
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Food and Feed (Miscellaneous
Amendments) Regulations 2022

PART 2

Amendment of statutory instruments that apply in England

Amendment of the Materials and Articles in Contact with Food (England) Regulations 2012

2.—(1) The Materials and Articles in Contact with Food (England) Regulations 2012⁽¹⁾ are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1)—
 - (i) omit the definition of “Directive [84/500/EEC](#)”;
 - (ii) omit the definition of “[Directive 2007/42/EC](#)”;
 - (b) in paragraph (3), in both places, omit “EU”.
- (3) In regulation 9—
 - (a) omit the “and” at the end of paragraph (a)(iii);
 - (b) omit paragraph (b).
- (4) In regulation 11, omit paragraph (3).
- (5) In regulation 12—
 - (a) in paragraph (1)—
 - (i) in both places, for “Annex II” substitute “Schedule 5”;
 - (ii) for “that Annex” substitute “that Schedule”;
 - (b) in paragraph (2), for “Annex II” substitute “Schedule 5”.
- (6) In regulation 30—
 - (a) in paragraph (2), for the words from “how the EU” to the end substitute “the operation of the relevant retained EU instruments”;
 - (b) in paragraph (6)—
 - (i) in the defined term, before “EU instruments” insert “relevant retained”;
 - (ii) omit the words from “Council Directive [78/142/EEC](#)” to “[Directive 2007/42/EC](#)”.
- (7) Schedule 1 has effect.

⁽¹⁾ [S.I. 2012/2619](#), amended by [S.I. 2019/704](#) and [2020/1410](#).

Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013

3.—(1) The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013⁽²⁾ are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1)—
 - (i) omit the definition of “Directive 2009/32”;
 - (ii) in the definition of “the EU Regulations”, before “EU” insert “retained”;
 - (b) in paragraph (2) omit “EU”;
 - (c) in paragraph (3) omit “EU”;
 - (d) in paragraph (4) for “EU instruments are Directive 2009/32,” substitute “instruments are”.
- (3) Omit regulation 9.
- (4) In regulation 10(a), for “Annex I” substitute “Schedule 6”.
- (5) In regulation 11(a)—
 - (a) in sub-paragraph (i), for “Annex I” substitute “Schedule 6”;
 - (b) in sub-paragraph (ii), for “that Annex” substitute “Schedule 6”;
 - (c) in sub-paragraph (iii), insert “and” at the end;
 - (d) in sub-paragraph (iv), omit the “and” at the end;
 - (e) omit sub-paragraph (v).
- (6) In regulation 14(1)(a), for “Annex I” substitute “Schedule 6”.
- (7) In regulation 16, before “EU Regulations” insert “retained”.
- (8) In regulation 19(2), before “EU Regulations” insert “retained”.
- (9) Omit regulation 22(2).
- (10) Schedule 2 has effect.

Amendment of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015

4.—(1) The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015⁽³⁾ are amended as follows.

- (2) In regulation 2—
 - (a) in paragraph (1)—
 - (i) omit the definition of “Directive 82/475”;
 - (ii) omit the definition of “Directive 2002/32”;
 - (b) in paragraph (2), before “EU” insert “retained”;
 - (c) in paragraph (3), in both places, omit “EU”.
- (3) In regulation 12(2), for “the Annex to Directive 82/475” substitute “Schedule 3”.
- (4) In Part 6 (immediately before regulation 14), for the heading to that Part substitute “Undesirable substances in products intended for animal feed”.
- (5) In regulation 14, omit paragraph (a).

(2) [S.I. 2013/2210](#), amended by [S.I. 2014/1855](#), [2019/860](#) and [2022/377](#) and [938](#).

(3) [S.I. 2015/255](#), amended by [S.I. 2019/654](#) and [2019/675](#) and [2020/1410](#).

- (6) In regulation 15—
- (a) in paragraph (1)—
- (i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 4”;
 - (ii) in the words after sub-paragraph (b), for “Annex” substitute “table”;
- (b) in paragraph (2)—
- (i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 4”;
 - (ii) in sub-paragraph (b), for “Annex” substitute “table”;
- (c) in paragraph (3)—
- (i) for “Annex I” substitute “a table in Schedule 4”;
 - (ii) for “Annex”, in the second place it occurs, substitute “table”;
- (d) in paragraph (5)—
- (i) for “Annex I” substitute “a table in Schedule 4”;
 - (ii) for “Annex”, in the second place it occurs, substitute “table”;
- (e) in paragraph (7)—
- (i) omit the “and” at the end of sub-paragraph (c);
 - (ii) after sub-paragraph (d) insert—
 - “(e) peat;
 - (f) leonardite.”;
- (f) after paragraph (8) insert—
- “(9) In order to reduce or eliminate sources of undesirable substances in products intended for animal feed, feed authorities must, in cooperation with feed business operators⁽⁴⁾, 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 Schedule 5.
- (10) Feed authorities must transmit to the Agency all relevant information and findings of the source and the measures taken to reduce the level of, or eliminate, undesirable substances.
- (11) Where the Secretary of State has grounds to believe that a level fixed in Schedule 4 or 5, or an undesirable substance not listed in Schedule 4 or 5, presents a danger to animal or human health, or to the environment, the Secretary of State—
- (a) may, pending amendment of Schedule 4 or 5—
 - (i) change an existing level;
 - (ii) introduce a level; or
 - (iii) prohibit the presence,
of the undesirable substance concerned in products intended for animal feed by issuing a direction; and
 - (b) must decide whether to make an amendment to Schedule 4 or 5 that corresponds with the direction issued under sub-paragraph (a).
- (12) A direction issued under paragraph (11)(a)—

(4) See Article 3(2)(a) of EUR 2009/767 for the meaning of “feed business operator”.

- (a) must be in writing;
- (b) may specify a period of time during which it has effect;
- (c) may be revoked by the Secretary of State at any time, by way of a written notice;
- (d) irrespective of any period of time specified under sub-paragraph (b), ceases to have effect upon the entry into force of any corresponding amendment of Schedule 4 or 5 made pursuant to paragraph (11)(b).

(13) A direction issued under paragraph (11)(a) and a revocation notice under paragraph (12)(c) must be published by the Secretary of State without delay.”

(7) After regulation 15 insert—

“Regulations

15A.—(1) The Secretary of State may, by regulations, make provision to—

- (a) add, amend or remove an entry in Schedule 4 or 5;
- (b) amend the acceptability criteria for detoxification processes in Regulation (EU) 2015/786⁽⁵⁾.

(2) Any power to make regulations under this Part is exercisable by statutory instrument.

(3) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Regulations made under this regulation may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking retained direct EU legislation);
- (b) make different provision for different purposes.”

(8) Omit regulation 22(2).

(9) Schedule 3 has effect.

Amendment of the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

5.—(1) The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015⁽⁶⁾ are amended as follows.

(2) In regulation 4—

- (a) in paragraph (1)(a), for “20(2), 21(1) and 22(2)(b)” substitute “19(3) and (7) and 21(1)”;
- (b) in paragraph (2)(a), for “2(e)” substitute “2(f)”.

(3) In regulation 30(1)(b), for “Article 4.2 of [Directive 2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed” substitute “regulation 15(9) of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015”.

(4) Omit regulation 41(2).

Amendment of the Animal Feed (Basic Safety Standards) (England) Regulations 2019

6.—(1) The Animal Feed (Basic Safety Standards) (England) Regulations 2019⁽⁷⁾ are amended as follows.

(5) EUR 2015/786, amended by [S.I. 2019/654](#).

(6) [S.I. 2015/454](#), amended by [S.I. 2019/683](#) and [2019/1476](#) and [2020/1410](#).

(7) [S.I. 2019/683](#).

- (2) In regulation 2—
 - (a) in paragraph (1), omit the definition of “the Directive”;
 - (b) in paragraph (3), in both places, for “, Regulation 767/2009 and in the Directive” substitute “and Regulation 767/2009”.
- (3) Omit regulation 9(2).