WELSH STATUTORY INSTRUMENTS

# 2010 No. 2652 (W.220)

# AGRICULTURE, WALES

## The Animal Feed (Wales) Regulations 2010

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| *Made - - - -* | *25 October 2010* |
| *Laid before the National Assembly for Wales - -* | *2 November 2010* |
| *Coming into force - -* | *23 November 2010* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970 [F1]; and by section 2(2) of the European Communities Act 1972 [F2] in relation to the common agricultural policy of the European Community [F3], measures in the veterinary and phytosanitary fields for the protection of public health [F4] and measures relating to feed produced for or fed to food-producing animals [F5], as read with paragraph 1A of Schedule 2 to that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references to the Annexes to the EU instruments mentioned in regulation 2(3) to be construed as references to those Annexes as they may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F6] or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.[F7]

**Annotations:**

**F1** 1970 c. 40. Section 66(1) contains definitions of the expressions "the Ministers", "prescribed" and "regulations". The definition of "the Ministers" was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), **Schedule 5**, paragraph 1. Functions of "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32). Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), **Schedule 4**, paragraph 6. Sections 66(1) and 84 were amended by S.I. 2004/3254. Section 66(1) was also amended by S.I. 2010/2287 (W.199).

**F2** 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (2008 c. 7).

**F3** S.I. 2005/2766. Functions of the National Assembly for Wales under this designation and the designation under S.I. 2005/1971 were transferred to the Welsh Ministers by paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006.

**F4** S.I. 2008/1792.

**F5** S.I. 2005/1971.

**F6** OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny — Part Four (OJ No. L188, 18.7.2009, p.14).

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 1

## Introductory and general

### Title, application and commencement

**1.** The title of these Regulations is the Animal Feed (Wales) Regulations 2010, they apply in relation to Wales and come into force on 23 November 2010.

### Interpretation and scope

**2.**—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Agriculture Act 1970;

**F8**"Directive 82/475" ("*Cyfarwyddeb 82/475*") means Commission Directive 82/475/EEC laying down the categories of feed materials which may be used for the purposes of labelling compound feedingstuffs for pet animals ;

**F9**"Directive 2002/32" ("*Cyfarwyddeb 2002/32*") means Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed ;

**F10**"Regulation 1831/2003" ("*Rheoliad 1831/2003*") means Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition ;

**F11**"Directive 2008/38" ("*Cyfarwyddeb 2008/38*") means Commission Directive 2008/38/EC establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes ;

**F12**"Regulation 767/2009" ("*Rheoliad 767/2009*") means Regulation (EC) No. 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC ;

**F13**...

"feed authority" ("*awdurdod bwyd anifeiliaid*") means an authority identified in section 67(1A) of the Act as having the duty to enforce Part IV of the Act within its area.

(2) Any expression used in these Regulations and in Regulation 1831/2003 or Regulation 767/2009 has the meaning in these Regulations that it bears in the Regulation concerned.

**[**[F14](3) Any reference to an Annex to Directive 82/475, Directive 2002/32, Directive 2008/38 or Regulation 767/2009 is a reference to that Annex as it may be amended from time to time.**]**

(4) These Regulations do not apply to any feed additive in category (d) or (e) of Article 6(1) of Regulation 1831/2003, with the exception of those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex I to that Regulation [F15].

**Annotations:**

**F8** OJ No. L 213, 21.7.1982, p.27. This Directive was last amended by Commission Directive 98/67/EC (OJ No. L261, 24.9.1998, p.10).

**F9** OJ No. L140, 30.5.2002, p.10. This Directive was last amended by Commission Directive 2010/6/EU (OJ No. L37, 10.2.2010, p.29).

**F10** OJ No. L268, 18.10.2003, p.29. This Regulation was last amended by Regulation (EC) No. 767/2009.

**F11** OJ No. L62, 6.3.2008, p.9. This Directive was last amended by Commission Directive 2008/82 (OJ No. L202, 31.7.2008, p.48).

**F12** OJ No. L229, 1.9.2009, p.1. This Regulation was last amended by Commission Regulation (EC) No. 568/2010 (OJ No. L163, 30.6.2010, p.30).

**F13** Words in reg. 2(1) omitted (12.1.2014) by virtue of The Feed (Hygiene and Enforcement) and the Animal Feed (Wales) (Amendment) Regulations 2013 (S.I. 2013/3207), regs. 1, **3(2)(a)**

**F14** Reg. 2(3) substituted (12.1.2014) by The Feed (Hygiene and Enforcement) and the Animal Feed (Wales) (Amendment) Regulations 2013 (S.I. 2013/3207), regs. 1, **3(2)(b)**

**F15** Categories (d) and (e) of Article 6(1) comprise respectively zootechnical additives and coccidiostats and histomonostats. Functional groups listed in paragraphs 4(a), (b) and (c) of Annex I comprise preservatives, antioxidants and emulsifiers.

# PART 2

## Marketing and use of feed

### Interpretation of this Part and Schedule 1

[F7]**3.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Enforcement of requirements of Regulation 767/2009

[F7]**4.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Competent authorities for the purposes of Regulation 767/2009

[F7]**5.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 3

## Feed additives

### Interpretation of this Part

**F7 6.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Enforcement of requirements of Regulation 1831/2003

**F7 7.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 4

## Undesirable substances in feed

### Interpretation of this Part

**F7 8.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Control of animal feeds containing undesirable substances

**F7 9.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 5

## Feeds for particular nutritional purposes

### Interpretation of this Part

**F7 10.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Control of feed intended for particular nutritional purposes

**F7 11.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 6

## Administration and enforcement

### Penalties for offences under these Regulations

**F7 12.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

### Duties to enforce

**F7 13.** . . . . . .

**Annotations:**

**F7** Regulations revoked in part (12.5.2016) by The Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 (S.I. 2016/386), **Sch. 2** (with reg. 2(4))

# PART 7

## Amendments and modifications of the Agriculture Act 1970

### Amendments and modifications of the Agriculture Act 1970

**14.**—(1) The Act is amended or modified, as the case may be, in accordance with paragraphs (2) to (9).