
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 373

The Animal Feed (Scotland) Regulations 2010

PART 4

Undesirable substances in feed

Control of animal feeds containing undesirable substances

9.—(1) Any person who—

- (a) places on the market any [^{F1}products intended for animal feed that are specified in column 2 of a table in schedule 4]; or
- (b) uses any such feed,

is guilty of an offence if it contains any undesirable substance listed in column 1 of that [^{F2}table] in excess of the relevant maximum content specified in column 3.

(2) Any person who places on the market or uses any complementary feed is guilty of an offence if—

- (a) having regard to the quantity of it recommended for use in a daily ration, it contains any undesirable substance listed in column 1 of [^{F3}a table in schedule 4] in excess of the maximum content specified for it in column 3 in relation to complete feeds; and
- (b) there is no provision relating to any complementary feed in the corresponding entry in column 2 of that [^{F4}table].

(3) Any person who for the purpose of dilution mixes any feed with a feed that is specified in column 2 of [^{F5}a table in schedule 4] and which contains any undesirable substance listed in column 1 of that [^{F6}table] in excess of the maximum content specified for it in column 3 is guilty of an offence.

(4) Any person who places on the market or uses any feed which is not sound and genuine and of merchantable quality is guilty of an offence.

(5) For the purposes of paragraph (4) a feed listed in column 2 of [^{F7}a table in schedule 4] is not sound, genuine and of merchantable quality if it contains any undesirable substance specified in column 1 of that [^{F8}table] in excess of the maximum content specified in relation to it in column 3.

(6) Any person who has, for the purpose of a trade or business, possession or control of any of the feeds specified in paragraph (7) shall, if required by an inspector, procure and produce to the inspector an analysis in order to demonstrate that the content of inorganic arsenic in the feed specified in that paragraph is less than 2 parts per million.

(7) The feeds are—

- (a) palm kernel expeller;
- (b) feeds obtained from the processing of fish and other marine animals;
- (c) seaweed meal and feed materials derived from seaweed; ^{F9}...
- (d) complete feeds for fish or for fur-producing animals^{F10}; and

(e) peat; leonardite].

(8) Any person who, without reasonable excuse, fails to comply with a requirement made under paragraph (6) is guilty of an offence.

[^{F11}(9) In order to reduce or eliminate sources of undesirable substances in products intended for animal feed, the feed authority must, in cooperation with feed business operators, carry out investigations to identify the sources of undesirable substances, in cases where the maximum levels are exceeded and in cases where increased levels of such substances are detected, taking into account background levels; for the purpose of ensuring a uniform approach in cases of increased levels, action thresholds to trigger investigations are set out in table in schedule 5.]

Textual Amendments

- F1** Words in reg. 9(1)(a) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(a)(i)**
- F2** Word in reg. 9(1) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(a)(ii)**
- F3** Words in reg. 9(2)(a) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(b)(i)**
- F4** Word in reg. 9(2)(b) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(b)(ii)**
- F5** Words in reg. 9(3) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(c)(i)**
- F6** Word in reg. 9(3) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(c)(ii)**
- F7** Words in reg. 9(5) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(d)(i)**
- F8** Word in reg. 9(5) substituted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(d)(ii)**
- F9** Word in reg. 9(7) omitted (9.2.2023) by virtue of The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(e)(i)**
- F10** Reg. 9(7)(e) and word inserted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(e)(ii)**
- F11** Reg. 9(9) inserted (9.2.2023) by The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022 (S.S.I. 2022/373), regs. 1(1), **6(5)(f)**

Changes to legislation:

There are currently no known outstanding effects for the The Animal Feed (Scotland) Regulations 2010, Section 9.