

UK MINISTERS ACTING IN DEVOLVED AREAS

67 - The Farriers (Registration) and Animal Health (Amendment) (EU Exit) Regulations 2019

Laid in the UK Parliament: 19 December 2018

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 27
SICM under SO 30A (because amends primary legislation)	Paper 28

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations make amendments to the Farriers (Registration) Act 1975, the Animal Health Act 1981 and three pieces of secondary legislation made under the Veterinary Surgeons Act 1966, in order to address deficiencies arising from the United Kingdom's withdrawal from the European Union. After exit day, reciprocal arrangements with the EU will cease to exist.

The Explanatory Memorandum states at paragraph 2.3 that "in the circumstances, it is no longer considered appropriate to provide more

favourable treatment to EEA states”. Persons with farriery qualifications obtained in the EEA, who wish to register and practice in the UK will need to meet the same conditions as those with farriery qualifications obtained in third countries. Paragraph 7.3 of the Explanatory Memorandum confirms that “these amendments do not affect the rights of those already registered to practice farriery in Great Britain”.

The amendments made to the three pieces of secondary legislation made under the Veterinary Surgeons Act 1966, will mean that a person who is not a veterinary surgeon who wishes to perform certain minor veterinary procedures will first have to have undertaken a course approved by the Secretary of State, or, in respect of certain procedures, the Department of Agriculture, Environment and Rural Affairs. Currently, the training required is relevant appropriate training in a Member State.

The amendment to the Animal Health Act 1981 is to ensure that existing powers of entry remain available. The amendments also provide that a relevant authority will no longer need to be satisfied that EU interests would not be endangered before deciding not to slaughter susceptible animals on premises infected with foot and mouth disease.

Legal Advisers agree with the statement laid by the Welsh Government dated 19 December 2018 regarding the effect of these Regulations. The Welsh Government’s statement provides a link to the Regulations on the UK Parliament’s website. However, these Regulations and their accompanying Explanatory Memorandum were not available to download from that website at the time of writing. Legal Advisers were able to access the relevant documentation from legislation.gov.uk. The title of the Regulations on the UK Government’s website, and on legislation.gov.uk, and the UK Parliament’s website, is provided as “The Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019” whereas the title provided on the Welsh Government’s written statement is “The Farriers (Registration) and Animal Health (Amendment) (EU Exit) Regulations 2019”.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.