WELSH STATUTORY INSTRUMENTS

2002 No. 1797 (W.172)

AGRICULTURE, WALES

The Feeding Stuffs (Amendment) (Wales) Regulations 2002

Made - - - -	*9th July 2002*
Coming into force - -	*5th August 2002*

The National Assembly for Wales, acting 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[F1] and now exercisable by it in relation to Wales[F2], after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned[F3], and having been designated[F4] for the purposes of section 2(2) of the European Communities Act 1972[F5] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by the said section 2(2) (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.
F2 By virtue of the National Assembly for Wales (Transfer of Functions) 1999 (S.I. No. 1999/672).
F3 The requirement to consult must now be read in conjunction with Article 9 of Regulation (EC) No. 178/2002 (OJ No. L31, 1.2.2002, p.1).
F4 S.I. 1999/2788.
F5 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (1993 c. 51).

Title, commencement and extent

1. These Regulations may be cited as the Feeding Stuffs (Amendment) (Wales) Regulations 2002, shall come into force on 5th August 2002 and shall apply to Wales only.

Amendment of the Feeding Stuffs (Wales) Regulations 2001

2. The Feeding Stuffs (Wales) Regulations 2001 ("the principal Regulations") [F6] shall be amended in accordance with regulations 3 to 10 below.

F6 S.I. 2001/343 (W.15), amended by S.I. 2001/2253 (W.163) and S.I. 2001/3461 (W.280).

3. In each of regulations 7(1) and 24(1), after the expression "the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001" there shall be added the expression " and the Feeding Stuffs (Amendment) (Wales) Regulations 2002 ".

4. In paragraph (2) of regulation 17, for the expression "Schedule 10" there shall be substituted the expression " Schedule 9 ".

5. In paragraph (2) of regulation 24, for the word "regulations" to the end there shall be substituted the following provisions—

> "regulation 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), 11(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1).".

6. Regulation 25(a) and (b) shall be revoked.

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 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 respectively 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 respectively of that Chapter;

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

9. In Schedule 8 (control of certain protein sources) for the entry in column 6 ("ruminants from the beginning of rumination") corresponding with the entry in column 2 relating to "3.1.1 DL-methionine, technically pure" there shall be substituted the entry " All animal species ".

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

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

11. The Feeding Stuffs (Sampling and Analysis) Regulations 1999 [F7] shall be amended in so far as they apply to Wales as follows—

(a) in Part II of Schedule 1 (manner of taking, preparing, marking, sealing and fastening of samples), in paragraph 5(1), for the expression "section 76(1)(b) of the Act" there shall be inserted the expression " section 76(7) of the Act as that section is modified by regulation 10 of the Feeding Stuffs (Enforcement) Regulations 1999 [F8] as amended ";

(b) in Part I of Schedule 2 (methods of analysis), at the end of paragraph 3(e)(ii), for the expression "Schedule 5 to the Feeding Stuffs Regulations 1995" there shall be substituted the expression "Schedule 7 to the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 [F9] and the Feeding Stuffs (Amendment) (Wales) Regulations 2002; and

(c) in Part II of Schedule 3 (form of certificate of analysis), in note 11(a), for the expression "the Feeding Stuffs Regulations 1995" there shall be substituted the expression " the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001 and the Feeding Stuffs (Amendment) (Wales) Regulations 2002 ".

F7 S.I. 1999/1663 (to which there are amendments not relevant to these Regulations).
F8 S.I. 1999/2325. The relevant amending instruments are S.I. 2001/2253 (W.163) and S.I. 2001/3461 (W.280).
F9 S.I. 2001/3461 (W.280).

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

[F10]**12.** . . . . . .

F10 Regs. 12, 13 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

[F10]**13.** . . . . . .

F10 Regs. 12, 13 revoked (1.1.2006) by The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (S.I. 2005/3368), reg. 1, **Sch. 2**

[F11] Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

John Marek
The Deputy Presiding Officer of the National Assembly

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 {s001}

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 {s002}.

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs {s003}.

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 {s004}.

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 {s005}.

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs {s006}.

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs {s007}.

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs {s008}.

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 {s009}.

{s001} 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).

{s002} OJ No. L289, 28.10.98, p.4.

{s003} OJ No. L188, 21.7.1999, p.35.

{s004} OJ No. L297, 18.11.1999, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (OJ No. L87, 8.4.2000, p.14).