
STATUTORY INSTRUMENTS

2019 No. 817

**EXITING THE EUROPEAN UNION
ANIMALS
AQUACULTURE
PLANT HEALTH, ENGLAND AND WALES
PLANT HEALTH, NORTHERN IRELAND**

The Aquatic Animal Health and Plant Health
(Legislative Functions) (EU Exit) Regulations 2019

Made - - - - 4th April 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{F1}.

A draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament in accordance with paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018.

F1 2018 c. 16.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019 and come into force on exit day.

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

- I1** Reg. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

PART 2

Functions relating to aquatic animal health

Meaning of “the appropriate authority”

- 2.—(1) In this Part, “the appropriate authority” means—
 - (a) in the case of regulations applying in relation to England, the Secretary of State;
 - (b) in the case of regulations applying in relation to Wales, the Welsh Ministers;
 - (c) in the case of regulations applying in relation to Scotland, the Scottish Ministers;
 - ^{F2}(d)
- (2) But “the appropriate authority” is the Secretary of State if consent is given—
 - (a) in the case of regulations applying in relation to Wales, by the Welsh Ministers;
 - (b) in the case of regulations applying in relation to Scotland, by the Scottish Ministers;
 - ^{F3}(c)

- F2** Reg. 2(1)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in [Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(2)(a)**
- F3** Reg. 2(2)(c) omitted (31.12.2020 immediately before IP completion day) by virtue of The Aquatic Animal Health and Alien Species in [Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(2)(b)**

Commencement Information

- I2** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

General interpretation

- 3. In this Part—
 - “Commission Regulation [\(EC\) No 1251/2008](#)” means Commission Regulation [\(EC\) No 1251/2008](#) implementing Council Directive [2006/88/EC](#) as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species ^{F4};
 - “the other responsible authorities” means—
 - (a) as regards Wales, the Welsh Ministers;
 - (b) as regards Scotland, the Scottish Ministers;
 - (c) ^{F5} ...

“third country” means a country or territory outside the [^{F6}British Islands].

- F4** Commission Regulation (EC) No 1251/2008 was amended by [S.I. 2019/451](#).
- F5** Words in reg. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(3)(a)**
- F6** Words in reg. 3 substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(3)(b)**

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

4. The following terms have the same meaning as they have in Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ^{F7} as it has effect in EU law immediately before [^{F8}IP completion day]—

- (a) “aquaculture”;
- (b) “aquaculture animal”;
- (c) “aquatic animal”;
- (d) “farm”;
- (e) “mollusc farming area”;
- (f) “wild aquatic animal”.

- F7** OJ No. L 328, 24.11.2006, p.14, as last amended by Commission Implementing Directive 2014/22/EU (OJ No. L 44, 14.2.2014, p.45).
- F8** Words in reg. 4 substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(4)**

Commencement Information

- I4** Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

5. Other terms used in this Part have the same meaning in this Part as they have in Commission Regulation (EC) No 1251/2008.

Commencement Information

- I5** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F9}Amendment of Commission Regulation (EC) No 1251/2008

5A. In Commission Regulation (EC) No 1251/2008, after Article 2, insert—

“Article 2a

Interpretation: animal health certificates

In Articles 5 to 8a, 10 to 12, 14 and 16, “relevant model”, in relation to an animal health certificate, a joint public and animal health certificate or an addendum to an animal health certificate, means the model of that certificate or addendum, as published by the appropriate authority from time to time.”.]

F9 Reg. 5A inserted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(5)**

Commencement Information

I6 Reg. 5A in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Power to amend Annex 1A to Commission Regulation (EC) No 1251/2008

6.—(1) The appropriate authority may by regulations amend Annex 1A to add, vary or remove an exotic or non-exotic disease where the amendment is necessary or appropriate in the light of—

- (a) the relevant criteria specified in paragraphs (3) and (4); and
- (b) any assessment carried out which is relevant to the determination of whether a disease is an exotic or non-exotic disease for the purposes of Annex 1A.

(2) Any assessment which is relied upon for the purposes of paragraph (1) must have been approved by the Secretary of State and the other responsible authorities.

(3) The criteria applicable in relation to an exotic disease are that—

- (a) the disease is not established in [^{F10}Great Britain];
- (b) its pathogen is not known to be present in [^{F11}Great Britain]; and
- (c) if introduced into [^{F12}Great Britain]—
 - (i) the disease may have a significant adverse economic impact on aquaculture [^{F13}...], due to—
 - (aa) the likely production losses in the aquaculture sector as a result of the introduction; or
 - (bb) the likely loss of opportunities to export aquaculture animals or products to third countries as a result of the introduction; or
 - (ii) the disease may have a detrimental harmful impact on wild aquatic animal populations of species.

(4) The criteria in relation to a non-exotic disease are that—

- (a) at least two regions which, either individually or taken together, cover territory that is located in more than one constituent [^{F14}GB] territory, are free of the disease;
- (b) the disease—

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Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

- (i) may have a significant adverse economic impact on aquaculture if introduced into those regions due to—
 - (aa) the production losses in the aquaculture sector as result of the introduction and the annual costs associated with the disease and its control, which are likely to exceed, in the case of each region, 5% of the value of the production of susceptible aquaculture animal species produced in the region; or
 - (bb) the loss of opportunities to export aquaculture animals or products to third countries as a result of the introduction; or
- (ii) the disease has shown, where it occurs in [^{F15}Great Britain], to have a detrimental harmful impact on wild aquatic animal populations of species;
- (c) the disease is difficult to control and contain at farm level or mollusc farming area level without stringent control measures and restrictions on trade;
- (d) zones or compartments that are free from the disease can be established and maintained in those regions in a manner that is cost-effective;
- (e) there is a risk that the disease would establish itself in those regions if aquaculture animals were placed on the market; and
- (f) reliable and simple tests are available to detect the presence of the disease in aquaculture animals susceptible to the disease.

[^{F16}(5) In this regulation—

“Annex 1A” means Annex 1A to [Commission Regulation \(EC\) No 1251/2008](#)^{F17};

“constituent GB territory” means England, Wales or Scotland, as the case may be.]

- F10** Words in reg. 6(3)(a) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(i)**
- F11** Words in reg. 6(3)(b) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(i)**
- F12** Words in reg. 6(3)(c) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(ii)(aa)**
- F13** Words in reg. 6(3)(c)(i) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(a)(ii)(bb)**
- F14** Word in reg. 6(4)(a) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(b)(i)**
- F15** Words in reg. 6(4)(b)(ii) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(6)(b)(ii)**
- F16** Reg. 6(5) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating](#)

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), 5(6)(c)

F17 Annex 1A was inserted by regulation 2(19) of S.I. 2019/451.

Commencement Information

I7 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Power to amend Annex 3 to Commission Regulation (EC) No 1251/2008

7.—(1) The appropriate authority may by regulations amend Annex 3 where the amendment is necessary or appropriate in the light of an assessment of the risks to the health of aquatic animals in [^{F18}Great Britain] from the introduction of aquaculture animals or products reared or produced in a third country, taking into account—

- (a) the legislation of the third country;
- (b) the way in which the relevant competent authority and its inspection services are organised, the powers of the inspection services, the supervision to which the inspection services are subject and the means at their disposal to apply the legislation effectively;
- (c) the requirements in or under the legislation of the third country that are in force in relation to the production, manufacture, handling, storage and dispatch of live aquaculture animals intended for export to [^{F19}Great Britain];
- (d) the assurances given by the relevant competent authority as to the compliance of the health requirements that apply in the third country with, or their equivalence to, the aquatic animal health requirements in [^{F20}Great Britain];
- (e) the extent to which exports of live aquaculture animals from the third country have complied with aquatic animal health requirements in [^{F21}Great Britain];
- (f) the results of any assessment [^{F22}made of the relevant competent authority on behalf of the appropriate authority] or any report submitted [^{F23}to the appropriate authority] by the relevant competent authority [^{F24}at the request of the appropriate authority] on any inspections carried out;
- (g) the health status of farmed and wild aquatic animals in the third country, including any exotic animal diseases and any aspects of the animal health situation in that country in general which might pose a risk to aquatic animal health in [^{F25}Great Britain];
- (h) the regularity, speed and accuracy with which the third country has supplied information on the existence of infectious or contagious aquatic animal diseases in its territory, and in particular, the notifiable diseases listed by the World Organisation for Animal Health; and
- (i) the rules on the prevention and control of aquatic animal diseases, including on imports from other countries, which are in force in the third country and the way in which they have been implemented.

(2) Any assessment which is relied on or used for the purposes of paragraph (1) must be appropriate to the circumstances and must have been approved by the Secretary of State and the other responsible authorities.

(3) In the case of a [^{F26}country or territory] which is not listed in Annex 3 ^{F27}... the assessment must demonstrate that the relevant competent authority ^{F28}... is able to provide appropriate guarantees regarding the compliance of aquaculture animals and products reared or produced in that country [^{F29}or territory (as the case may be)] with relevant animal health requirements in [^{F30}Great Britain] .

(4) Regulations under paragraph (1) may, among other things, add, vary or remove an entry in Annex 3.

(5) In this regulation—

“Annex 3” mean Annex 3 to Commission Regulation (EC) No 1251/2008;

[^{F31}“relevant competent authority”, in relation to a country or territory, means the authority or authorities of that country or territory concerned with official responsibility for aquatic animal health.]

- F18** Words in reg. 7(1) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(i)**
- F19** Words in reg. 7(1)(c) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(i)**
- F20** Words in reg. 7(1)(d) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(i)**
- F21** Words in reg. 7(1)(e) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(i)**
- F22** Words in reg. 7(1)(f) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(ii)(aa)**
- F23** Words in reg. 7(1)(f) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(ii)(bb)**
- F24** Words in reg. 7(1)(f) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(ii)(cc)**
- F25** Words in reg. 7(1)(g) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(a)(i)**
- F26** Words in reg. 7(3) substituted (31.12.2020 immediately before IP completion day) by [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(b)(i)**
- F27** Words in reg. 7(3) omitted (15.8.2022) by virtue of [The Aquatic Animal Health \(Amendment\) Regulations 2022 \(S.I. 2022/835\)](#), regs. 1(2), **9**
- F28** Words in reg. 7(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material \(Legislative Functions and Miscellaneous Provisions\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1463\)](#), regs. 1(2)(a), **5(7)(b)(ii)**

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

- F29** Words in reg. 7(3) inserted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **5(7)(b)(iii)**
- F30** Words in reg. 7(3) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **5(7)(b)(iv)**
- F31** Words in reg. 7(5) substituted (31.12.2020 immediately before IP completion day) by The Aquatic Animal Health and Alien Species in Aquaculture, Animals, and Marketing of Seed, Plant and Propagating Material (Legislative Functions and Miscellaneous Provisions) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1463), regs. 1(2)(a), **5(7)(c)**

Commencement Information

- I8** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

F32 PART 3

Functions relating to plant health

- F32** Pt. 3 omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), **6(2)**

Meaning of “the appropriate authority”

8.

General interpretation

9.

Power to modify the lists of regulated plant pests and relevant material

10.

Power to make further derogations

11.

Power to recognise the equivalence of phytosanitary measures adopted by third countries

12.

Power to make provision in relation to emergency measures

13.

PART 4

General

14. Regulations made by the Secretary of State or the Welsh Ministers under these Regulations are to be made by statutory instrument.

Commencement Information

I9 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

15. For regulations made under Part 2 of these Regulations by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010^{F33}.

F33 2010 asp 10.

Commencement Information

I10 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

PROSPECTIVE

^{F34}**16.**

F34 Reg. 16 omitted (31.12.2020) by virtue of [The Official Controls \(Animals, Feed and Food, Plant Health etc.\) \(Amendment\) \(EU Exit\) \(No. 2\) Regulations 2020 \(S.I. 2020/1631\)](#), regs. 1(2), **6(2)**

17. A statutory instrument containing regulations made by the Secretary of State under these Regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I11 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

18. A statutory instrument containing regulations made by the Welsh Ministers under these Regulations is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Commencement Information

I12 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

19. Regulations made by the Scottish Ministers under Part 2 of these Regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

Commencement Information

I13 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

PROSPECTIVE

^{F35}20.

F35 Reg. 20 omitted (31.12.2020) by virtue of The Official Controls (Animals, Feed and Food, Plant Health etc.) (Amendment) (EU Exit) (No. 2) Regulations 2020 (S.I. 2020/1631), regs. 1(2), 6(2)

21. Such regulations may—

- (a) contain supplementary, incidental, consequential, transitional, transitory or saving provision (including provision amending, repealing or revoking enactments (which has the meaning given by section 20(1) of the European Union (Withdrawal) Act 2018));
- (b) make different provision for different cases or descriptions of case, different circumstances, different purposes or different areas.

Commencement Information

I14 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Department for Environment, Food and Rural Affairs

Gardiner of Kimble
Parliamentary Under Secretary for State

Status: This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019. (See end of Document for details)

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 the deficiency referred to in paragraph (f) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. Part 2 makes provision for certain functions of the European Commission of a legislative character under Council Directive [2006/88/EC](#) on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ No. L 328, 24.11.2006, p.14) to be exercisable instead by the Secretary of State, Welsh Ministers, Scottish Ministers or the Department of Agriculture, Environment and Rural Affairs. Part 3 makes provision for certain functions of the European Commission of a legislative character under Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No. L 169, 10.7.2000, p.1) to be exercisable instead by the Secretary of State, Welsh Ministers or the Department of Agriculture, Environment and Rural Affairs. An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Aquatic Animal Health and Plant Health (Legislative Functions) (EU Exit) Regulations 2019.