

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^{M1} (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000^{M2} and articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002^{M3}), 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^{M4}, and being designated^{M5} 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}

Textual Amendments

- F1** Regulations revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

Marginal Citations

- M1** 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](#).
- M2** [S.I. 2000/656](#).

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

- M3** [S.I. 2002/794](#).
- M4** 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.
- M5** [S.I. 1999/2788](#).

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

^{F1}2.

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Textual Amendments

F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

^{F1}3.

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Textual Amendments

F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

^{F1}4.

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Textual Amendments

F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

^{F1}5.

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Textual Amendments

F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

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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.”

^{F17}.

Textual Amendments
F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

^{F18}.

Textual Amendments
F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

^{F19}.

Textual Amendments
F1 [Regulations](#) revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

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

^{F1}(a)

^{F1}(b)

(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

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- (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). ”.”

Textual Amendments

F1 Regulations revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

F111.

Textual Amendments

F1 Regulations revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

F112.

Textual Amendments

F1 Regulations revoked in part (except regs. 6, 10(c)) (25.1.2006) by [The Feeding Stuffs \(Wales\) Regulations 2006 \(S.I. 2006/116\)](#), [Sch. 9](#)

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

13. The Feeding Stuffs (Sampling and Analysis) Regulations 1999^{M6} shall be amended in so far as they apply to Wales in accordance with regulations 14 and 15.

Marginal Citations

M6 [S.I. 1999/1663](#), amended by [S.I. 1999/1871](#), [S.I. 2001/2253](#) (W. 163), [S.I. 2002/1797](#) (W.172) and [S.I. 2003/1677](#) (W.180).

14. In Part I of Schedule 2 (methods of analysis) in paragraph 3(e)(ii) for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression “, 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 ”.

15. In Part II of Schedule 3 (form of certificate of analysis) in note (11)(a) for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression

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“ , 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 ”.

Amendments to the Feeding Stuffs (Enforcement) Regulations 1999

^{F2}16.

Textual Amendments

F2 Regs. 16-20 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005](#) (S.I. 2005/3368), reg. 1, **Sch. 2**

^{F2}17.

Textual Amendments

F2 Regs. 16-20 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005](#) (S.I. 2005/3368), reg. 1, **Sch. 2**

^{F2}18.

Textual Amendments

F2 Regs. 16-20 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005](#) (S.I. 2005/3368), reg. 1, **Sch. 2**

^{F2}19.

Textual Amendments

F2 Regs. 16-20 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005](#) (S.I. 2005/3368), reg. 1, **Sch. 2**

^{F2}20.

Textual Amendments

F2 Regs. 16-20 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005](#) (S.I. 2005/3368), reg. 1, **Sch. 2**

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^{M7} 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

Marginal Citations

M7 1998 c. 38.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend in relation to Wales only the Feeding Stuffs (Wales) Regulations 2001 (S.I. 2001/343, as already amended), the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. 1999/1663, as already amended) and the Feeding Stuffs (Enforcement) Regulations 1999 (S.I. 1999/2325, as already amended).

2. These Regulations implement —

- (a) Directive [2002/2/EC](#) of the European Parliament and of the Council amending Council Directive [79/373/EEC](#) on the circulation of compound feedingstuffs and repealing Commission Directive [91/357/EEC](#) (OJ No. L63, 6.3.2002, p.23); and
- (b) Directive [2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed (OJ No. L140, 30.5.2002, p.10).

3. These Regulations also provide for the enforcement of the following Community Regulations —

- (a) Commission Regulation [\(EC\) No. 261/2003](#) concerning the provisional authorisation of new uses of additives in feedingstuffs (OJ No. L37, 13.2.2003, p.12);
- (b) Commission Regulation [\(EC\) No. 316/2003](#) concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of an additive already authorised in feedingstuffs (OJ No. L46, 20.2.2003, p.15);
- (c) Commission Regulation [\(EC\) No. 666/2003](#) provisionally authorising the use of certain micro - organisms in feedingstuffs (OJ No. L96, 12.4.2003, p.11); and
- (d) Commission Regulation [\(EC\) No. 668/2003](#) concerning the permanent authorisation of an additive in feedingstuffs (OJ No. L96, 12.4.2003, p.14).

4. These Regulations —

- (a) amend the Feeding Stuffs (Wales) Regulations 2001 (“the 2001 Regulations”) by —
 - (i) in regulation 2(1) (interpretation), deleting the definitions of the terms “national list” and “third country” and any definitions commencing with specified expressions, modifying the definitions of the terms “complementary feeding stuff”, “complete feeding stuff”, “feed material”, “feeding stuff” and “put into circulation” , substituting a new definition of the term “compound feeding stuff” and adding new definitions for the terms “product intended for animal feed” and “undesirable substance” (*regulation 3(a)*),

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- (ii) substituting a revised version of regulation 2(8) (which prescribes how references in the 2001 Regulations to Community instruments are to be construed) (*regulation 3(b)*),
- (iii) making consequential amendments to regulations 7(1), 24(1) and 24(2) (*regulations 4, 7 and 8*),
- (iv) substituting for regulation 12 (control of feeding stuffs and feed materials containing undesirable substances), a new and re-titled regulation, which —
 - (aa) omits the provisions contained in the previous regulation which regulated the putting into circulation of feed materials containing undesirable substances above prescribed levels, required those possessing non-compliant products in the course of a business to notify the Food Standards Agency and the enforcement authorities of that fact and defined feed material for the purposes of regulation 12, and
 - (bb) re-enacts the remaining provisions of the previous regulation 12 with modifications, in particular by replacing the references to the terms “feeding stuff” and “feed material” with references to the term “product intended for animal feed” (*regulation 5*);
- (v) inserting a new regulation, regulation 17A (provision of information in relation to compound feeding stuffs for animals other than pet animals), which requires suppliers of compound feeding stuffs to provide specified information relating to the feeding stuffs if requested to do so by those to whom they are supplied (*regulation 6*),
- (vi) adding two new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted which is contained in Part IX of the Table to Schedule 3 (*regulation 9 and the Schedule*),
- (vii) in Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) modifying the matters relating to compound feeding stuffs which are required to be contained in the statutory statement prescribed by regulation 4 or otherwise declared (*regulation 10*),
- (viii) in Schedule 7 (prescribed limits for undesirable substances), modifying the headings to columns 1 and 2 of Part I (feeding stuffs) and deleting Part II (feed materials) (*regulation 11*), and
- (ix) deleting Part II of Schedule 10 (containing the names of the categories of feed materials for use in relation to compound feeding stuffs for animals other than pets by which, prior to the coming into force of these Regulations, it was permissible to declare those compound feeding stuffs in the statement prescribed by regulation 4 (*regulation 12*); and
- (b) make consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (*regulations 13 to 20*).

5. A regulatory impact assessment has been prepared for these Regulations and has been placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of Directive [2002/2/EC](#) and [2002/32/EC](#) are transposed into domestic law by these Regulations. Copies may be obtained from the Animal Feed Unit of the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.

Changes to legislation:

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Changes and effects yet to be applied to :

- reg. 6 revoked by [S.I. 2006/2928 reg. 3\(b\)](#)
- reg. 10(c) revoked by [S.I. 2006/2928 reg. 3\(b\)](#)