

2009 No. 373

AGRICULTURE

**The Feed (Specified Undesirable Substances) (Scotland)
Regulations 2009**

Made - - - - *28th October 2009*

Laid before the Scottish Parliament *29th October 2009*

Coming into force - - *23rd November 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970(a) and all other powers enabling them to do so.

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 with such persons or organisations appearing to represent the interests concerned or as appropriate of 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).

Citation and commencement

1. These Regulations may be cited as the Feed (Specified Undesirable Substances) (Scotland) Regulations 2009 and come into force on 23rd November 2009.

(a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”. Sections 66(1) and 84 were amended by S.I. 2004/3254. Section 74A was inserted by the European Communities Act 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). Insofar as not so transferred and insofar as relating to animal feeding stuffs, which are not veterinary medicinal products or specified feed additives as defined in the Veterinary Medicines Regulations 2005 (S.I. 2005/2745), the functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).

(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), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 7.4.06, p.3) and Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.08, p.17).

Amendment of the Feeding Stuffs (Scotland) Regulations 2005

2. After Chapter D of Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs (Scotland) Regulations 2005(a), as Chapter E add the entries set out in the Schedule to these Regulations.

St Andrew's House,
Edinburgh
28th October 2009

RICHARD LOCHHEAD
A member of the Scottish Executive

(a) S.S.I. 2005/605, as amended by S.S.I. 2006/16, 516, 530 and 578, 2007/492, 2008/215 and 2009/21.

SCHEDULE

Regulation 2

Entries to comprise Chapter E of Schedule 5 to the Feeding Stuffs (Scotland) Regulations 2005

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg (ppm) of feeding stuffs referred to a moisture content of 12%</i>
CHAPTER E		
Lasalocid sodium	Feed materials	1.25
	Compound feeding stuffs for: — dogs, calves, rabbits, equine species, dairy animals, laying birds, turkeys (> 12 weeks old) and chickens reared for laying (> 16 weeks old)	1.25
	— chickens for fattening, chickens reared for laying (< 16 weeks old) and turkeys (< 12 weeks old) for the period before slaughter in which the use of lasalocid sodium is prohibited	1.25
	— other animal species	3.75
	Premixtures for use in feed in which the use of lasalocid sodium is not authorised	(1)
Narasin	Feed materials	0.7
	Compound feeding stuffs for: — turkeys, rabbits, equine species, laying birds and chickens reared for laying (> 16 weeks old)	0.7
	— chickens for fattening for the period before slaughter in which the use of narasin is prohibited	0.7
	— other animal species	2.1
	Premixtures for use in feed in which the use of narasin is not authorised	(1)
Salinomycin sodium	Feed materials	0.7
	Compound feeding stuffs for: — equine species, turkeys, laying birds and chickens reared for laying (> 12 weeks old)	0.7
	— chickens for fattening, chickens reared for laying (< 12 weeks old) and rabbits for fattening for the period before slaughter in which the use of salinomycin sodium is prohibited	0.7
	— other animal species	2.1
	Premixtures for use in feed in which the use of salinomycin sodium is not authorised	(1)
Monensin sodium	Feed materials	1.25
	Compound feeding stuffs for: — equine species, dogs, small ruminants (sheep and goats), ducks, dairy cattle and other bovines, laying birds, chickens reared for laying (> 16 weeks old) and turkeys (> 16 weeks old)	1.25

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg (ppm) of feeding stuffs referred to a moisture content of 12%</i>
CHAPTER E		
	<p>— chickens for fattening, chickens reared for laying (< 16 weeks old) and turkeys (< 16 weeks old) for the period before slaughter in which the use of monensin sodium is prohibited</p> <p>— other animal species</p> <p>Premixtures for use in feed in which the use of monensin sodium is not authorised</p>	<p>1.25</p> <p>3.75</p> <p>(1)</p>
Semduramicin sodium	<p>Feed materials</p> <p>Compound feeding stuffs for:</p> <p>— laying birds and chickens reared for laying (> 16 weeks old)</p> <p>— chickens for fattening for the period before slaughter in which the use of semduramicin sodium is prohibited</p> <p>— other animal species</p> <p>Premixtures for use in feed in which the use of semduramicin sodium is not authorised</p>	<p>0.25</p> <p>0.25</p> <p>0.25</p> <p>0.75</p> <p>(1)</p>
Maduramicin ammonium alpha	<p>Feed materials</p> <p>Compound feeding stuffs for:</p> <p>— equine species, rabbits, turkeys (> 16 weeks old), laying birds and chickens reared for laying (> 16 weeks old)</p> <p>— chickens for fattening and turkeys (< 16 weeks old) for the period before slaughter in which the use of maduramicin ammonium alpha is prohibited</p> <p>— other animal species</p> <p>Premixtures for use in feed in which the use of maduramicin ammonium alpha is not authorised</p>	<p>0.05</p> <p>0.05</p> <p>0.05</p> <p>0.15</p> <p>(1)</p>
Robenidine hydrochloride	<p>Feed materials</p> <p>Compound feeding stuffs for:</p> <p>— laying birds and chickens reared for laying (> 16 weeks old)</p> <p>— chickens for fattening, rabbits for fattening and breeding and turkeys for the period before slaughter in which the use of robenidine hydrochloride is prohibited</p> <p>— other animal species</p> <p>Premixtures for use in feed in which the use of robenidine hydrochloride is not authorised</p>	<p>0.7</p> <p>0.7</p> <p>0.7</p> <p>2.1</p> <p>(1)</p>
Decoquinat	<p>Feed materials</p> <p>Compound feeding stuffs for:</p> <p>— laying birds and chickens reared for laying (> 16 weeks old)</p> <p>— chickens for fattening for the period before slaughter in which the use of decoquinat is prohibited</p>	<p>0.4</p> <p>0.4</p> <p>0.4</p>

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg (ppm) of feeding stuffs referred to a moisture content of 12%</i>
CHAPTER E		
	— other animal species Premixtures for use in feed in which the use of decoquinatate is not authorised	1.2 (1)
Halofuginone hydrobromide	Feed materials	0.03
	Compound feeding stuffs for: — laying birds and chickens reared for laying (> 16 weeks old) and turkeys (> 12 weeks old)	0.03
	— chickens for fattening and turkeys (< 12 weeks old) for the period before slaughter in which the use of halofuginone hydrobromide is prohibited	0.03
	— other animal species other than chickens reared for laying (< 16 weeks old) Premixtures for use in feed in which the use of halofuginone hydrobromide is not authorised	0.09 (1)
Nicarbazin	Feed materials	0.5
	Compound feeding stuffs for: — equine species, laying birds and chickens reared for laying (> 16 weeks old)	0.5
	— chickens for fattening for the period before slaughter in which the use of nicarbazin (in combination with narasin) is prohibited	0.5
	— other animal species Premixtures for use in feed in which the use of nicarbazin (in combination with narasin) is not authorised	1.5 (1)
Diclazuril	Feed materials	0.01
	Compound feeding stuffs for: — laying birds, chickens reared for laying (> 16 weeks old) and turkeys for fattening (> 12 weeks old)	0.01
	— rabbits for fattening and breeding for the period before slaughter in which the use of diclazuril is prohibited	0.01
	— other animal species other than chickens reared for laying (< 16 weeks old), chickens for fattening and turkeys for fattening (< 12 weeks old)	0.03
	Premixtures for use in feed in which the use of diclazuril is not authorised	(1)

(1) The maximum level of the substance in the premixture is the concentration which shall not result in a level of the substance higher than 50% of the maximum levels established in the feed when the instructions for use of the premixture are followed.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Feeding Stuffs (Scotland) Regulations 2005 (“the Feeding Stuffs Regulations”).

These Regulations provide for the implementation of Commission Directive 2009/8/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels of unavoidable carry-over of coccidiostats or histomonostats in non-target feed (O.J. No. L 40, 11.2.2009, p.19).

These Regulations amend Schedule 5 to the Feeding Stuffs Regulations by the addition of a Chapter E setting specified limits in relation to the carry-over into non-target feeding stuffs of certain zootechnical feed additives (regulation 2 and the Schedule).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency (Scotland), 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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