

Regulations made by the Secretary of State, laid before Parliament under paragraph 5(3) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the Regulations were made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2019 No. 811

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

**The Trade in Animals and Related Products (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

Made - - - - 4th April 2019

Laid before Parliament 5th April 2019

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Trade in Animals and Related Products (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.

(2) These Regulations extend to Northern Ireland only.

PART 2

Amendment to primary legislation

Amendment to the Destructive Imported Animals Act (Northern Ireland) 1933

2. In section 9 of the Destructive Imported Animals Act (Northern Ireland) 1933(2), omit subsection (2).

PART 3

Amendment to subordinate legislation

Amendment to the Sales, Markets and Lairs Order (Northern Ireland) 1975

3.—(1) The Sales, Markets and Lairs Order (Northern Ireland) 1975(3) is amended as follows.

(2) In the heading of Part 3, for “INTRA-COMMUNITY TRADE” substitute “TRADE WITH THE EU”.

(3) In Articles 16(1) and 17, for “intra-Community trade” substitute “trade with the EU”.

Amendment to the Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977

4.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order (Northern Ireland) 1977(4) is amended as follows.

(2) In Article 3(1), in the definition of “member State”, omit “other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands”.

(3) In Article 4—

(a) in paragraph (2)—

(i) in sub-paragraph (a)(i), for “another” substitute “a”;

(ii) in sub-paragraphs (a)(ii), (b)(ii),(c)(ii) and (d)(ii), for “Council [Directive 92/65/EEC](#)” substitute “the Trade in Animals and Related Products Regulations (Northern Ireland) 2011(5)”;

(b) in paragraph 14—

(i) in sub-paragraph (a), omit paragraph (i) (together with the final “and”);

(ii) omit sub-paragraph (b);

(c) in paragraph 15—

(i) for “Council [Directive 92/65/EEC](#)” substitute “the Trade in Animals and Related Products Regulations (Northern Ireland) 2011”;

(ii) for “the requirement” substitute “a requirement”;

(iii) omit “, as referred to in Article 10(4) of that Directive”.

(2) [1933 c.5 \(N.I.\)](#), to which the most recent relevant amendments were made by [S.R. 1993 No. 270](#).

(3) [S.R. 1975 No. 294](#), to which the most recent relevant amendments were made by [S.R. 2005 No. 78](#).

(4) [S.R. 1977 No. 113](#), to which the most recent relevant amendments were made by [S.R. 1994 No. 402](#), [2011 No. 440](#), [2015 No. 282](#).

(5) [S.R. 2011 No. 438](#), relevant amending instruments are [S.R. 2014 No. 196](#), [2015 No. 282](#).

Amendment to the Artificial Insemination of Cattle Regulations (Northern Ireland) 1988

5. In regulation 2(1) of the Artificial Insemination of Cattle Regulations (Northern Ireland) 1988(6), in the definition of “member State”, omit “other than the United Kingdom”.

Amendment to the Artificial Insemination of Pigs (EEC) Regulations (Northern Ireland) 1993

6.—(1) The Artificial Insemination of Pigs (EEC) Regulations (Northern Ireland) 1993(7) are amended as follows.

(2) In regulation 2(1), in the definition of “Member State”, omit “other than the United Kingdom”.

(3) In regulation 3—

(a) in the heading, for “Intra-Community trade in porcine semen” substitute “Trade in porcine semen”;

(b) after paragraph (2) insert—

“(2A) Article 3 of the Directive is to be read as if references—

(a) to a Member State were to the Department;

(b) to intra-Community trade were to trade within the United Kingdom.”.

Amendment to the Animals (Post-Import Control) Order (Northern Ireland) 1993

7.—(1) The Animals (Post-Import Control) Order (Northern Ireland) 1993(8) is amended as follows.

(2) In Article 3(2), omit “or from a country or region of a country recognised by the Commission of the European Economic Community as being free from warble fly infestation”.

(3) In Articles 5(1) and 6, omit “under a provision specified in Schedule 2 from a country referred to in that Schedule.”.

(4) Omit Schedule 2.

Amendment to the Artificial Breeding of Sheep and Goats (EEC) Regulations (Northern Ireland) 1994

8.—(1) The Artificial Breeding of Sheep and Goats (EEC) Regulations (Northern Ireland) 1994(9) are amended as follows.

(2) In regulation 2(1), in the definition of “Member State”, omit “other than the United Kingdom”.

(3) After regulation 2(2), insert—

“(3) Article 11(1) of the Directive is to be read as if for “Member States” there were substituted “the Department”.

(4) Article 11(2) of the Directive is to be read as if for “another Member State” there were substituted “a member State”.”.

(4) In regulation 3, in the heading, for “Intra-Community trade” substitute “Trade with the European Union”.

(6) S.R. 1988 No. 339, to which the most recent relevant amendments were made by S.R.1997 No. 35.

(7) S.R. 1993 No. 262.

(8) S.R. 1993 No. 307.

(9) S.R. 1994 No. 391.

Amendment to the Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996

9.—(1) The Bovine Embryo Collection, Production and Transplantation Regulations (Northern Ireland) 1996⁽¹⁰⁾ are amended as follows.

- (2) In regulation 2(1), for the definition of “intra-Area trade” substitute—
 - ““national trade” means trade within the United Kingdom;”.
- (3) In regulation 5(2), for “intra-Area” substitute “national”.
- (4) In regulation 6—
 - (a) in paragraph 6(1), after “embryo”, in the first place it occurs, insert “for national trade”;
 - (b) omit paragraph (2);
 - (c) in paragraph (4), for “not intended for intra-Area” substitute “for national”.
- (5) In regulation 8(c), omit the words from “in accordance” to “intra-Area trade,”.
- (6) Omit regulations 9 and 10.
- (7) In regulation 11, in the heading and paragraph (1), for “not intended for intra-Area” substitute “for national”.
- (8) In regulation 12—
 - (a) for “use other than in intra-Area” substitute “national”;
 - (b) for “Regulations 9(1) or 11(1)” substitute “Regulation 11(1)”.
- (9) Omit regulation 13(2).
- (10) In Schedule 1, in the heading, for “all purposes including for intra-Area” substitute “national”.
- (11) In Schedule 2, in the headings to Parts 1 and 2, for “all purposes including for intra-Area” substitute “national”.
- (12) In Schedule 3, in the heading, for “not intended for intra-Area” substitute “for national”.
- (13) In Schedule 4—
 - (a) in the heading, for “the purposes of intra-Area” substitute “national”;
 - (b) in the shoulder heading, for “Regulation 6(1) to (3)” substitute “Regulation 6(1) and (3)”;
 - (c) in paragraph 1, for “intra-Area” substitute “national”.
- (14) In Schedule 5—
 - (a) in the heading, omit “6 or”;
 - (b) in the shoulder heading, omit “6(2) and”.
- (15) In Schedule 7—
 - (a) for paragraph 1 substitute—
 - “**1.** Embryos must be produced by a licensed bovine embryo production team and must not come into contact with any other consignment of embryos not meeting the requirements of these Regulations.”;
 - (b) in paragraph 12, for “intra-Area” substitute “national”.

⁽¹⁰⁾ S.R. 1996 No. 389, to which there are amendments not relevant to these Regulations.

Amendment to the Bee Diseases and Pests Control Order (Northern Ireland) 2007

10.—(1) The Bee Diseases and Pests Control Order (Northern Ireland) 2007(**11**) is amended as follows.

- (2) Omit Article 11.
- (3) In Article 15, omit “, apart from the provisions of Article 11”.

Amendment to the Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011

11.—(1) The Northern Ireland Poultry Health Assurance Scheme Order (Northern Ireland) 2011(**12**) is amended as follows.

- (2) In Article 2, for “between” substitute “with”.
- (3) In the Schedule, in Part 1—
 - (a) in paragraph 4(1), for “another” substitute “a”;
 - (b) in paragraph 5(2)(b), for “intra-Community trade” substitute “trade with the EU”;
 - (c) for paragraph 5(2)(d) substitute—

“(d) be accompanied by such persons as the inspector considers necessary”.
- (4) In the Schedule, in Part 2, in paragraph 7(1)(b), for “intra-Community trade between Member States” substitute “trade with member States”.

Amendment to the Trade in Animals and Related Products Regulations (Northern Ireland) 2011

12.—(1) The Trade in Animals and Related Products Regulations (Northern Ireland) 2011(**13**) are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1)—
 - (i) in the definition of “border inspection post”, for “European Commission” substitute “Department”;
 - (ii) after the definition of “product”, insert—

““third country” means any country other than the British Islands or a member State.”;
 - (b) after paragraph (2), insert—

“(2A) For the purposes of these Regulations, Article 3 of Council [Directive 97/78/EC](#) is to be read as if for “Member States” there were substituted “the Department.”.
- (3) In regulation 4, for “between member States” substitute “with member States in accordance with such agreements”.
- (4) In Part 2, for the heading, substitute “IMPORT FROM MEMBER STATES”.
- (5) In regulation 5—
 - (a) for the heading substitute “Import of animals and genetic material from member States”;

(11) [S.R. 2007 No. 246](#), to which a relevant amendment was made by [S.R. 2010 No. 394](#).

(12) [S.R. 2011 No. 436](#), to which there are amendments not relevant to these Regulations.

(13) [S.R. 2011 No. 438](#), to which the most recent relevant amendments were made by [S.R. 2014 No. 196](#).

- (b) in paragraph (1), for the words from “consigned” to the end substitute “brought into Northern Ireland from a member State unless it is accompanied by a relevant completed and signed health certificate for that animal or genetic material”.
- (6) Omit regulation 6.
- (7) In regulation 7—
 - (a) in the heading, for “between member States” substitute “into Northern Ireland”;
 - (b) omit paragraph (1);
 - (c) in paragraph (2)—
 - (i) for “another” substitute “a”;
 - (ii) at the end insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system established under Commission [Decision 2004/292/EC](#)”.
- (8) In regulation 11(3)—
 - (a) omit the words from “set out” to “third countries”;
 - (b) omit the words from “and shall inform” to the end.
- (9) In regulation 12(2), after “approval” insert “by the Department”.
- (10) In regulation 14—
 - (a) in paragraphs (1) and (2), after “post” insert “via the system for the notification of imports that in the United Kingdom replaces the EU Traces system established under Commission [Decision 2004/292/EC](#)”;
 - (b) in paragraph (4), for “another” substitute “a”.
- (11) In regulation 15—
 - (a) in paragraph (1)—
 - (i) for the purposes of sub-paragraph (a), Article 4 of Council [Directive 97/78/EC](#) is to be read as if in paragraphs 4(a)(i) and 4(b)(i) for “Community legislation” there were substituted “retained EU law”;
 - (ii) for the purposes of sub-paragraph (b), Article 4 of Council [Directive 91/496/EEC](#) is to be read as if—
 - (aa) in paragraph 1, for “Member States” there were substituted “the Department”;
 - (bb) in paragraph 1, in the second indent, the words from “at Community level” to the end of the indent were omitted;
 - (cc) in paragraph 1, in the third indent, for the words from “Community rules” to the end there were substituted “retained EU law or, in the case of animals, trade in which has not been harmonised, the guarantees required by the Department”;
 - (dd) in paragraph 1, in the last indent, the words from “through” to the end of the indent were omitted;
 - (ee) in paragraph 2(b) for “Community rules” there were substituted “retained EU law”;
 - (ff) in paragraph 2(d), in the second and third indents, the words from “For the purposes of” to “his direction” were omitted;
 - (gg) paragraph 5 were omitted;
 - (b) in paragraph (4)—

- (i) “(a) the animals are from a territory or part of a territory of a third country not included in a list of approved third countries, or where imports are otherwise prohibited from that territory;”;
 - (ii) in sub-paragraphs (b), (c) and (e), for “legislation of the European Union” substitute “retained EU law”.
- (12) In regulation 17, in the words before paragraph (a)—
 - (a) omit “box 30, 31, 33 or 34 of”;
 - (b) for “the European Union” substitute “Northern Ireland”.
- (13) In regulation 18—
 - (i) in paragraph (2), for “European Union” substitute “United Kingdom”;
 - (ii) omit paragraph (4).
- (14) In regulation 20(1)(b), for “outside the European Union” substitute “to a third country”.
- (15) In regulation 22, for paragraph (1) substitute—

“(1) If veterinary checks reveal that products entering Northern Ireland from a particular third country, a particular part of a third country or a particular establishment in a third country are implicated in serious or repeated infringements of any import requirement, or where those checks reveal that maximum residue levels have been exceeded, the Department may apply this regulation to subsequent similar products brought into Northern Ireland from that particular third country, particular part of a third country or particular establishment in a third country, as the case may be, until satisfied that further infringements are no longer occurring.”.
- (16) In regulation 22(4), for “any requirement laid down in a Community instrument” substitute “retained EU law”.
- (17) In regulation 23—
 - (a) in paragraph (1)(c), omit “, outside the European Union”;
 - (b) in paragraph (3)(c), omit “outside the European Union”.
- (18) In regulation 27—
 - (a) in paragraph (1), in the words before sub-paragraph (a), for “European Union” substitute “United Kingdom”;
 - (b) in paragraph (3)(a), omit “in the member State”.
- (19) In regulation 33(2), omit, “, including any representative of the European Commission”.
- (20) In regulation 35—
 - (a) in the heading, for “another” substitute “a”;
 - (b) in paragraph (1), in the words before sub-paragraph (a), for “another” substitute “a”;
 - (c) for paragraph (2)(c) substitute—

“(c) returning the animals, products or genetic material to the member State of despatch, with the authorisation of its competent authority, and following prior notification to any member State of transit.”.
- (21) In Schedule 1, in the table—
 - (a) in column 1, omit “regulation 6(5)” and the corresponding entry in column 2;
 - (b) in column 1, omit “regulation 6(6)” and the corresponding entry in column 2.
- (22) In Schedule 3—
 - (a) in the heading of Part 1, for “trade between” substitute “imports from”;

- (b) in paragraph 2(1), for “between” substitute “from”;
- (c) omit paragraph 3;
- (d) in paragraph 4, in the words before sub-paragraph (a), omit “relating to trade between member States”;
- (e) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—

“(1) A person shall not import into Northern Ireland an ape (simia and prosimian) unless it comes from a centre approved by the competent authority of a member State and is destined for a centre approved by the Department in accordance with Council [Directive 92/65/EEC](#) (“the Balai Directive”). But the Department may authorise in writing a body to acquire an ape from an individual.”;
 - (ii) for the purposes of sub-paragraph (2), Article 13 of the Balai Directive is to be read as if—
 - (aa) in paragraph 1, for “the Member State of destination” there were substituted “Northern Ireland”;
 - (bb) in paragraph 2(a), for “the competent authority of the Member State” there were substituted “the Department”;
 - (cc) in paragraph 2(b) and (c), for “the competent authority” there were substituted “the Department”;
 - (dd) paragraphs 2(d) and (e) were omitted;
 - (iii) for the purposes of sub-paragraph (3), point 6 of Annex C to the Balai Directive is to be read as if—
 - (aa) in sub-paragraphs (a) and (b), for “the competent authority” there were substituted “the Department”;
 - (bb) in sub-paragraph (b), for “Community legislation” there were substituted “retained EU law”;
 - (cc) sub-paragraph (d) were omitted;
 - (iv) in sub-paragraph (4), for the words from “between” to the end substitute “in ova and embryos of the ovine, caprine and equine species and semen of the ovine, caprine and equine species and of swine”;
 - (v) omit sub-paragraph (5);
- (f) in paragraph 6, for sub-paragraph (3) substitute—

“(3) No person may contravene Article 10(1) of that Commission Regulation (notification of movement).”;
- (g) for paragraph 7 substitute—

“7. No person may import into Northern Ireland an animal by-product to which Article 48 of Regulation [\(EC\) No 1069/2009](#) applies unless it is imported in accordance with that Article.”;
- (h) for paragraph 9, for sub-paragraph (1) substitute—

“(1) The Department is the competent authority for the import of certain birds and quarantine conditions for the purpose of [Commission Implementing Regulation \(EU\) No 139/2013](#).”;
- (i) for paragraph 10 substitute—

“10. When a registered horse is imported temporarily from a third country, the provisions in Section 7 of [Commission Implementing Regulation \(EU\) No 2018/659](#) apply.”.

(23) In Schedule 4, for paragraph 5 and the heading substitute—

“Case 4: Consignments cleared in another part of the United Kingdom

5. Consignments of animals and products from a third country that have been presented to a border inspection post in another part of the United Kingdom and have been cleared for free circulation.”.

Amendment to the Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011

13.—(1) The Non-Commercial Movement of Pet Animals Order (Northern Ireland) 2011(14) is amended as follows.

(2) In Article 5(1)(c), for “another” substitute “a”.

(3) In Article 11—

(a) in paragraph (1), after “Community air carrier” insert “, a UK air carrier, a United Kingdom carrier”;

(b) in paragraph (2)—

(i) in the definition of “Community air carrier” for “has” substitute “and UK air carrier have”;

(ii) in the definition of “Union carrier”, for the words from “and amending Regulation (EC) No 2006/2004” to the end substitute “as it applies in the European Union as amended from time to time”;

(iii) after the definition of “Union carrier” insert—

““United Kingdom carrier” means a carrier established within the territory of the United Kingdom or offering transport by a passenger service operated to or from the territory of the United Kingdom, and for the purposes of travelling by sea and inland waterway, “recognised assistance dog” shall be interpreted in accordance with [Regulation \(EU\) No 1177/2010](#) of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway.”.

(4) In Article 12(2), omit “, including any representative of the European Commission”.

(5) Omit Article 15.

Revocation of the Destructive Imported Animals Regulations (Northern Ireland) 1993

14. The Destructive Imported Animals Regulations (Northern Ireland) 1993(15) are revoked.

(14) [S.R. 2011 No. 440](#), to which a relevant amendment was made by [S.R. 2015 No. 282](#).

(15) [S.R. 1993 No. 270](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4th April 2019

Gardiner of Kimble
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 conferred by the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in Northern Ireland relating to the controls and standards applied to trade in animals, products of animal origin, germplasm, animal by-products and bees, as well as the non-commercial movement of pet animals.

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