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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 608**

**The Feed (Hygiene and Enforcement)  
(Scotland) Regulations 2005**

**PART 1**

Preliminary

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Agriculture Act 1970 <sup>M1</sup>;

<sup>F1</sup>  
...

[<sup>F2</sup>“agricultural analyst” means an agricultural analyst appointed under section 67A(2)(a) of the Act, and includes a deputy analyst;]

[<sup>F3</sup>“the Animal Feed Regulations” means the Animal Feed (Scotland) Regulations 2010;]

“authorised officer”, in relation to an enforcement authority, means any person appointed by that authority under regulation [<sup>F4</sup>16(3)];

“enforcement authority” means the body identified as having the duty to enforce under regulation 16(1);

“excluded additive” means any of the following feed additives—

- (a) coccidiostats;
- (b) histomonostats; or
- (c) a zootechnical additive falling within category (d) of Article 6(1) of Regulation 1831/2003 [<sup>F5</sup>except an additive that is either—
  - (i) a digestibility enhancer;
  - (ii) a gut flora stabiliser; or
  - (iii) a substance incorporated with the intention of favourably affecting the environment]

<sup>F6</sup>  
...

<sup>F7</sup>  
...

“premises” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“premixture” has the meaning given by Article 2(2)(e) of Regulation 1831/2003 excluding any mixture consisting solely of a combination of more than one excluded additive;

[<sup>F8</sup>“prescribed manner” means the manner prescribed by Regulation (EC) No. 152/2009 of the European Parliament and of the Council laying down the methods of sampling and analysis

for the official control of feed or otherwise in accordance with [<sup>F9</sup>Article 34 of Regulation 2017/625];]

“Regulation 178/2002” means 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 as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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 <sup>M2</sup>;

“Regulation 1831/2003” means Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition <sup>M3</sup>;

<sup>F10</sup>  
...

[<sup>F11</sup>“Regulation 183/2005” means Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene;]

[<sup>F12</sup>“Regulation 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;]

[<sup>F13</sup>“Regulation 2017/625” means Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC,]

[<sup>F13</sup>“Regulation (EU) 2019/1793” means Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into the Union of certain goods from certain third countries implementing Regulations (EU) 2017/625 and (EC) No 178/2002 of the European Parliament and of the Council and repealing Commission Regulations (EC) No 669/2009, (EU) No 884/2014, (EU) 2015/175, (EU) 2017/186 and (EU) 2018/1660,]

<sup>F14</sup>  
...

“specified feed law” means the provisions listed in Schedule 1 but does not include those provisions in so far as they may apply to excluded additives or to premixtures consisting solely of a combination of excluded additives.

(2) Subject to paragraph (3), any other expression used both in these Regulations and in Regulation 178/2002, <sup>F15</sup>... Regulation 183/2005 [<sup>F16</sup>or Regulation 2017/625] has the same meaning as it bears in Regulation 178/2002, <sup>F15</sup>... Regulation 183/2005 [<sup>F16</sup>or Regulation 2017/625] as the case may be.

(3) In these Regulations “feed” or “feeding stuff” does not include any excluded additive or any premixtures consisting solely of a combination of more than one excluded additive.

(4) Where, apart from this paragraph, any period of less than 7 days which is specified in these Regulations would include any day which is—

- (a) a Saturday, a Sunday, Christmas Day or Good Friday; or
- (b) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>M4</sup>,

that day shall be excluded from the period.

[<sup>F17</sup>(5) Any reference in these Regulations to an Annex to Regulation 183/2005 is a reference to that Annex as amended from time to time.]

### Textual Amendments

- F1** Words in reg. 2(1) omitted (1.4.2021) by virtue of The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/467), regs. 1(2), **5(2)(a)**
- F2** Words in reg. 2(1) substituted (1.4.2021) by The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/467), regs. 1(2), **5(2)(c)**
- F3** Words in reg. 2(1) inserted (23.11.2010) by The Animal Feed (Scotland) Regulations 2010 (S.S.I. 2010/373), regs. 1, **15(2)(a)**
- F4** Word in reg. 2(1) substituted (20.9.2009) by The Feed (Hygiene and Enforcement) (Scotland) Amendment Regulations 2009 (S.S.I. 2009/263), regs. 1, **2(2)**
- F5** Words in reg. 2(1) inserted (20.6.2008) by The Feed (Hygiene and Enforcement) (Scotland) Amendment Regulations 2008 (S.S.I. 2008/201), regs. 1, **2(2)** (with reg. 4(1))
- F6** Words in reg. 2(1) omitted (1.4.2021) by virtue of The Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/467), regs. 1(2), **5(2)(b)**
- F7** Words in reg. 2(1) omitted (15.11.2010) by virtue of The Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010 (S.S.I. 2010/354), regs. 1, **21(2)(a)**
- F8** Words in reg. 2(1) substituted (15.11.2010) by The Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010 (S.S.I. 2010/354), regs. 1, **21(2)(b)**
- F9** Words in reg. 2(1) substituted (14.12.2019) by The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/407), regs. 1, **3(2)(a)(i)**
- F10** Words in reg. 2(1) omitted (14.12.2019) by virtue of The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/407), regs. 1, **3(2)(a)(ii)**
- F11** Words in reg. 2(1) substituted (12.1.2014) by The Feed (Hygiene and Enforcement) and Animal Feed (Scotland) Amendment Regulations 2013 (S.S.I. 2013/340), regs. 1, **2(2)(a)**
- F12** Words in reg. 2(1) inserted (23.11.2010) by The Animal Feed (Scotland) Regulations 2010 (S.S.I. 2010/373), regs. 1, **15(2)(b)**
- F13** Words in reg. 2(1) inserted (14.12.2019) by The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/407), regs. 1, **3(2)(a)(iii)**
- F14** Words in reg. 2(1) omitted (15.11.2010) by virtue of The Feed (Sampling and Analysis and Specified Undesirable Substances) (Scotland) Regulations 2010 (S.S.I. 2010/354), regs. 1, **21(2)(c)**
- F15** Words in reg. 2(2) omitted (14.12.2019) by virtue of The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/407), regs. 1, **3(2)(b)(i)**
- F16** Words in reg. 2(2) inserted (14.12.2019) by The Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 (S.S.I. 2019/407), regs. 1, **3(2)(b)(ii)**
- F17** Reg. 2(5) inserted (12.1.2014) by The Feed (Hygiene and Enforcement) and Animal Feed (Scotland) Amendment Regulations 2013 (S.S.I. 2013/340), regs. 1, **2(2)(b)**

### Marginal Citations

- M1** 1970 c. 40.
- M2** O.J. No. L 245, 29.9.03, p.4.
- M3** O.J. No. L 268, 18.10.03, p.29. That Regulation was last amended by Commission Regulation (EC) No. 378/2005 on detailed rules for the implementation of Regulation (EC) No. 1831/2003 of the

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**Changes to legislation:** *There are currently no known outstanding effects for the The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, Section 2. (See end of Document for details)*

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European Parliament and of the Council as regards the duties and tasks of the Community Reference Laboratory concerning applications for authorisations of feed additives.

**M4** [1971 c. 80.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, Section 2.