

This Statutory Instrument has been made in consequence of a defect in [S.I. 2009/3344](#) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2011 No. 2976

FISHERIES, ENGLAND AND WALES RIVER, ENGLAND AND WALES

The Eels (England and Wales) (Amendment) Regulations 2011

<i>Made</i>	- - - -	<i>12th December 2011</i>
<i>Laid before Parliament</i>		<i>13th December 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13th December 2011</i>
<i>Coming into force</i>	- -	<i>3rd January 2012</i>

The Secretary of State and the Welsh Ministers are each designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy.

The Secretary of State in relation to England and the Welsh Ministers in relation to Wales make these Regulations under the power conferred by that section.

Title and commencement

1. These Regulations—

- (a) may be cited as the Eels (England and Wales) (Amendment) Regulations 2011; and
- (b) come into force on 3rd January 2012.

Amendment to the Eels (England and Wales) Regulations 2009

2.—(1) The Eels (England and Wales) Regulations 2009⁽³⁾ are amended as follows.

(2) In paragraph (1) of regulation 6 (exports)—

- (a) omit “and” immediately preceding sub-paragraph (c);
- (b) at the end, add—
“;

(1) [S.I. 1972/1811](#) in relation to the Secretary of State and [S.I. 2010/2690](#) in relation to the Welsh Ministers.
(2) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 ([c. 7](#)). The function of the Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 ([S.I. 2002/794](#)).
(3) [S.I. 2009/3344](#).

- (d) ensure that the eels they export are accompanied by a copy of the certificate prepared under sub-paragraph (c); and
 - (e) retain all certificates prepared under this paragraph for 12 months from the date of the certificate and allow the Agency to inspect those certificates at any reasonable time”.
- (3) In paragraph (2) of regulation 6, for “October 2009”, substitute “March 2010”.
- (4) For regulation 7 (duties on consignees), substitute—

“Duties on consignees

7.—(1) A person must not accept a consignment of live eels that has been imported into England and Wales unless the consignment is accompanied by—

- (a) a certificate prepared under regulation 5; and
 - (b) where live eels from another imported consignment have been added to the consignment, a copy of the certificate prepared under regulation 5 in relation to that other consignment.
- (2) The consignee must retain all certificates and (where applicable) copies of certificates for 12 months from the date of the document and allow the Agency to inspect those documents at any reasonable time.
- (3) Failure to comply with paragraph (1) or (2) is an offence.”.

12th December 2011

9th December 2011

Richard Benyon
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs
Carwyn Jones
First Minister of Wales.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend regulations 6 and 7 of the Eels (England and Wales) Regulations 2009, which implement Council Regulation [\(EC\) No 1100/2007](#) (OJ No L 248, 22.9.2007, p 17) establishing measures for the recovery of the stock of European eel.

The amendments to regulation 6 require exporters to ensure that consignments of live eels exported from England or Wales are accompanied by a copy of the certificate prepared under that regulation and to retain the original certificate for inspection; they also change the date of the eel management plans referred to in that regulation.

The amendment to regulation 7 limits the obligation under that regulation to consignees accepting consignments of live eels that have been imported into England and Wales.

No impact assessment has been produced for this instrument as no impact on the costs of business or charities is foreseen.