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STATUTORY INSTRUMENTS

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**2019 No. 526**

The Environment, Food and Rural Affairs  
(Miscellaneous Amendments etc.) Regulations 2019

PART 3

Amendment of secondary legislation

CHAPTER 1

Legislation concerning the environment

**INSPIRE Regulations 2009**

3. In the INSPIRE Regulations 2009(1), in regulation 8(3)(b), after “Network Services” insert “, as last amended by [Commission Regulation \(EU\) No 1311/2014](#) of 10 December 2014(2)”.

**Bathing Water Regulations 2013**

- 4.—(1) The Bathing Water Regulations 2013(3) are amended as follows.
- (2) In regulation 2(1), in the definition of “a bathing water”, omit “and listed at Schedule 2”.
- (3) In regulation 3—
- (a) in paragraph (1), for the words from “Part 1 of” to “identified” substitute “The Secretary of State must identify, and maintain a list of, the surface waters”;
- (b) in paragraph (2), for the words from “Part 2 of” to “identified” substitute “The Welsh Ministers must identify, and maintain a list of, the surface waters”.
- (4) Omit Schedule 2.

**Nitrate Pollution Prevention Regulations 2015**

- 5.—(1) The Nitrate Pollution Prevention Regulations 2015(4) are amended as follows.
- (2) In regulation 2(1), for the definition of “new holding” substitute—
- ““new holding” means—
- (a) in the case of the designation of nitrate vulnerable zones which took place on 31st December 2016, land and its associated buildings which became a holding on that date (and which were not a holding immediately before that date); and
- (b) following any subsequent review under regulation 4(5), land and its associated buildings which become a holding as the result of the Secretary of State revising or adding to the

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(1) [S.I. 2009/3157](#), amended by [S.I. 2012/1672](#) and [2018/1338](#).

(2) OJ L 354, 11.12.2014, p. 6.

(3) [S.I. 2013/1675](#), amended by [S.I. 2018/575](#); there are other amending instruments but none is relevant.

(4) [S.I. 2015/668](#), amended by [S.I. 2016/1190](#); there are other amending instruments but none is relevant.

designation of nitrate vulnerable zones and which were not a holding immediately before the date of that revision or addition.”.

(3) In regulation 3—

(a) for paragraph (2) substitute—

“(2) For the purposes of this regulation—

(a) for the period beginning with 1st December 2016 and ending with the day on which the Secretary of State next revises or adds to the designation of nitrate vulnerable zones under regulation 4(5), “relevant map” means a map marked “Nitrate Vulnerable Zones (England) 2017 to 2020” and published on 1st December 2016 on the Agency’s website;

(b) following any subsequent review under regulation 4(5), “relevant map” means a map which is published on the Agency’s website and which—

(i) is marked “This map identifies those areas of England designated by the Secretary of State as a Nitrate Vulnerable Zone for the purposes of the Nitrate Pollution Prevention Regulations 2015 (England).”; and

(ii) specifies the period to which it relates.”;

(b) after paragraph (2) insert—

“(3) The Agency must make provision for a relevant map to be obtainable by persons without access to the internet.”.

(4) In regulation 4(2), for “at least every four years subsequently” substitute “before 1st January of every fourth year thereafter”.

(5) In regulation 5(1), for “at least every four years subsequently” substitute “before 10th August of every fourth year thereafter”.

(6) In Schedule 4—

(a) in paragraph 1, for “1st January 2018” substitute “the beginning of the second calendar year after the year in which the Secretary of State revises or adds to the designation of nitrate vulnerable zones under regulation 4(5) so as to include the new holding”;

(b) in paragraph 2, for “31st July 2019” substitute “31st July in the third calendar year after the year in which the Secretary of State revises or adds to the designation of nitrate vulnerable zones under regulation 4(5) so as to include the new holding”.

## **Water Supply (Water Quality) Regulations 2016**

6.—(1) The Water Supply (Water Quality) Regulations 2016<sup>(5)</sup> are amended as follows.

(2) In regulation 8(1), for “items 1 to 11” substitute “items 1 to 12”.

(3) In Schedule 3 (monitoring)—

(a) in Part 1, in Table 3—

(i) in the table heading, for “supply points” substitute “in water supply zones (or supply points)”;

(ii) in item 5, for the entry in column 2 substitute—

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“*Clostridium perfringens* (including spores)<sup>(1)</sup>”;

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(iii) in item 11, for the entry in column 2 substitute—

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(5) S.I. 2016/614, amended by S.I. 2017/506, 2018/706; there are other amending instruments but none is relevant.

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“Indicative dose <sup>(1)</sup>”;

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(iv) in item 17, for the entry in column 2 substitute—

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“Tetrachloroethene/Trichloroethene <sup>(1)</sup>”;

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(v) omit the row that relates to item 20;

(b) in Part 3, in column 2 of Table 11, for “12” substitute “52”.

## CHAPTER 2

### Legislation concerning agriculture

#### **Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014**

7. In the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014<sup>(6)</sup>, in Schedule 1, before the paragraph beginning “[Commission Delegated Regulation \(EU\) 2017/1182](#)” insert—

“[Commission Delegated Regulation \(EU\) 2017/891](#) supplementing [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending [Commission Implementing Regulation \(EU\) No 543/2011](#)<sup>(7)</sup>

[Commission Implementing Regulation \(EU\) 2017/892](#) laying down rules for the application of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors<sup>(8)</sup>

## CHAPTER 3

### Legislation concerning animals and plants

#### **Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974**

8.—(1) The Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974<sup>(9)</sup> is amended as follows.

(2) In article 2—

- (a) in paragraph (1), in the definition of “Pets Regulation quarantine end date”, in subparagraph (a), in paragraphs (iii), (iv) and (v), for “7” substitute “6”;
- (b) in paragraph 1B, for “1152/2011” to the end, substitute “2018/772 supplementing [Regulation \(EU\) No 576/2013](#) of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs”.

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<sup>(6)</sup> [S.I. 2014/3263](#); relevant amending instruments are [S.I. 2015/1997](#), [2017/599](#), [2017/734](#) and [2018/1164](#).

<sup>(7)</sup> OJ L 138, 25.5.2017, p. 4.

<sup>(8)</sup> OJ L 138, 25.5.2017, p. 57.

<sup>(9)</sup> [S.I. 1974/2211](#), amended by [2014/3158](#); there are other amending instruments but none is relevant.

### **Animals (Post-Import Control) Order 1995**

9.—(1) The Animals (Post-Import Control) Order 1995(10) is amended as follows.

(2) In article 2(3), omit the words “without prejudice to regulation 7(2) of the Animals and Animal Products (Import and Export) Regulations 1995,”.

(3) In article 3(1) for “Article 2, 3 or 4 of Commission [Decision 93/24/EEC](#) (concerning additional guarantees relating to Aujeszký’s disease for pigs destined to member States or Regions free of the disease)” substitute “Commission [Decision 2008/185/EC\(11\)](#) on additional guarantees in intra-Community trade of pigs relating to Aujeszký’s disease and criteria to provide information on this disease”.

(4) In article 4(1), for “Commission [Decision 83/494/EEC](#) (concerning animal health conditions and veterinary certification for the importation of domestic animals of the bovine and porcine species from Canada)” substitute “[Regulation \(EU\) 206/2010\(12\)](#) (laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements)”.

### **Sheep Scab Order 1997**

10. In article 4(2)(a) of the Sheep Scab Order 1997(13), for “Marketing Authorisations for Veterinary Medicinal Products Regulations 1994” substitute “Veterinary Medicines Regulations 2013(14)”.

### **Foot-and-Mouth Disease (England) Order 2006**

11. In the Foot-and-Mouth Disease (England) Order 2006(15), in article 2—

- (a) in the definition of “the Directive”, at the end insert “, as last amended by [Commission Implementing Decision \(EU\) 2018/1099\(16\)](#)”;
- (b) in the definition of “[Regulation EC No. 1069/2009](#)”, at the end insert “, as last amended by [Council Regulation \(EU\) 1385/2013\(17\)](#)”;
- (c) in the definition of “[Regulation \(EU\) No. 142/2011](#)”, at the end insert “, as last amended by [Commission Regulation \(EU\) 2017/1262\(18\)](#)”.

### **Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006**

12. In the Avian Influenza and Influenza of Avian Origin in Mammals (England) (No 2) Order 2006(19), in article 2(2), after “[Directive 92/40/EEC](#)” insert “, as last amended by Council [Directive 2008/73/EC\(20\)](#),”.

### **Trade in Animals and Related Products Regulations 2011**

13.—(1) The Trade in Animals and Related Products Regulations 2011(21) are amended as follows.

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(10) [S.I. 1995/2439](#), to which there are amendments not relevant to these Regulations.

(11) [OJ L 59](#), 4.3.2008, p.19, as last amended by [Commission Implementing Decision \(EU\) 2018/187](#) ([OJ L.34](#), 8.2.2018, p. 36).

(12) [OJ L 73](#), 20.3.2010, p.1, as last amended by [Commission Implementing Regulation \(EU\) 2017/73](#) ([OJ L108](#), 26.4.2017, p. 7).

(13) [S.I. 1997/968](#). The Order has been revoked in relation to Scotland by [S.S.I. 2010/419](#).

(14) [S.I. 2013/2033](#), as amended by [S.I. 2014/599](#) and [2018/761](#).

(15) [S.I. 2006/182](#), to which there are amendments not relevant to these Regulations.

(16) [OJ L 219](#), 14.8.2008, p. 40.

(17) [OJ L 354](#) 28.12.2013 p. 86.

(18) [OJ L 182](#) 13.7. 2017 p. 34.

(19) [S.I. 2006/2702](#), to which there are amendments not relevant to these Regulations.

(20) [OJ L 219](#) 14.8.2008 p. 40.

(21) [S.I. 2011/1197](#), to which there are amendments not relevant to these Regulations.

(2) In regulation 28, for the words from “in a free zone” to the end, substitute “in contravention of Section 2 (customs warehousing) or Section 3 (free zones) of Chapter 3 of Title 7 of [Regulation \(EU\) No 2013/952](#) of the European Parliament and of the Council laying down the Union Customs Code(22)”.

#### **Pigs (Records, Identification and Movement) Order 2011**

**14.**—(1) The Pigs (Records, Identification and Movement) Order 2011(23) is amended as follows.

(2) In article 7(2), for “Disease Control Order (England) 2003” substitute “Disease Control (England) Order 2003”.

(3) In article 27(2), for “Disease Control Order 2003” substitute “Disease Control (England) Order 2003”.

#### **Non-Commercial Movement of Pet Animals Order 2011**

**15.**—(1) The Non-Commercial Movement of Pet Animals Order 2011(24) is amended as follows.

(2) In article 2(1), in the definition of “the supplementary Regulation”, for “1152/2011” to the end, substitute “2018/772 supplementing [Regulation \(EU\) No 576/2013](#) of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs”.

(3) In article 9—

(a) for “7” substitute “6”;

(b) for “2(2)” substitute “7(1)(b)”.

#### **Animal By-Products (Enforcement) (England) Regulations 2013**

**16.**—(1) The Animal By-Products (Enforcement) (England) Regulations 2013(25) are amended as follows.

(2) In Schedule 1, in the table, in entry 17 (placing on the market and use of organic fertilisers and soil improvers), in the third column, omit “and 36(1)”.

#### **Plant Health (England) Order 2015**

**17.**—(1) The Plant Health (England) Order 2015(26) is amended as follows.

(2) In the table in Part A of Schedule 4, in item 89A, in the third column—

(a) in the words before paragraph (a), omit “they” in the second place it occurs;

(b) in paragraphs (a) and (c), at the beginning insert “they”.

(3) In the table in Part B of Schedule 4, in item 43A, in the third column—

(a) in the words before paragraph (a), omit “they” in the second place it occurs;

(b) in paragraphs (a) and (c), at the beginning insert “they”.

(4) In Part A of Schedule 9, in paragraph 8, for sub-paragraph (b) substitute—

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(22) OJ L 269, 10.10.2013, p. 1.

(23) S.I. 2011/2154, to which there are amendments not relevant to these Regulations.

(24) S.I. 2011/2883, to which there are amendments not relevant to these Regulations.

(25) S.I. 2013/2952, amended by S.I. 2015/1980; there are other amending instruments but none is relevant.

(26) S.I. 2015/610, as amended by S.I. 2018/1051; there are other amending instruments, but none is relevant.

- “(b) Article 5(2) of Commission Implementing [Directive 2014/96/EU](#) on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council [Directive 2008/90/EC](#)(27);”.

### **Transmissible Spongiform Encephalopathies (England) Regulations 2018**

18. In the Transmissible Spongiform Encephalopathies (England) Regulations 2018(28), in paragraph 4(3)(a) of Schedule 7, for “after” substitute “, and in any event before”.

#### CHAPTER 4

#### Legislation concerning fisheries

### **Sea Fish (Specified Sea Area) (Regulation of Nets and Prohibition of Fishing Methods) Order 1989**

19. In article 2(2) of the Sea Fish (Specified Sea Area) (Regulation of Nets and Prohibition of Fishing Methods) Order 1989(29), for the words from “determined by” to the end, substitute “measured in accordance with the provisions of [Commission Regulation \(EC\) No 517/2008](#) laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets(30)”.

### **Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001**

20. In the Sea Fish (Specified Sea Areas) (Regulation of Nets and Other Fishing Gear) Order 2001(31), for article 5 substitute—

#### “Measurement of mesh size of nets

5. For the purposes of this Order, the mesh size of nets shall be measured in accordance with the provisions of Regulation 517/2008.”.

### **Scallop Fishing (England) Order 2012**

21. In article 5(3) of the Scallop Fishing (England) Order 2012(32), at the end insert “, as last amended by [Regulation \(EU\) 2015/812](#) of the European Parliament and of the Council(33)”.

### **Sea Fishing (Enforcement) Regulations 2018**

22. In the Schedule to the Sea Fishing (Enforcement) Regulations 2018(34), in the first column—

- (a) for “[Council Regulation \(EU\) 2018/120](#) fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters” substitute “[Council Regulation \(EU\) 2019/124](#) fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish

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(27) OJ No L 298, 16.10.2014, p.12.

(28) [S.I. 2018/731](#), as amended by [S.I. 2018/1120](#); there is another amending instrument which is not relevant.

(29) [S.I. 1989/1284](#), to which there are amendments not relevant to these Regulations.

(30) OJ L 151, 11.6.2008, p.5.

(31) [S.I. 2001/649](#), as amended by [S.I. 2018/942](#); there is another amending instrument but it is not relevant.

(32) [S.I. 2012/2283](#).

(33) OJ L133, 29.5.2015, p.1, as corrected by a corrigendum (OJ L319, 4.12.2015, p.21).

(34) [S.I. 2018/849](#).

stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters<sup>(35)</sup>”;

- (b) in the entries relating to that Regulation—
- (i) for “Article 9(1), (2) and (3)” substitute “Article 10(1), (2) and (3)”;
  - (ii) for “Article 9(4)” substitute “Article 10(4)”.

## CHAPTER 5

### Legislation concerning food

#### **Coffee Extracts and Chicory Extracts (England) Regulations 2000**

23. In regulation 2(1) of the Coffee Extracts and Chicory Extracts (England) Regulations 2000<sup>(36)</sup>, in the definition of “Regulation (EU) No 1169/2011<sup>(37)</sup>”, at the end insert “, as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods<sup>(38)</sup>”.

#### **Specified Sugar Products (England) Regulations 2003**

24.—(1) The Specified Sugar Products (England) Regulations 2003<sup>(39)</sup> are amended as follows.

(2) In regulation 5, in the words before sub-paragraph (a), after “consumers” insert “as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods,”.

(3) In Schedule 1, for note 7 substitute—

“7. Specified sugar products may contain—

- (a) a permitted extraction solvent, as defined in regulation 11 of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013<sup>(40)</sup>;
- (b) any substance permitted under Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives<sup>(41)</sup>.”.

#### **Cocoa and Chocolate Products (England) Regulations 2003**

25.—(1) The Cocoa and Chocolate Products (England) Regulations 2003<sup>(42)</sup> are amended as follows.

(2) In regulation 2(1), in the definition of “Regulation (EU) No 1169/2011”, at the end insert “, as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods”.

(3) In regulation 7(2)(a), for “the 1996 Regulations” substitute “Article 18 of Regulation (EU) No 1169/2011”.

(4) In Schedule 1, in note 3, for “covered by” substitute “defined in Part A of the Annex to”.

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(35) OJ L 29, 31.1.2019, p.1.

(36) S.I. 2000/3323, amended by S.I. 2014/1855; there are other amending instruments but none is relevant.

(37) OJ L 304, 22.11.2011, p.18, last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council (OJ L 327, 11.12.2015, p. 1).

(38) OJ L 327, 11.12.2015, p. 1.

(39) S.I. 2003/1563; relevant amending instruments are S.I. 2009/3238, 2014/1855.

(40) S.I. 2013/2210, to which there are amendments not relevant to these Regulations.

(41) OJ L 354, 31.12.2008, p. 16, last amended by Commission Regulation (EU) 2018/1497 (OJ L 253, 9.10.2018, p. 36).

(42) S.I. 2003/1659, amended by S.I. 2014/1855; there are other amending instruments but none is relevant.

### **Jam and Similar Products (England) Regulations 2003**

26.—(1) The Jam and Similar Products (England) Regulations 2003(43) are amended as follows.

(2) In regulation 2(1), in the definition of “[Regulation \(EU\) No 1169/2011](#)”, at the end insert “, as last amended by [Regulation \(EU\) 2015/2283](#) of the European Parliament and of the Council on novel foods”.

(3) In Schedule 2—

- (a) in paragraph 1(m), at the end insert “, as last amended by [Commission Regulation \(EU\) 2018/1497\(44\)](#)”;
- (b) in paragraph 2(d), after “food additives” insert “, as last amended by [Commission Regulation \(EU\) 2018/1497](#)”.

### **Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007**

27.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(45) are amended as follows.

(2) In Schedule 12—

- (a) in Part 2, in paragraph 5(1), in the words before sub-paragraph (a), for “paragraph 4(2)(a)” substitute “paragraph 4(2)(a)”;
- (b) in Part 7, in paragraph 32(3)(c), after “samples are” insert “taken”;
- (c) in Part 10, in Section 2, in the table, in the second column for “for which for”, in each place it occurs, substitute “for which”.

### **Fruit Juices and Fruit Nectars (England) Regulations 2013**

28. In Schedule 3 of the Fruit Juice and Fruit Nectars (England) Regulations 2013(46), in paragraph 1, for the words from “meets the” to the end, substitute “complies with the requirements of regulation 4(2) of the Water Supply (Water Quality) Regulations 2016(47)”.

### **Products Containing Meat etc. (England) Regulations 2014**

29. In Schedule 1 to the Products Containing Meat etc. (England) Regulations 2014(48), in paragraph (c) of the definition of “curing salt”, after “food additives,” insert “as last amended by [Commission Regulation \(EU\) 2018/1497](#)”.

### **Condensed Milk and Dried Milk (England) Regulations 2015**

30. In Schedule 1 to the Condensed Milk and Dried Milk (England) Regulations 2015(49), in paragraph 3 of the Notes, after “the Council,” insert “as last amended by [Commission Regulation \(EU\) 2017/1981\(50\)](#)”.

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(43) S.I. 2003/3120, amended by S.I. 2009/3238, 2018/575; there are other amending instruments but none is relevant.

(44) OJ L 253, 9.10.2018, p.36.

(45) S.I. 2007/2785, amended by S.I. 2018/352; there are other amending instruments but none is relevant.

(46) S.I. 2013/2775, to which there are amendments not relevant to these Regulations.

(47) S.I. 2016/614, to which there are amendments not relevant to these Regulations.

(48) S.I. 2014/3001.

(49) S.I. 2015/675.

(50) OJ L 285, 1.11.2017, p. 10.