

*DRAFT MARCH 2018*

*FOR HOUSE OF LORDS - NON-NEGOTIATED ITERATION*

*This is an extract of the amendments that are likely to be in this SI. It deals with provisions that are subject to the negative procedure only.*

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STATUTORY INSTRUMENTS

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**2018 No. 0000**

**EXITING THE EUROPEAN UNION, ENGLAND**

**ANIMALS, ENGLAND**

**The Exotic Disease (Amendment) (England) (EU Exit)  
Regulations 2018**

*Made* - - - - **\*\*\***

*Laid before Parliament* **\*\*\***

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 7 of the European Union (Withdrawal) Act 2018(a).

**Citation and commencement**

1. These Regulations may be cited as the Exotic Disease (Amendment) (England) (EU Exit) Regulations 2018 and come into force on [...].

**The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006**

2.—(1) The Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006(b) are amended as follows.

(2) In regulation 28, for “another” substitute “a”.

(3) In regulation 36(1)(b), for the words “EU obligations” substitute “retained EU law”.

**The Avian Influenza (Preventive Measures) (England) Regulations 2006**

3.—(1) The Avian Influenza (Preventive Measures) (England) Regulations 2006(c) are amended as follows.

(2) In regulation 9(5) omit the words from “approved” to the end.

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(a) 2018 c. [\*].

(b) S.I. 2006/183, amended by S.I. 2011/1043; there are other amending instruments but none is relevant.

(c) S.I. 2006/2701, to which there are amendments not relevant to these Regulations.

(3) In regulation 11(2)(a) and (3), for “another” substitute “a”.

#### **The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006**

4.—(1) The Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006(a) is amended as follows.

(2) In article 22, for “another” substitute “a”.

(3) In articles 32 and 63(5), for “intra-Community” substitute “trade to the EU”.

(4) In Schedule 3—

(a) in paragraph 2 omit sub-paragraph (a);

(b) in paragraph 3(c) omit the words from “following” to the end.

#### **The Avian Influenza (Vaccination) (England) Regulations 2006**

5.—(1) The Avian Influenza (Vaccination) (England) Regulations 2006(b) are amended as follows.

(2) For regulation 6(3) substitute—

i(3) Where an emergency vaccination zone is declared or an emergency vaccination notice is served in accordance with an emergency vaccination plan, the declaration or service of the notice must be in accordance with the provisions of that plan.î

(3) For regulation 7(2)(b) substitute—

i(b) a preventive vaccination plan is in place.î

(4) In regulation 10—

(a) in the heading, for “an approved plan” substitute “a published emergency vaccination plan”;

(b) in paragraph (1), for the words from “approved” to the end substitute “published by the Secretary of State”;

(c) in paragraph (7), for the words from “approved” to the end substitute “published by the Secretary of State”.

(5) In regulation 19(3)(c), for the words “EU obligations” substitute “retained EU law”.

#### **The Avian Influenza (H5N1 in Poultry) (England) Order 2006**

6.—(1) The Avian Influenza (H5N1 in Poultry) (England) Order 2006(c) is amended as follows.

(2) In articles 9(1), 10(1) and 11(1), for “other” substitute “a”;

(3) In articles 9(3)(c), 10(3)(c) and (e) and 14(1)(d), for “another” substitute “a”.

#### **The Products of Animal Origin (Disease Control) (England) Regulations 2008**

7.—(1) The Products of Animal Origin (Disease Control) (England) Regulations 2008(d) are amended as follows.

(2) For regulation 17(15) substitute—

i(15) An inspector who enters any premises, establishment or vehicle may be accompanied by such other persons as the inspector considers necessary.î

(3) In Schedule 3, in paragraph (1)(b) omit paragraph (iii).

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(a) S.I.2006/2702, to which there are amendments not relevant to these Regulations.

(b) S.I. 2006/2703.

(c) S.I. 2006/3247, amended by S.I. 2012/2897, 2013/2952.

(d) S.I. 2008/465, to which there are amendments not relevant to these Regulations.

### **The Bluetongue Regulations 2008**

8.—(1) The Bluetongue Regulations 2008(a) are amended as follows.

(2) For regulation 19(4) substitute—

i(4) The Secretary of State may only grant a licence under paragraph (1) or declare a zone under paragraph (2) if the decision to use the vaccine is based on the result of a specific risk assessment carried out by the Secretary of State.î

(3) Omit regulation 30(2).

### **The Poultry Compartments (England) Order 2010**

9. In the Poultry Compartments (England) Order 2010(b), in article 4(1)(f) omit “a representative of the European Commission or”.

### **The African Horse Sickness (England) Regulations 2012**

10.—(1) The African Horse Sickness (England) Regulations 2012(c) are amended as follows.

(2) For regulation 29(8)(b) substitute—

i(b) be accompanied by such other persons as the inspector considers necessary.î

(3) Omit regulation 41(2).

	<i>Name</i>
	Minister of State
Date	Department for Environment, Food and Rural Affairs

#### **EXPLANATORY NOTE**

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

These Regulations are made in order to address deficiencies in EU-derived domestic legislation arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of exotic animal disease in relation to England.

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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(a) S.I. 2008/962, amended by S.I. 2012/1977, 2012/2897.

(b) S.I. 2010/108, to which there are amendments not relevant to these Regulations.

(c) S.I. 2012/2629.