



EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (DEFA) REGULATIONS 2019

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Statutory Document No. 2019/0039



European Union and Trade Act 2019

EUROPEAN UNION AND TRADE ACT 2019 (DEFICIENCIES) (DEFA) REGULATIONS 2019

*Approved by Tynwald: 20 February 2019
Coming into Operation in accordance with Regulation 2*

The Council of Ministers makes the following Regulations under section 12 of the European Union and Trade Act 2019.

1 Title

These Regulations are the European Union and Trade Act 2019 (Deficiencies) (DEFA) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on exit day.¹

3 Animal Health Act 1996 amended

- (1) The Animal Health Act 1996 is amended as follows.
- (2) In section 38A(a) (slaughter, marking and movement: power of entry), for “or by a relevant EU instrument”, substitute **66** any retained EU law or other Manx legislation **62**.
- (3) In section 59 (other interpretation provisions), the definition of “relevant EU instrument” is omitted.

4 Endangered Species Act 2010 amended

- (1) The Endangered Species Act 2010 is amended as follows.
- (2) After section 4(3)(c) (prescribed species of animals and plants etc) insert —
 - 63**(d) any retained EU law; or
 - (e) a Parliamentary enactment. **62**.
- (3) After section 38(1)(c) (amendment of Act) insert —

¹ Tynwald approval required under section 12(1) of the European Union and Trade Act 2019.

- (d) any retained EU law; or
 - (e) a Parliamentary enactment, **22**.
- (4) In section 39 (interpretation) the definition of “EU instrument” is omitted.
- (5) After section 40(3)(c) (subordinate legislation) insert —
 - (d) any retained EU law; or
 - (e) any Parliamentary enactment. **22**.

5 Fertilisers and Feeding Stuffs Act 1975 amended

- (1) The Fertilisers and Feeding Stuffs Act 1975 is amended as follows.
- (2) In section 9(4) (regulations controlling composition and content of certain fertilisers and feeding stuffs, etc), after “EU Instrument”, insert **22** or any retained EU law **22**.
- (3) For section 20(2)(e) (application to the Island of legislation relating to fertilisers and feeding stuffs), substitute —
 - (e) any EU instrument that concerns fertilisers or feeding stuffs; or **22**.

6 Fisheries Act 2012 amended

- (1) The Fisheries Act 2012 is amended as follows.
- (2) In section 3 (interpretation), the definition of “EU instrument” is omitted.
- (3) In section 46 (application of UK and European sea fisheries legislation) —
 - (a) for subsection (4)(d) substitute —
 - (d) any provision of an Act of Parliament, or any provision of an instrument of a legislative character made under any Act of Parliament, which relates directly or indirectly to sea fishing; **22**;
 - (b) for subsection (4)(e) substitute —
 - (e) any EU instrument which relates directly or indirectly to sea fishing. **22**.
- (4) For section 58(4)(b) (application of UK and European aquaculture legislation) substitute —
 - (b) any EU instrument which relates directly or indirectly to aquaculture. **22**.
- (5) Section 83(5)(b)(i) (orders and regulations – general) is repealed.

7 Food Act 1996 amended

- (1) The Food Act 1996 is amended as follows.

- (2) In section 20(3)(a) (orders for facilitating exercise of functions), for “any EU obligation”, substitute **“a retained EU obligation”**.
- (3) In section 41 (regulations and orders: general) —
 - (a) in subsection (2) for “having effect in Great Britain by virtue of an EU obligation within the meaning of the European Communities Act 1972 (an Act of Parliament)” substitute **“which is retained EU law within the meaning of the European Union (Withdrawal) Act 2018 (of Parliament)”**.
 - (b) in subsection (3) —
 - (i) for “As respects any EU provision which applies to the Island and” substitute **“As respects any retained EU law or any EU instrument which has been applied to the Island and which”**;
 - (ii) in paragraph (a), for “EU provision” substitute **“retained EU law or EU instrument”**;
 - (iii) in paragraph (b), for “EU provision” substitute **“retained EU law or EU instrument”**.

8 Genetically Modified Organisms Act 2001 amended

- (1) The Genetically Modified Organisms Act 2001 is amended as follows.
- (2) In section 2(4) (prohibition on import etc of GMOs), for “, by virtue of any EU instrument, within any member State of the European Union”, substitute **“by virtue of any retained EU law, any EU instrument applied to the Island or implemented into Manx law, or any Parliamentary enactment”**.
- (3) In paragraph 3(2) of the Schedule (power to deal with GMOs), for “, by virtue of any EU instrument, within any member State of the European Union”, substitute **“by virtue of any retained EU law, any EU instrument applied to the Island or implemented into Manx law, or any Parliamentary enactment”**.

9 Plant Health Act 1983 amended

- (1) The Plant Health Act 1983 is amended as follows.
- (2) In section 2(1) (control of introduction of pests into the Island), for “any EU obligation” substitute **“any retained EU obligation”**.
- (3) For section 3(1) (control of spread of pests in the Island), for “any EU obligation”, substitute **“any retained EU obligation”**.
- (4) Section 8(1) (interpretation) is repealed.

10 Sunbeds Act 2013 amended

- (1) The Sunbeds Act 2013 is amended as follows.
- (2) For section 4(4)(b) (prohibition on allowing use of sunbeds by persons under 18), substitute —
 - ▮(b) a photocard driving licence issued by the —
 - (i) Department of Infrastructure;
 - (ii) proper authority in the United Kingdom; or
 - (iii) proper authority in a member State of the European Union; or ▮.
- (3) For section 5(5)(b) (prohibition on sale or hire of sunbeds to persons under 18), substitute —
 - ▮(b) a photocard driving licence issued by —
 - (i) the Department of Infrastructure;
 - (ii) the proper authority in the United Kingdom; or
 - (iii) the proper authority in a member State of the European Union; or ▮.

11 Water Pollution Act 1993 amended

- (1) The Water Pollution Act 1993 is amended as follows.
- (2) For section 2(6)(b) (water quality objectives), substitute —
 - ▮(b) any —
 - (i) retained EU obligations; or
 - (ii) obligations under international law which extend to the Island,which relate to environmental protection are complied with; and ▮.
- (3) For section 14(a) (international obligations), substitute —
 - ▮(a) any retained EU obligation; ▮.
- (4) For section 28(2)(f) (disclosure of information), substitute —
 - ▮(f) in pursuance of any retained EU obligation. ▮.

12 Construction

To avoid doubt, any retained EU law is to be construed and have effect subject to these Regulations.

MADE 1 FEBURARY 2019

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the following Acts to address deficiencies arising from the United Kingdom's withdrawal from the European Union —

- the Animal Health Act 1996;
- the Fertilisers and Feeding Stuffs Act 1975;
- the Fisheries Act 2012;
- the Food Act 1996;
- the Endangered Species Act 2010;
- the Genetically Modified Organisms Act 2001;
- the Plant Health Act 1983;
- the Sunbeds Act 2013; and
- the Water Pollution Act 1993.