Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2003 No. 1850 (W.200)

AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003

Made - - - -	*16th July 2003*
Coming into force	
Regulations 1,2,3,4,5,7,8,9 and 11 and 13 to 20	*1st August 2003*
Regulations 6,10 and 12	*6th November 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 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]), 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 [F4], and being designated [F5] for the purposes of section 2(2) of the European Communities Act 1972 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 in 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. Functions of "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672.

F2 S.I. 2000/656.

F3 S.I. 2002/794.

F4 OJ No. L31, 1.2.2002, p.1. Under Article 3 of Regulation (EC) 178/2002 "food law" extends to feed produced for, or fed to, food producing animals.

F5 S.I. 1999/2788.

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Title, commencement and application

1.—(1) These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and shall apply to Wales only.
Regulations 1, 2, 3, 4, 5, 7, 8, 9 and 11 and 13 to 20 shall come into force on 1st August 2003 and regulations 6, 10 and 12 shall come into force on 6th November 2003.

Amendments to the Feeding Stuffs (Wales) Regulations 2001

2. The Feeding Stuffs (Wales) Regulations 2001 [F6] shall be amended in accordance with regulations 3 to 12.

F6 S.I. 2001/343 (W 15), amended by S.I. 2001/1797 (W 172), S.I. 2003/989 (W 138) and S.I. 2003/1677 (W180).

3. In regulation 2 (interpretation) —

(a) in paragraph (1) —

(i) the following definitions shall be deleted —

(aa) any definition commencing with the expression “EC approved”, “EC permitted”, “European Economic Area approved”, “European Economic Area permitted” “UK approved” or “UK permitted”,

(bb) “national list”, and

(cc) “third country”,

(ii) in each of the definitions of “complementary feeding stuff”, “complete feeding stuff”, for the expression “regulation 12(10)(a)” there shall be substituted the expression “regulation 12(6) and in the definition of “feeding stuff”, for the expression “regulation 12(11)(a)” there shall be substituted the expression “ regulation 12(7) ”,

(iii) for the definition of “compound feeding stuff” there shall be substituted the following definition —

““compound feeding stuff” has the same meaning as in the Compound Feeding Stuffs Directive;”,

(iv) in the definition of “feed material” the expression “, subject to regulation 12(10)(b),” shall be deleted,

(v) immediately after the definition of “premixture” there shall be inserted the following definition —

““product intended for animal feed” means any product used or intended for use in feed for pet animals, farmed creatures or animals living freely in the wild;”,

(vi) for the definition of “put into circulation” there shall be substituted the following definition —

““put into circulation” means sell or otherwise transfer, have in possession with a view to selling or otherwise transferring, or offer for sale, in each case to a third party, but in regulation 12 also means import into Wales from a country which is neither an European Economic Area State nor part of an European Economic Area State;”, and

(vii) immediately after the definition of “third country” there shall be inserted the following definition —

""undesirable substance" means any substance or product, not being a pathogenic agent, which is contained in or is on a product intended for animal feed and —

(a) constitutes a potential danger to animal or human health or the environment; or

(b) could adversely affect livestock production;"; and

(b) for paragraph (8) there shall be substituted the following paragraph —

"(8) Any reference in these Regulations to a Community instrument shall be construed as a reference to that instrument as amended on the date the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 are made.".

4. 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 Regulations (Wales) 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001 [F7], the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 [F8], the Feeding Stuffs (Amendment) (Wales) Regulations 2002 [F9], the Feeding Stuffs (Amendment) (Wales) Regulations 2003 [F10] and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003.".

F7 S.I. 2001/2253 (W 163).
F8 S.I. 2001/3461 (W 280).
F9 S.I. 2002/1797 (W 172).
F10 S.I. 2003/989 (W 138).

5. For regulation 12 (control of feeding stuffs and feed materials containing undesirable substances) there shall be substituted the following regulation —

"**Control of products intended for animal feed containing undesirable substances**

14.—(1) No person shall —

(a) put into circulation any product intended for animal feed which is specified in column 2 of Part I of Schedule 7; or

(b) use any such product for animal feed,

if it contains any undesirable substance specified in column 1 of that Part in excess of the level specified for it in column 3 of that Part.

(2) No person shall put into circulation, or use as a feeding stuff, any complementary feeding stuff if —

(a) having regard to the quantity of it recommended for use in a daily ration, it contains any undesirable substance specified in column 1 of Part I of Schedule 7 in excess of the level specified for it in column 3 of that Part in relation to complete feeding stuffs; and

(b) there is no provision relating to any complementary feeding stuff in the corresponding entry in column 2 of that Part.

(3) No person shall mix any product intended for animal feed which is specified in column 2 of Part I of Schedule 7 and which contains any undesirable substance specified in column 1 of that Part in excess of the level specified for it in column 3 of that Part for the purpose of dilution with any product intended for animal feed.

(4) No person shall put into circulation any product intended for animal feed or use any such product for animal feed unless it is —

(a) sound and genuine; and

(b) of merchantable quality.

(5) For the purposes of paragraph (4) above, a product intended for animal feed which is specified in column 2 of Part I of Schedule 7 is not sound, genuine and of merchantable quality if it contains any undesirable substance specified in column 1 of that Part in excess of the level specified in relation to it in column 3 of that Part.

(6) For the purposes of paragraph (2) above "feeding stuff" means —

(a) a product of vegetable origin in its natural state (whether fresh or preserved);

(b) a product derived from the industrial processing of such a product; or

(c) an organic or inorganic substance, used singly or in a mixture,

whether or not containing additives, for oral feeding to pet animals, to farmed creatures or to animals living freely in the wild, and "complementary feeding stuff" and "complete feeding stuff" shall be construed accordingly.".

6. Immediately after regulation 17 (control of feeding stuffs intended for particular nutritional purposes, and supplementary provisions relating to statutory statement) there shall be inserted the following regulation —

"**Provision of information in relation to compound feeding stuffs for animals other than pet animals**

17A. Where a person to whom a compound feeding stuff for animals other than pet animals is supplied so requests, the supplier of that compound feeding stuff shall provide the person making that request with details of the exact percentages by weight of feed materials used in that compound feeding stuff.".

7. 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 Regulations (Wales) 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 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003.".

8. In paragraph (2) of regulation 24 for the expression "12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1)" there shall be substituted the expression " 12(1) to (4), 13(1), 15, 16(1), 17(1) and 17A ".

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

10. In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) —

(a) paragraph 14(1)(c) shall be deleted;

(b) in paragraph 15 —

(i) the word "and", where it appears at the end of sub-paragraph (b), shall be deleted,

(ii) for sub-paragraph (c) there shall be substituted the following sub-paragraph —

"(c) the batch reference number; and", and

(iii) immediately after sub-paragraph (c) there shall be inserted the following sub-paragraph —

"(d) the approval or registration number allocated in accordance with Article 5 or as the case may be 10 of the Establishments Directive to the establishment which manufactured the compound feeding stuff;"; and

(c) for paragraph 19 there shall be substituted the following paragraph —

"**19.** In the case of any compound feeding stuff for animals other than pet animals —

(a) all the feed materials shall be declared in the statutory statement —

(i) by their specific names, and

(ii) with an indication, in descending order, of the percentage by weight of each feed material contained in the compound feeding stuff, subject to a limit of variation of +/#?? 15% in relation to each declared percentage; and

(b) the statutory statement shall contain the following declaration — " The exact percentage by weight of feed materials used in this feeding stuff may be obtained from ... (name or trade name, address or registered office, telephone number and email address of the supplier of the compound feeding stuff). "."

11. In Schedule 7 (prescribed limits for undesirable substances) —

(a) in Part I (feeding stuffs) for the headings to columns 1 and 2 there shall be substituted the headings " Undesirable Substances " and " Products intended for animal feed " respectively; and

(b) Part II (feed materials) shall be deleted.

12. Part II of Schedule 10 (categories of feed materials for use in relation to compound feeding stuffs for animals other than pets) shall be deleted.