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STATUTORY INSTRUMENTS

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**2019 No. 347**

**EXITING THE EUROPEAN  
UNION, NORTHERN IRELAND  
AGRICULTURE, NORTHERN IRELAND  
ANIMALS, NORTHERN IRELAND  
FOOD, NORTHERN IRELAND**

The Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

<i>Sift requirements satisfied</i>	<i>6th February 2019</i>
<i>Made - - - -</i>	<i>21st February 2019</i>
<i>Laid before Parliament</i>	<i>25th February 2019</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State, in exercise of the powers in section 8(1) of and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), 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(2) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

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(1) 2018 c.16

(2) 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)

## PART 1

### Introductory

#### Citation, commencement and extent

1. These Regulations may be cited as the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.
2. These Regulations extend to Northern Ireland only.

## PART 2

### Amendment of Agriculture (Horse) Provisions

#### Amendments to the Horses (Free Access to Competitions) Regulations (Northern Ireland) 1992

- 3.—(1) The Horses (Free Access to Competitions) Regulations (Northern Ireland) 1992(3) are amended as follows.
  - (2) In regulation 4(1), for “another” substitute “any”.
  - (3) In regulation 5, for “another” substitute “any”.

## PART 3

### Amendment of Agriculture (Food) Provisions

#### Amendments to the Eggs and Chicks Regulations (Northern Ireland) 2010

- 4.—(1) The Eggs and Chicks Regulations (Northern Ireland) 2010(4) are amended as follows.
  - (2) In regulation 2(1)—
    - (a) for the definition of “Council [Directive 1999/74/EC](#)” substitute—

““The Northern Ireland welfare regulations”(5) means the Welfare of Farmed Animals Regulations (Northern Ireland) 2012;”
    - (b) after the definition of “the Order” insert—

““third country” means any country or territory other than—

      - (i) the United Kingdom,
      - (ii) the Bailiwick of Guernsey,
      - (iii) the Bailiwick of Jersey, or
      - (iv) the Isle of Man.”
  - (3) In regulation 12 (Derogations relating to the marking of eggs)—
    - (a) for paragraph 3 substitute—

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(3) [S.R. 1992 No.540](#)  
(4) [S.R. 2010 No.125](#)  
(5) [S.R. 2012 No.156](#)

- “(3) The conditions are the conditions in the following provisions of the Northern Ireland welfare regulations—
- (a) paragraph 2(d) of Schedule 2;
  - (b) paragraph 2(e) of Schedule 2;
  - (c) paragraph 5 of Schedule 2;
  - (d) paragraph 6(a) of Schedule 2;
  - (e) paragraph 7(a) of Schedule 2.”
- (4) In regulation 13 (Derogation relating to barn eggs)—
- (a) for paragraph 3 substitute—

“(3) The conditions are the conditions in the following provisions of the Northern Ireland welfare regulations—

    - (a) paragraph 2(d) of Schedule 2;
    - (b) paragraph 2(e) of Schedule 2;
    - (c) paragraph 5 of Schedule 2;
    - (d) paragraph 6(a) of Schedule 2;
    - (e) paragraph 7(a) of Schedule 2.”
- (5) In regulation 18 (Powers of entry)—
- (a) for paragraph (2) substitute—

“(2) The authorised officer may take with them such other persons as they consider necessary.”;
  - (b) omit paragraph (14).
- (6) In Schedule 1 in Part 2, in the table at column 1, omit “Article 3(7)”.
- (7) In Schedule 2 in Part 2—
- (a) in the table at column 2—
    - (i) omit “Article 3 of [Commission Regulation \(EC\) No. 589/2008](#)”;
    - (ii) from “Point 2” to “[Directive 1999/74/EC](#)” substitute “Regulation 3 of the Registration of Establishments (Laying Hens) Regulations (Northern Ireland) 2003”.
  - (b) in the table at column 3—
    - (i) omit “in another Member State”;
    - (ii) omit “Marking of Class B eggs for marketing in another Member State.”.

#### **Amendment to the Beef and Veal Labelling Regulations (Northern Ireland) 2010**

5.—(1) The Beef and Veal Labelling Regulations (Northern Ireland) 2010(6) are amended as follows—

- (2) Omit regulation 5(1)(b)(viii).
- (3) In regulation 7(2) omit “,including any representative of the European Commission”.

#### **Amendments to the Poultrymeat Regulations (Northern Ireland) 2011**

6.—(1) The Poultrymeat Regulations (Northern Ireland) 2011(7) are amended as follows.

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(6) [S.R. 2010 No.155](#)  
(7) [S.R. 2011 No.315](#)

- (2) In regulation 2(1) after the definition of “Single CMO Regulation” insert—
- ““third country” means any country or territory other than—
- (i) the United Kingdom,
  - (ii) the Bailiwick of Guernsey,
  - (iii) the Bailiwick of Jersey, or
  - (iv) the Isle of Man.”
- (3) in regulation 11 (Powers of entry)—
- (a) for paragraph (2) substitute—
 

“(2) The authorised officer may be accompanied by such other persons as the authorised officer considers necessary.”
- (4) in regulation 12 (Powers of an authorised officer)—
- (a) in paragraph (9)(a) for “European Union” substitute “United Kingdom”;
  - (b) omit paragraph (12).

**Amendments to the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016**

7.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 2016(8) are amended as follows.

- (2) In regulation 2(1)—
- (a) omit the definition of “Regulation 37/2010”;
  - (b) for the definition of “Table 1” (including the definition of “Table 1 substance”) substitute—
 

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““Table 1 substance” means a substance classified under Article 14(2)(a), (b) or (c) of Regulation 470/2009;”;
  - (c) for the definition of “Table 2 substance” substitute—
 

““Table 2 substance” means a substance classified under Article 14(2)(d) of Regulation 470/2009;”;
  - (d) in the definition of “unauthorised substance”, for “European Union legislation” substitute “retained EU law”;
  - (e) for the definition of “unlicensed substance” substitute—
 

““unlicensed substance” means a substance—

    - (a) for which a maximum residue limit has been established by the appropriate authority under Regulation (EC) No 470/2009, and
    - (b) which has been—
      - (i) administered (or is intended for administration) in the United Kingdom to an animal or a batch of animals, or
      - (ii) administered to an animal outside the United Kingdom,

where at the time of administration neither that substance, nor any product containing it, was authorised for use in that animal in that country of administration;”
- (3) For regulation 2(2) substitute—

“(2) For the purpose of ascertaining whether the maximum residue limit established for a pharmacologically active substance has been exceeded for the purposes of these Regulations

- (a) the presence of the drug or drug metabolite (or combination thereof) as specified in the marker residue for that pharmacologically active substance is to be taken to indicate the presence of that substance in that part of an animal or batch of animals, or in any animal product derived from that part of an animal or batch of animals, as specified in the target tissues for that substance;
  - (b) the maximum residue limit (if any) corresponding to that substance is to apply in respect of the presence in such part of an animal or batch of animals, or in any animal product derived from such part of an animal or batch of animals, of any such drug or drug metabolite (or combination thereof) as if it were that substance.”
- (4) In regulation 2(4)—
- (a) for “96/22,” substitute “96/22 or”;
  - (b) omit “or Regulation 37/2010”.

#### **Amendments to the Carcase Classification and Price Reporting Regulations (Northern Ireland) 2018**

**8.—(1)** The Carcase Classification and Price Reporting Regulations (Northern Ireland) 2018(9) are amended as follows.

- (2) In regulation 2(1)—
  - (a) for “European beef”, each time it occurs, substitute “retained EU beef”;
  - (b) for “European pig”, each time it occurs, substitute “retained EU pig”.
- (3) Omit regulation 7(2)(b).
- (4) Omit regulation 14(2)(b).
- (5) In regulation 16 for “European” substitute “retained EU”.
- (6) In regulation 23 for “European”, each time it occurs (including in the heading), substitute “retained EU”.
- (7) In regulation 24 for “European”, each time it occurs (including in the heading), substitute “retained EU”.
- (8) In regulation 33 for “European”, both times it occurs, substitute “retained EU”.
- (9) In Schedule 1—
  - (a) for “European”, each time it occurs (including in the heading), substitute “retained EU”;
  - (b) in Part 1, in the fourth row of the table, for “Union” substitute “United Kingdom”.
- (10) In Schedule 2—
  - (a) for “European”, each time it occurs (including in the heading), substitute “retained EU”;
  - (b) in Part 1, in the third row of the table, for “methods authorised by the Commission” substitute “authorised methods”.

## PART 4

### Amendment of Agriculture (Miscellaneous) Provisions

#### **Amendment to the Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014**

9. In the Common Agricultural Policy Direct Payments and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2014(10), for regulation 5(4) substitute—

“(4) An authorised person entering any premises by virtue of this regulation may take with him such other persons as he considers necessary.”

#### **Amendment to the Common Agricultural Policy (Control and Enforcement) Regulations (Northern Ireland) 2015**

10. In the Common Agricultural Policy (Control and Enforcement) Regulations (Northern Ireland) 2015(11), for regulation 7(3) substitute—

“(3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary.”

#### **Amendment to the Rural Development Programme Regulations (Northern Ireland) 2015**

11. In the Rural Development Programme Regulations (Northern Ireland) 2015(12), for regulation 9(3) substitute—

“(3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary.”

#### **Amendment to the Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017**

12. In the Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017(13), for regulation 12(3) substitute—

“(3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary.”

21st February 2019

*George Eustice*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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(10) S.R. 2014 No.291  
(11) S.R. 2015 No.192  
(12) S.R. 2015 No.326  
(13) S.R. 2017 No.13

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## 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 horses.

Part 3 makes necessary amendments to subordinate legislation in relation to food.

Part 4 makes necessary miscellaneous amendments to subordinate legislation in relation to the Common Agricultural Policy Regulations, the Rural Development Programme Regulations and the Single Common Market Organisation Regulations.

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