

2019 No. 0000

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

AGRICULTURE, NORTHERN IRELAND

ANIMALS, NORTHERN IRELAND

AQUACULTURE, NORTHERN IRELAND

**ENVIRONMENTAL PROTECTION, NORTHERN
IRELAND**

FOOD, NORTHERN IRELAND

HORTICULTURE, NORTHERN IRELAND

The Agriculture, Environment and Rural Affairs (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019

Sift requirements satisfied

Made - - - -

Laid before Parliament

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018^(a), makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure) have been satisfied.

There has been open and transparent public consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^(b) laying down the general principles and requirements of food law,

(a) 2018 c.16.

(b) O.J. No. L31, 1.2.2002, p.1, as amended by Commission Regulation (EC) No. 202/2008 (O.J. No. L60, 4.3.2008, p.17).

establishing the European Food Safety Authority and laying down procedures in matters of food safety.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Agriculture, Environment and Rural Affairs (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) They come into force as follows—

- (a) as regards this Part and regulations 3, 6, 8 and 9, 21 days after the day on which these Regulations are laid;
- (b) as regards all other regulations, on exit day.

(3) These Regulations extend to Northern Ireland only.

PART 2

Amendments of Animals Provisions

Amendment of the Cattle Passport Regulations (Northern Ireland) 1999

2. In the Cattle Passport Regulations (Northern Ireland) 1999^(a), in regulation 4(1), for “, a Minister of the Crown or a competent authority of a member State” substitute “or a Minister of the Crown”.

PART 3

Amendments of Aquaculture Provisions

Amendment of the Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

3.—(1) The Aquatic Animal Health and Alien Species in Aquaculture (Amendment) (Northern Ireland) (EU Exit) Regulations 2019^(b) are amended as follows.

(2) For regulation 2(2) substitute—

“(2) In regulation 2(2), in the definition of “listed disease”, in paragraph (a), for “Part II of Annex IV to Directive 2006/88” substitute “Annex 1A to Regulation 1251/2008(c).”.

(3) In regulation 2(11)—

- (a) in the inserted paragraph (7), for “regulations 19(3)(c) and 21(1)” substitute “regulation 19(3)(c)”;
- (b) after the inserted paragraph (7)(a)(ii) insert—

^(a) S.R. 1999 No.324, to which there are amendments not relevant to these Regulations.

^(b) S.I. 2019/581.

^(c) A new Annex 1A to Regulation (EC) No. 1251/2008 is inserted by the Aquatic Animal Health and Alien Species in Aquaculture (Amendment etc.) (EU Exit) Regulations 2019 S.I. 2019/451.

- “(iii) paragraph 3 were omitted; and”;
- (c) in the inserted paragraph (9), for “paragraph (9)(b)” substitute “paragraph (8)(b)”.

PART 4

Amendments of Environmental Protection Provisions

Amendment of the Environmental Noise Regulations (Northern Ireland) 2006

4. In regulation 4 of the Environmental Noise Regulations (Northern Ireland) 2006(a) for “(6)”, substitute “(5)”.

Amendment of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009

5. In regulation 2(4) of the Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009(b), for “as amended from time to time”, substitute “as it had effect immediately before exit day”.

Amendment of the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

6. Omit regulation 38 of the Environment (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(c).

PART 5

Amendments of Food Provisions

Amendment of the Carcase Classification and Price Reporting Regulations (Northern Ireland) 2018

7. In regulation 8 of the Carcase Classification and Price Reporting Regulations (Northern Ireland) 2018(d), for “European”, substitute “retained EU”.

Amendment of the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

8. In the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019(e), in regulation 6(4), for sub-paragraph (a) substitute—

“(a) in paragraph (9)(a), for “European Union”, substitute “United Kingdom, the Channel Islands and the Isle of Man”;

(a) S.R. 2006 No.387 as amended by S.R. 2018 No.190 regulation 2(3) and S.I. 2019/584 regulation 32.

(b) S.R. 2009 No.252 as amended by S.R. 2018 No.200 Schedule 1, paragraph 23.

(c) S.I. 2019/584.

(d) S.R. 2019 No.216.

(e) S.I. 2019/347.

Amendment of the Animal Health, Seed Potatoes and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

9. In the Animal Health, Seed Potatoes and Food (Amendment) (Northern Ireland) (EU Exit) Regulations 2019(a), in regulation 5(3), in the inserted text, for “on or before 31 December 2020” substitute “before the end of the period of 21 months beginning on the day on which exit day falls”.

PART 6

Amendment of Horticulture Provisions

Amendment of the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010

10.—(1) The Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010(b) are amended as follows.

(2) In regulation 2(1) for “Community marketing rules”, in each place it occurs, substitute “marketing rules”.

(3) In regulation 3(2)—

- (a) omit “Community”;
- (b) omit “or the European Commission”.

(4) In regulation 5 omit “Community”, in both places it occurs.

(5) In regulation 6(1) omit “Community”.

(6) In regulation 7 omit “Community”, in each place it occurs.

(7) In regulation 8 omit “Community”, in each place it occurs.

(8) In regulation 9 omit “Community”, in each place it occurs.

(9) In regulation 10(2)(e) omit “Community”.

(10) In regulation 13 omit “Community”, in both places it occurs.

(11) In regulation 15—

- (a) in the heading, for “Community marketing rules offences”, substitute “Marketing rules offences”;
- (b) omit “Community”, in each place it occurs;
- (c) in paragraph (8), for “European Union” substitute “United Kingdom”.

(12) in regulation 18 omit “Community”, in both places it occurs.

(13) After regulation 24 insert—

“Transitional provisions: withdrawal from the EU

25.—(1) Regulation 17 does not apply in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which exit day falls, and
- (a) would not have constituted a contravention of that Regulation as it applied immediately before exit day.

(a) S.I. 2019/962.

(b) S.R. 2010 No.198 as amended by S.R.2012 No.299 regulation 3(a)(ii) and S.R. 2014 No.92 regulation 7(2)(a)(i).

(2) An authorised officer must not exercise the powers under regulation 6 in relation to a failure to comply with Article 7 of Commission Implementing Regulation 543/2011 if the matter constituting the alleged contravention—

- (a) relates to a product that was placed on the market before the end of the period of 21 months beginning on the day on which exit day falls, and
- (a) would not have constituted a contravention of that Regulation as it applied immediately before exit day.”.

(14) In Schedule 1 in Part 1, omit “Community”.

Amendment of the Marketing of Bananas Regulations (Northern Ireland) 2019

11.—(1) The Marketing of Bananas Regulations (Northern Ireland) 2019(a) are amended as follows.

(2) In regulation 3(2)—

- (a) in sub-paragraph (a), omit “in other member States and”;
- (b) omit sub-paragraph (b) and the preceding “or”.

(3) In regulation 4(6), for “European Union” substitute “United Kingdom”.

Date

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Part 2 makes necessary amendments to subordinate legislation in relation to animals provisions.

Part 3 makes necessary amendments to subordinate legislation in relation to aquaculture provisions.

Part 4 makes necessary amendments to subordinate legislation in relation to environmental protection provisions.

Part 5 makes necessary amendments to subordinate legislation in relation to food provisions.

Part 6 makes necessary amendments to subordinate legislation in relation to horticulture provisions.

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

(a) S.R. 2019 No.66.