NOTIFICATION TO THE SCOTTISH PARLIAMENT

Name of the SI(s) (if known) or a title describing the policy area

The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018

A brief explanation of the law that the proposals amend

The Trade in Animals and Related Products (Amendment) (EU Exit) Regulations 2018 ("the proposed SI") is being made using powers under the European Union (Withdrawal) Act 2018 in order to correct deficiencies in what will become retained EU law – in this case EU-derived domestic legislation - relating to trade in animals and related products.

The proposed SI will amend five GB-wide instruments and two instruments that will apply to England only (see details below). It is intended that this notification only addresses the five GB-wide instruments.

The legislation that will be amended by the proposed SI is as follows:

Part 1 (GB-wide instruments)

Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974
For the purpose of preventing the introduction of rabies into Great Britain, this Order in particular controls the landing in the United Kingdom of any animal (other than man) belonging to the ten orders of mammals specified in Parts 1 and 2 of the schedule of the Order. Specified animals are prohibited from landing in Great Britain except under the authority of a licence. Exceptional circumstances may exist where animals may be allowed to land at prescribed ports and airports, however, they will have to be moved as soon as practicably possible after landing to authorised quarantine premises. The animals will then be kept for a prescribed period in quarantine. The Order also contains detailed provisions relating to the movement of animals during quarantine, the licensing of carrying agents and of quarantine premises, and the control of animals which are passing through Great Britain or which are on board a vessel in a British port.

Artificial Insemination of Pigs (EEC) Regulations 1992
These Regulations implement the provisions of Council Directive 90/429/EEC in relation to exports to member States and the approval of semen collection centres which engage in intra-Community trade in porcine semen.

The Animals (Post-Import Control) Order 1995
This Order establishes controls on certain animals after they have been imported into Great Britain by laying down requirements relating to cattle from areas not free from warble fly, pigs from areas not free from Aujeszky’s disease, cattle from Canada, cattle imported under specific Community legislation and sheep and goats from areas not free from contagious agalactia. The Order also empowers an inspector to serve a notice in specified circumstances and enforcement is carried out by the relevant local authority.
The Bovine Embryo (Collection, Production and Transfer) Regulations 1995
These Regulations give effect to the provisions of Council Directive 89/556/EEC in respect to the trade in bovine embryos, the approval of collection, production and transfer teams, storage conditions for bovine embryos and also provide for domestic trade in bovine embryos.

The Non-Commercial Movement of Pet Animals Order 2011
This Order makes provision for the administration and enforcement of various EU instruments in Great Britain: Regulation (EC) No 998/2003 on the animal health requirements applicable to the non-commercial movement of pet animals; Commission Decision 2006/146/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia; Commission Decision 2007/25/EC as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community and; Commission Delegated Regulation (EU) No 1152/2011 as regards preventive health measures for the control of Echinococcus multilocularis infection in dogs.

Overall, this Order is concerned with the preventive measures that apply to the movement of pet animals to Great Britain to protect against the risk of the introduction of rabies, Echinococcus multilocularis (tapeworm), Hendra disease, Nipah disease and highly pathogenic avian influenza. Additionally, it outlines requirements of carriers that land pet dogs, cats and ferrets in Great Britain to be approved, subject to certain exceptions, and makes provision regarding the suspension or withdrawal of carrier approvals under the enforcement section.

Part 2 (England only)

The proposed SI will also bring forward amendments to The Bovine Semen (England) Regulations 2007 and The Trade in Animals and Related Products Regulations 2011. These Regulations do not apply in Scotland and are not covered further in this notification.

Summary of the proposals and how these correct deficiencies

The amendments contained in Part 1 of the proposed SI do not change existing policy, but will be necessary in the event of a 'no deal' exit from the EU on 29 March 2019 to ensure the operability and continued implementation of the statutory measures detailed above.

As the UK will no longer be a Member State of the EU, the proposed SI will amend EU references. Where necessary, for example, it will replace what will become obsolete references to EC Directives with references to relevant domestic Instruments.

An explanation of why the change is considered necessary
The changes made by this proposed SI are fairly minor and necessary to ensure that the existing GB-wide EU derived legislation continues to be operable once the UK leaves the EU.

**Scottish Government categorisation of significance of proposals**

**Category A.** The amendments which will be made by the proposed SI to the GB-wide legislation set out above do not change existing policy. The Scottish Government has worked with DEFRA on the amendments and is content that the provision to be made is necessary and appropriate to ensure that existing law continues to be operable once the UK leaves the EU. So far as the GB-wide legislation amended provides for functions to be exercisable by the Scottish Ministers, the amendments to be made by the proposed SI do not alter the position.

**Impact on devolved areas**

The Proposed SI will make provision in a devolved area. The relatively minor changes in the proposed SI are required to ensure the continued operability of existing measures.

**Summary of stakeholder engagement/consultation**

Other than engagement with Defra and other devolved administrations there has been no formal stakeholder engagement or consultation in relation to (Part 1) of the proposed SI as there will be no measureable change to policy and no operational or financial impact is anticipated.

**A note of other impact assessments, (if available)**

An impact assessment has not been carried out in relation to the proposed SI as its main aim is to remove what will become redundant references or provisions, add new definitions where necessary and generally ensure that existing GB legislation is operable upon EU exit.

**Summary of reasons for Scottish Ministers’ proposing to consent to UK Ministers legislation**

The proposed SI will make amendments to existing GB-wide SIs which are minor in nature and aim to ensure the continued operability of EU derived domestic legislation. In these circumstances the Scottish Ministers consider it is appropriate that the proposed measures be brought forward by the UK Government. Where so far as the GB-wide legislation amended provides for functions to be exercisable by the Scottish Ministers, the amendments to be made by the proposed SI do not alter the position.

**Where relevant – detail how Scottish Ministers have had regard to the guiding principles on animal welfare and the environment**

The proposed SI’s amendments do not change existing policy, but are necessary to ensure that existing provision, such as controls on certain imports and the non-
commercial movement of pet animals, can continue to operate in the UK should we leave the EU under a ‘no deal’ scenario. The proposed SI will not make any substantive changes to the legislative provisions already in place to safeguard the welfare of animals being imported into the UK. We are content therefore that the proposed SI will not adversely impact on animal welfare (in particular that regard must be given to the welfare requirements of animals as sentient beings).

**Intended laying date (if known) of instruments likely to arise**

The proposed SI is subject to the negative procedure and will be laid for sifting at Westminster on 27 November 2018. We are working with Defra on the basis no EU Exit SIs will proceed to be made (for negative procedure SIs), or laid in draft (for affirmative SIs), until after they have been through the consent process agreed with the Scottish Parliament.

**If the Scottish Parliament does not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?**

The Scottish Parliament will have 28 days to scrutinise.

**Information about any time dependency associated with the proposal**

N/A.

**Any significant financial implications?**

These proposed SI is not expected to have any financial implications, including for the Scottish Government and for stakeholders in Scotland.

**Are there any broader governance issues in relation to this proposal, and how will these be regulated and monitored post-withdrawal?**

There are no anticipated broader governance issues anticipated with the proposed SI and the Scottish Government will continue its good working relationships with UK Government and the other Devolved Administrations. The proposed SI will simply make a number of technical amendments to ensure the operability of existing EU derived, GB-wide domestic legislation in the event of a 'no deal' UK exit from the EU on 29 March 2019.

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