WELSH STATUTORY INSTRUMENTS

2003 No. 3119 (W.297)

AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003

Made - - - -	*2nd December 2003*
Coming into force - -	*3rd December 2003*

The National Assembly for Wales acting in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970 [F1] (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 [F2] and articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 [F3]) and now exercisable by it in relation to Wales [F4], after consultation as required by section 84(1) of that Act and by 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 [F5], and being designated [F6] for the purposes of section 2(2) of the European Communities Act 1972 [F7] in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), makes the following Regulations:

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. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), **Schedule 4**, paragraph 6.

F2 S.I. 2000/656.

F3 S.I. 2002/794.

F4 Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672.

F5 OJ No. L31, 1.2.2002, p.1. Under Article 3 of the EC Regulation "food law" extends to feed produced for, or fed to, food producing animals.

F6 S.I. 1999/2788.

F7 1972 c. 68.

Title, application and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003.

(2) These Regulations shall apply to Wales only and shall come into force on 3rd December 2003.

Amendment of the Feeding Stuffs (Wales) Regulations 2001

2.—(1) The Feeding Stuffs (Wales) Regulations 2001 [F8] shall be amended in accordance with paragraphs (2) and (3).

(2) For Part II of the Table set out in Schedule 3 (permitted additives and provisions relating to their use) there shall be substituted the Part set out in the Schedule to these Regulations.

(3) In Part IX of Schedule 3 —

(a) the following text shall be inserted immediately after the reference to Commission Regulation (EC) No. 688/2003 — " Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs[17]. Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator "Benzoic acid" in feedingstuffs[18]. "; and

(b) the following text is inserted at the end —

"**17.** OJ No. L125, 21.5.2003, p.3

18. OJ No. L126, 22.5.2005, p.24.".

F8 S.I. 2001/343 (W. 15), amended by S.I. 2001/1797 (W. 172), S.I. 2003/989 (W. 138) and S.I. 2003/1850 (W. 200).

Consequential amendments to the Feeding Stuffs (Wales) Regulations 2001

3.—(1) The Feeding Stuffs (Wales) Regulations 2001 shall be amended, insofar as they apply in relation to Wales, in accordance with paragraphs (2) and (3).

(2) For paragraph (1) of regulation 7 (limits of variation) there shall be substituted the following paragraph —

"(1) Section 74(2) shall have effect as if after the words "this Part of this Act" there were inserted the words "or the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001 [F9], the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 [F10], the Feeding Stuffs (Amendment) (Wales) Regulations 2002 [F11], the Feeding Stuffs (Amendment) (Wales) Regulations 2003 [F12], the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 [F13] and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003.".

(3) For paragraph (1) of regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) there shall be substituted the following paragraph —

"(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2) below section 74A(3) shall have effect as if for the words "regulations under subsection (1) above, or fails to comply with any other provision of the regulations,"

there were substituted the words "any provision specified in regulation 25(2) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003.".

F9 S.I. 2001/2253 (W. 163).
F10 S.I. 2001/3461 (W. 280).
F11 S.I. 2002/1797 (W. 172).
F12 S.I. 2003/989 (W. 138).
F13 S.I. 2003/1850 (W. 200).

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

F14 4. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 5. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 6. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

F14 7. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 8. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 9. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 10. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F14 11. . . . . . .

F14 Regs. 4-11 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

F15 Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

D.Elis-Thomas
The Presiding Officer of the National Assembly

SCHEDULE **Regulation 2(2)**

PART SUBSTITUTED FOR PART II OF THE TABLE SET OUT IN SCHEDULE 3 TO THE FEEDING STUFFS (WALES) REGULATIONS 2001

"PART II

PERMITTED COLOURANT

Column 1 EEC No.	*Column 2 Name or Description*	*Column 3 Chemical Formula, description*	*Column 4 Kind of animal permitted*	*Column 5 Maximum content (mg/kg in complete) feedingstuffs*	*Column 6 Conditions*
	1. Carotenoids and xanthophylls:				
E160c	Capsanthin	$C_{40}H_{56}0_3$	}	}	
E160e	Beta-apo-8'-carotenal	$C_{30}H_{40}0$	}	}80	
E160f	Ethyl ester of beta-apo-8'-carotenoic acid	$C_{32}H_{44}0_2$	}Poultry	}(alone or with the other carotenoids and xanthophylls)	
E161b	Lutein	$C_{40}H_{56}0_2$	}	}	
E161c	Cryptoxanthin	$C_{40}H_{56}0$	}		
E161g	Canthaxanthin	$C_{40}H_{52}0_2$	Poultry other than laying hens	25	The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff