STATUTORY INSTRUMENTS

2021 No. 453

ANIMALS

The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021

Made - - - -	*at 10.52 a.m. on 8th April 2021*
Laid before Parliament	*at 4.00 p.m. on 8th April 2021*
Coming into force - -	*30th April 2021*

The Secretary of State, in exercise of the powers conferred by Articles 48(b) and 144(6) of Regulation (EU) 2017/625 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**), makes the following Regulations.

In accordance with Article 144(7) of Regulation (EU) 2017/625, before making these Regulations, the Secretary of State has consulted such bodies and persons as appear to the Secretary of State to be representative of the interests likely to be substantially affected by these Regulations and such other bodies or persons as the Secretary of State considers appropriate.

In accordance with the preconditions in Article 3(2B) of that Regulation(**b**), the Welsh Ministers, in relation to the application of these Regulations in relation to Wales, and the Scottish Ministers, in relation to the application of these Regulations in relation to Scotland, have consented to the Secretary of State making these Regulations.

Citation, commencement, extent and application

1.—(1) These Regulations—

(a) may be cited as the Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021;

(b) come into force on 30th April 2021; and

(c) extend to England and Wales, and Scotland, except as provided in paragraphs (2) and (3).

(2) Regulation 2—

(a) does not extend to Scotland; and

(b) does not apply in relation to Wales.

(3) Regulation 3 does not extend to England and Wales.

(**a**) EUR 2017/625. Article 48 is amended, and Article 144 is substituted, by S.I. 2020/1481.
(**b**) Article 3(2A) and (2B) contains a definition of "the appropriate authority", and is inserted by S.I. 2020/1481.

Amendments to the Trade in Animals and Related Products Regulations 2011

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

(2) In Schedule 3, in paragraph 8—

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

(b) after sub-paragraph (1), insert—

"(1A) In this paragraph, "relevant animals" means—

(a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986(**b**); and

(b) invertebrate animals.";

(c) for sub-paragraph (2) substitute—

"(2) Paragraph (1) does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*."; and

(d) after sub-paragraph (2), insert—

"(3) The reference to educational activities in sub-paragraph (1) does not apply in relation to—

(a) vertebrate animals; or

(b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp).".

Amendments to the Trade in Animals and Related Products (Scotland) Regulations 2012

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

(2) In Schedule 3, in paragraph 7—

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

(b) after sub-paragraph (1), insert—

"(1A) In this paragraph, "relevant animals" means—

(a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986; and

(b) invertebrate animals."; and

(c) for sub-paragraph (2) substitute—

"(2) Paragraph (1) does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*."; and

(d) after sub-paragraph (2), insert—

"(3) The reference to educational activities in sub-paragraph (1) does not apply in relation to—

(a) vertebrate animals; or

(b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp).".

(**a**) S.I. 2011/1197, amended by S.I. 2019/1488 and 2020/1462; there are other amendments not relevant to these Regulations.
(**b**) 1986 (c. 14). Schedule 2 is amended by S.I. 1993/2103, S.I. 1998/1674 and S.I. 2012/3039.
(**c**) S.S.I. 2012/177, amended by S.S.I. 2019/412; there are other amendments not relevant to these Regulations.

Amendments to Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 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

4.—(1) Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 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(**a**) is amended as follows.

(2) In Article 3—

(a) in paragraph 1, in the opening words, for "Invertebrates" substitute "Relevant animals";

(b) after paragraph 1, insert—

"(1A) In paragraph 1, "relevant animals" means—

(a) animals listed in Schedule 2 to the Animals (Scientific Procedures) Act 1986; and

(b) invertebrate animals.";

(c) for paragraph 2 substitute—

"(2) Paragraph 1 does not apply to zebra fish, aquatic molluscs belonging to the phylum *Mollusca* or aquatic crustaceans belonging to the subphylum *Crustacea*."; and

(d) after paragraph 2, insert—

"(3) The reference to educational activities in paragraph 1 does not apply in relation to—

(a) vertebrate animals; or

(b) honey bees (*Apis mellifera*) or bumble bees (*Bombus* spp.).".

Gardiner of Kimble
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

At 10.52 a.m. on 8th April 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by Articles 48(b) and 144(6) of Regulation (EU) 2017/625 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 (EUR 2017/625).

The Regulations make amendments to the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197), the Trade in Animals and Relations Products (Scotland) Regulations 2012 (S.S.I. 2012/177) and Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 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 (EUR 2019/2122). The amendments relate to the scope of the exemptions from official controls at border control posts for animals intended for scientific purposes.

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

(**a**) EUR 2019/2122, amended by S.I. 2020/1481.

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