SCOTTISH STATUTORY INSTRUMENTS

2002 No. 285

AGRICULTURE

The Feeding Stuffs Amendment (Scotland) Regulations 2002

Made - - - -	*7th June 2002*
Laid before the Scottish Parliament - - - -	*10th June 2002*
Coming into force - -	*1st July 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 77(4), 78(6), 79(1) and 84 of the Agriculture Act 1970(**1**) and after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned, and in exercise of the powers conferred on them by the section 2(2) of the European Communities Act 1972(**2**) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Feeding Stuffs Amendment (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

(2) These Regulations shall extend to Scotland only.

Amendment of the Feeding Stuffs (Scotland) Regulations 2000

2. The Feeding Stuffs (Scotland) Regulations 2000(**3**) ("the principal Regulations") shall be amended in accordance with regulations 3 to 13 below.

3. In regulation 2 (interpretation), for paragraph (7)(**4**) there shall be substituted–

(**1**) 1970 c. 40; section 66(1) was amended by the Agriculture Act Amendment Regulations 1982 (S.I.1982/980) ("the 1982 Regulations"), the Feeding Stuffs Regulations 1995 (S.I. 1995/1412), the Fertilisers (Sampling and Analysis) Regulations 1996 (S.I. 1996/1342) and the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663); section 68(1A) was inserted by the 1982 Regulations; section 69(1) was amended by the Feeding Stuffs Regulations 1995 (S.I. 1995/1412) and section 74A was inserted by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 6. Section 66(1) contains definitions of the expressions "prescribed" and "regulations". The functions of the Secretary of State in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The functions conferred upon Ministers of the Crown under section 2(2), in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**3**) S.S.I. 2000/453, amended by S.S.I. 2001/334.

(**4**) Paragraph (7) was substituted by S.S.I. 2001/334.

"(7) Any reference in these Regulations to a European Community Directive, Regulation or Decision shall be construed as a reference to that Directive or, as the case may be, Regulation or Decision, as amended as at the date the Feeding Stuffs Amendment (Scotland) Regulations 2002 were made.".

4. In regulation 19(2) (control of feeding stuffs intended for particular nutritional purposes, and supplementary provisions relating to statutory statement), for "Schedule 10" there shall be substituted "Schedule 9".

5. In regulation 25(2) (modification of section 74A(3) of the Agriculture Act 1970) for "regulations" to the end there shall be substituted–

"regulations 4 (except in so far as it relates to Part II of Schedule 5), 9(1) (in so far as it regulates putting into circulation), (2) and (3), 10(1) to (4), (6), (6A) and (7), 13(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 14(3), (4), (6), (7) and (9), 15(1), 17, 18(1) and 19(1).".

6. Regulation 27(b) shall be omitted.

7. In Schedule 3 (permitted additives and provisions relating to their use), for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in Schedule 1 to these Regulations.

8. In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)), in paragraph 22(g) for "the country or origin or manufacture" there shall be substituted "the country of origin or manufacture.".

9. In Schedule 7 (prescribed limits for undesirable substances)–

(a) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part I of the Table and the corresponding entries in columns 2 and 3 of that Chapter; and

(b) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part II of the Table and the corresponding entries in columns 2 and 3 of that Chapter,

there shall be substituted the entries set out in Schedule 2 to these Regulations.

10. In Schedule 8 (control of certain protein sources)–

(a) in relation to the entry in column 1 for "3. Amino acids and their salts" the corresponding entry in column 6 "All animal species" shall be omitted; and

(b) in relation to the entry in column 2 for item 3.1.1. relating to DL-methionine, technically pure, for item 3.1.2. Dihydrated calcium salt of N hydroxymethyl DL methionine, technically pure, and for item 3.1.3. methionine zinc, technically pure, for the corresponding entry in column 6 "Ruminants from the beginning of rumination" there shall be substituted "All animal species".

11. In Schedule 9 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) for the entry for the support of liver function in case of chronic liver insufficiency in column 1 of Chapter A and the corresponding entries in columns 2 to 6 of that Chapter there shall be substituted the entries set out in Schedule 3 to these Regulations.

Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations 1999

12. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(**5**) shall be amended as follows:–

(**5**) S.I. 1999/1663; to which there are amendments not relevant to these Regulations.

(a) in Part I of Schedule 2 (methods of analysis), at the end of paragraph 3(e)(ii), for "Schedule 5 to the Feeding Stuffs Regulations 1995" there shall be substituted "Schedule 7 to the Feeding Stuffs Regulations 2000"; and

(b) in Part II of Schedule 3 (form of certificate of analysis), in note 11(a), for "the Feeding Stuffs Regulations 1995" there shall be substituted "the Feeding Stuffs Regulations 2000".

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

13. The Feeding Stuffs (Enforcement) Regulations 1999(**6**) shall be amended as follows:–

(a) in regulation 2(1), for the definition of "third country" there shall be substituted–

> ""third country" means a country other than a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**7**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**8**);";

(b) in regulation 7(2) and (4), references to "the Feeding Stuffs Regulations 1995" shall have effect as if they read "the Feeding Stuffs (Scotland) Regulations 2000";

(c) regulation 10 shall, in so far as it modifies section 76 of the Agriculture Act 1970, be read as if, in that section as so modified, for the references in subsection (17) to the Feeding Stuffs Regulations 1995 there were substituted references to the Feeding Stuffs (Scotland) Regulations 2000.

St Andrew's House,Edinburgh
7th June 2002

MARY MULLIGAN
Authorised to sign by the Scottish Ministers

(**6**) S.I. 1999/2325. The relevant amending instrument is S.S.I. 2001/334.
(**7**) O.J. L 1, 3.1.94, p.1.
(**8**) O.J. L 1, 3.1.94, p.571.

SCHEDULE 1 Regulation 7

PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE 3 TO THE PRINCIPAL REGULATIONS

"PART IX

EUROPEAN COMMUNITY REGULATIONS BY WHICH ADDITIVES ARE CONTROLLED(**9**)

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs(**10**).

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs(**11**).

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group "binders, anti-caking agents and coagulants" in feedingstuffs(**12**).

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs(**13**).

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs(**14**).

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs(**15**).

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs(**16**).

Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs(**17**)."

(**9**) Certain of the listed Regulations relate to categories of additive which also include additives controlled by the Additives Directive, and which are thus listed in the relevant Part of Parts I to VIII of the Table to this Schedule (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999 (above), whereas certain other preservatives are covered by Part VII of the Table).

(**10**) O.J. No. L 289, 28.10.98, p.4.

(**11**) O.J. No. L 188, 21.7.99, p.35.

(**12**) O.J. No. L 297, 18.11.99, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L 87, 8.4.00, p.14).

(**13**) O.J. No. L 155, 28.6.00, p.15.

(**14**) O.J. No. L 280, 4.11.00, p.28.

(**15**) O.J. No. L 272, 13.10.01, p.24.

(**16**) O.J. No. L 299, 15.11.01, p.1.

(**17**) O.J. No. L 41, 13.2.02, p.6.