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1482), regulation 4 of the Official Controls and Phytosanitary Conditions (Amendment) Regulations 2021 (S.I. 2021/136), regulation 4 of the Plant Health and Plant Propagating Material (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/87) and regulation 3 of the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) (Amendment) Regulations 2021 (S.I. 2021/302 (W. 76); and

(d) any requirement in the rules referred to in Article 1(2) of Regulation (EU) 2017/625 for goods to be accompanied by a health certificate, phytosanitary certificate or other document, for the purpose of the official controls carried out for the verification of, or to facilitate the verification of, compliance with the rules referred to in that Article.

Regulation 3 and Schedule 2 make amendments to various definitions of "qualifying Northern Ireland goods" in legislation relating to sanitary and phytosanitary controls to ensure those definitions reflect any changes made from time to time to the definition contained in regulations made under section 8C(6) of the 2018 Act.

An impact assessment has not been produced for this instrument as no impact, or no significant impact, on the private, voluntary or public sector if foreseen. An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk.

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