Draft Regulations laid before the Assembly under paragraph 8F(2)(a) and (9) of Schedule 7 to the European Union (Withdrawal) Act 2018 for approval.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2020 No.

EXITING THE EUROPEAN UNION

ANIMALS

PLANT HEALTH

The Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Made - - - - 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, Parts 1 and 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Plant Health and Diseases of Animals (Amendment) (EU Exit) Regulations (Northern Ireland) 2020.

(2) This regulation and regulation 5 come into operation on the day after these Regulations are made.

(3) Regulations 2 to 4 come into operation on IP completion day.

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

Amendment of the Plant Health Act (Northern Ireland) 1967

2.—(1) The Plant Health Act (Northern Ireland) 1967(**d**) is amended as follows.

(**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(c.16); 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.

(**c**) 1954 c.33 (N.I.)

(**d**) 1967 c.28 (N.I.)

(2) In section 2(1), for "Community" substitute "retained EU law or relevant Protocol".

(3) After section 2(2), insert—

"(2A) In this section—

"relevant Protocol obligation" means any obligation created or arising by or under the relevant part of the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

"the relevant part of the Northern Ireland Protocol" means article 5(4) of the Northern Ireland Protocol so far as relating to sections 41 and 42 of Annex 2 to that Protocol;

"the Northern Ireland Protocol" means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.".

(4) In section 3(1), for "Community" substitute "retained EU law or relevant Protocol".

(5) After section 3(1), insert—

"(1A) In this section, "relevant Protocol obligation" has the meaning given by section 2(2A).".

Amendment of the Diseases of Animals (Northern Ireland) Order 1981

3.—(1) The Diseases of Animals (Northern Ireland) Order 1981(**a**) is amended as follows.

(2) Article 46A is amended as mentioned in paragraphs (3) to (6).

(3) In the heading, for "Community" substitute "retained EU law or Protocol".

(4) The existing text of Article 46A is renumbered as paragraph (1).

(5) In that paragraph—

(a) for sub-paragraph (a) substitute—

"(a) enter premises—

(i) for the purpose of ascertaining whether any retained EU law within any order made under this Order has been or is being complied with;

(ii) for the purpose of ascertaining whether any relevant Protocol obligation has been or is being complied with; or

(iii) for the purpose of ascertaining whether any provisions of an order made under this Order which implement a relevant Protocol obligation have been or are being complied with, and";

(b) in sub-paragraph (b), for "that purpose" substitute "any of those purposes".

(6) After that paragraph insert—

"(2) In this Article—

"relevant Protocol obligation" means any obligation created or arising by or under the relevant part of the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

"the relevant part of the Northern Ireland Protocol" means article 5(4) of the Northern Ireland Protocol so far as relating to sections 36 to 39 of Annex 2 to that Protocol;

"the Northern Ireland Protocol" means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.".

(7) In Schedule 2, in paragraph 3A(4)(a), omit "other".

(**a**) 1981 No. 1115 (N.I. 22)

Amendment of the Welfare of Animals Act (Northern Ireland) 2011

4.—(1) Section 28 of the Welfare of Animals Act (Northern Ireland) 2011(**a**) is amended as follows.

(2) In the heading, for "Community" substitute "retained EU law or Protocol".

(3) In subsection (1), for "regulations under section 11 which implement a Community obligation" substitute—

"(a) any regulations under section 11 which are retained EU law;

(b) any relevant Protocol obligation; or

(c) any regulations under section 11 which implement a relevant Protocol obligation.".

(4) After subsection (3), insert—

"(4) In this section—

"relevant Protocol obligation" means any obligation created or arising by or under the relevant part of the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

"the relevant part of the Northern Ireland Protocol" means article 5(4) of the Northern Ireland Protocol so far as relating to section 40 of Annex 2 to that Protocol;

"the Northern Ireland Protocol" means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.".

Revocation

5. In the Animal Health and Welfare (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(**b**), regulations 2 and 3 are revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 2020

L.S.

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

(**a**) 2011 c.16 (N.I.)
(**b**) SI 2019/158

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, Parts 1 and 1C of Schedule 2 and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018. They ensure that Northern Ireland primary legislation relating to plant health and animal diseases can continue to operate effectively after the EU exit transition period and remain aligned with the EU law in accordance with the Protocol on Ireland/Northern Ireland.

These Regulations also revoke certain provisions contained in EU Exit Statutory Instruments that are no longer relevant.

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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