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S T A T U T O R Y I N S T R U M E N T S

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**2020 No. 109**

**AGRICULTURE, ENGLAND**

**ANIMALS, ENGLAND**

**The Trade in Animals and Related Products (Amendment)  
Regulations 2020**

*Made - - - - at 1.00 p.m. on 3rd February 2020*

*Laid before Parliament at 4.30 p.m. on 3rd February 2020*

*Coming into force - - - 24th February 2020*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to measures in the veterinary and phytosanitary fields for the protection of public health(b).

**Citation and commencement**

**1.** These Regulations may be cited as the Trade in Animals and Related Products (Amendment) Regulations 2020 and come into force on 24th February 2020.

**Amendment to the Trade in Animals and Related Products Regulations 2011**

**2.**—(1) The Trade in Animals and Related Products Regulations 2011(c) are amended as follows.

(2) In regulation 12(4), for the words from “echinoderms” to “district council” substitute “echinoderms, live tunics and live marine gastropods and composite products containing processed fishery products intended for human consumption, the enforcement authority”.

(3) In regulation 20—

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(a) 1972 c. 68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) 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). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

(b) S.I. 1999/2027, which is prospectively revoked by S.I. 2018/1011 from IP completion day.

(c) S.I. 2011/1197, amended by S.I. 2019/1488; there are other amending instruments but none is relevant.

- (a) in paragraph (7), omit the words from “, but is entitled” to the end;
  - (b) omit paragraph (8).
- (4) In regulation 23(6), omit the words from “but is entitled” to the end.

1.00 p.m. on 3rd February 2020

*Gardiner of Kimble*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

#### **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations amend the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197).

Regulation 12(4) of the 2011 Regulations is amended to make it clear that official fish inspectors are responsible for decisions relating to composite products containing processed fishery products.

Regulations 20(7) and 23(6) of the 2011 Regulations relate to cases where non-compliant products and animals are required to be treated, re-dispatched or destroyed. These provisions make the importer or the importer’s representative liable for the costs incurred for any enforcement measures taken following failure of checks or seizure of goods and animals imported from countries outside the European Union. The amendments to these provisions ensure that the importer or importer’s representative is not entitled to any payment following their destruction.

Regulation 20(8) (right to make written representations) is omitted, in view of the last paragraph of Article 66(3) of the Regulation (EU) 2017/625 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ No. L 95, 7.4.2017, p.1). By virtue of Article 66(3), the importer or the importer’s representative is entitled to be heard regarding any requirement proposed to be imposed in relation to a non-compliant consignment.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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