

**2006 No. 516**

**AGRICULTURE**

**The Feeding Stuffs (Scotland) Amendment Regulations 2006**

*Made* - - - - 24th October 2006

*Laid before the Scottish Parliament* 25th October 2006

*Coming into force* - - 17th November 2006

The Scottish Ministers, in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74(1) and 74A of the Agriculture Act 1970(a) and of all other powers enabling them in that behalf, after consultation as required 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(b), hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Feeding Stuffs (Scotland) Amendment Regulations 2006 and come into force on 17th November 2006.

(2) These Regulations extend to Scotland only.

**Amendments to the Feeding Stuffs (Scotland) Regulations 2005**

2.—(1) Part I of Schedule 3 to the Feeding Stuffs (Scotland) Regulations 2005(c) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 18, insert—

“**18A.** In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material in the compound feeding stuff, subject to a limit of variation of  $\pm 15\%$  in relation to each declared percentage.”.

(3) In paragraph 23(1), omit “and by paragraph 19 of Schedule 4 to the 2000 Regulations”.

(4) In paragraph 26, for “under paragraph 25”, substitute “under paragraph 18A or 25”.

---

(a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations” and was relevantly amended by S.I. 1982/980, 1995/1412, 1996/1342 and 1999/1663 and S.S.I. 2000/453. Section 74A was inserted by the European Communities Act 1972 (1972 c.68), Schedule 4, paragraph 6. The functions of the Secretary of State insofar as exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”).

(b) O.J. No. L 31, 1.2.02, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4) and Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 8.4.06, p.3).

(c) S.S.I. 2005/605.

## **Revocations**

**3.** The Feeding Stuffs (Scotland) Regulations 2000**(a)** and the Feeding Stuffs (Scotland) Amendment (No. 2) Regulations 2003**(b)** are revoked.

*LEWIS MACDONALD*

Authorised to sign on behalf of the Scottish Ministers

St Andrew's House,  
Edinburgh  
24th October 2006

---

**(a)** S.S.I. 2000/453, as relevantly amended by S.S.I. 2003/312 and by 2005/605, which revoked S.S.I. 2000/453 with the exception of regulation 19A and Schedule 4, paragraph 19.  
**(b)** S.S.I. 2003/312.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

**1.** These Regulations amend the Feeding Stuffs (Scotland) Regulations 2005 (“the 2005 Regulations”) by inserting into them a provision requiring the percentage of each feed material contained in a compound feed to be declared, within a tolerance of  $\pm 15\%$ , on the label of the compound feed or on an accompanying document (regulation 2(2)). This provision was formerly contained in the Feeding Stuffs (Scotland) Regulations 2000, (as amended by the Feeding Stuffs (Scotland) Amendment (No. 2) Regulations 2003) (“the 2000 Regulations”).

**2.** These Regulations also revoke a provision in the 2000 Regulations requiring the exact percentage of each feed material in a compound feed to be disclosed to customers on request (regulation 3(a)).

**3.** The provisions of the 2000 Regulations referred to in paragraphs 1 and 2 above were intended to implement in Scotland Article 1.4 and Article 1.1(b) respectively of Directive 2002/2/EC of the European Parliament and of the Council amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (O.J. No. L 63, 6.3.02, p.23).

**4.** The provisions were then suspended by order of the Court of Session pending the outcome of a referral to the European Court of Justice (ECJ). During the period of suspension, all of the 2000 Regulations other than the suspended provisions were revoked and replaced by the 2005 Regulations.

**5.** In response to the referral the ECJ has now ruled that Article 1.4 of Directive 2002/2/EC is legally valid, whereas Article 1.1(b) is not.

**6.** A full Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that these Regulations will have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be contained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

**2006 No. 516**

**AGRICULTURE**

**The Feeding Stuffs (Scotland) Amendment Regulations 2006**

**£3.00**

© Crown Copyright 2006