

2001 No. 541

AGRICULTURE, ENGLAND

**The Feeding Stuffs (Sampling and Analysis) (Amendment)
(England) Regulations 2001**

Made - - - - - *26th February 2001*

Laid before Parliament *26th February 2001*

Coming into force - - *20th March 2001*

The Secretary of State for Health, acting in exercise of the powers conferred by sections 66(1), 77(4), 78(6) and 84 of the Agriculture Act 1970(a) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(b), and of all other powers enabling him in that behalf, after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned, and acting, as a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by the said section 2(2) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, shall come into force on 20th March 2001 and shall extend to England only.

Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations 1999

2. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(e) shall be amended in relation to England in accordance with regulations 3 and 4 below.

3. In regulation 6—

(a) in paragraph (1), after the words “pursuant to the Act,” there shall be added the words “or, in the cases of the substances vitamin A and vitamin E, in a sample of a premixture to be analysed pursuant to Commission Directive 2000/45/EC establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs,”(f); and

(b) in paragraph (2) subparagraph (c) shall be deleted.

(a) 1970 c. 40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “Regulations”; the definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland ceased to be exercisable in relation to England.

(b) S.I. 2000/656.

(c) S.I. 1972/1811.

(d) 1972 c. 68.

(e) S.I. 1999/1663; to which there are amendments not relevant to these Regulations.

(f) The reference for Directive 2000/45/EC is OJ No. L174, 13.7.2000, p. 32.

4. Annex I to Part II of Schedule 2 shall be amended as follows—
- (a) after the entry for Theobromine there shall be added in columns 1 to 3 the following entry:
- | | | |
|-------------|---|-------------------------------------|
| “Tryptophan | Part C of the
Annex to Directive
2000/45/EC | OJ No. L174,
13.7.2000, p. 32.”; |
|-------------|---|-------------------------------------|
- (b) for the provisions in columns 2 and 3 relating to the entry for vitamin A there shall be substituted the following provisions:
- | | |
|---|----------------------------------|
| “Part A of the Annex to Directive
2000/45/EC | OJ No. L174, 13.7.2000, p. 32.”; |
|---|----------------------------------|
- and
- (c) after the entry for Vitamin A there shall be added in columns 1 to 3 the following entry:
- | | | |
|------------|---|-------------------------------------|
| “Vitamin E | Part B of the
Annex to Directive
2000/45/EC | OJ No. L174,
13.7.2000, p. 32.”. |
|------------|---|-------------------------------------|

Amendment of the Feeding Stuffs Regulations 2000

5. In the Feeding Stuffs Regulations 2000(a), regulation 28, paragraph (b) of regulation 29 and subparagraph (d)(i) of that regulation shall be omitted.

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

6.—(1) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(b) shall be amended in relation to England as follows—

- (a) in the provisions specified in paragraph (2) below, after the words “the Feeding Stuffs (Sampling and Analysis) Regulations 1999.”, wherever they occur, there shall be inserted the words “, as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and as modified by the Feeding Stuffs Regulations 2000 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001,”(c); and
- (b) in regulation 106(2), subparagraph (c) shall be deleted.

(2) The provisions referred to in paragraph (1)(a) above are regulations 98(8) and (9), 99 and 106(1).

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

7. The Feeding Stuffs (Enforcement) Regulations 1999(d) shall be amended in relation to England as follows—

- (a) in regulation 8, after the words “the Feeding Stuffs (Sampling and Analysis) Regulations 1999” there shall be added the words “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and as modified by the Feeding Stuffs Regulations 2000 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001”; and
- (b) in regulation 10, in the modification of section 76(8), (9) and (10) of the Agriculture Act 1970, after the words “the Feeding Stuffs (Sampling and Analysis) Regulations 1999” there shall be inserted the words “as amended by the Feedingstuffs (Zootechnical Products) Regulations 1999 and as modified by the Feeding Stuffs Regulations 2000 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001”; and
- (c) in regulation 11, for the words “not a feeding stuff”, there shall be substituted the words “neither a feeding stuff, nor a premixture to which Part A or Part B of Commission Directive 2000/45/EC establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs applies”.

(a) S.I. 2000/2481.

(b) S.I. 1999/1872. Modified by S.I. 2000/2481.

(c) The reference for the Feeding Stuffs (Zootechnical Products) Regulations 1999 is S.I. 1999/1871 (to which there are amendments not relevant to these Regulations).

(d) S.I. 1999/2325. Modified by S.I. 2000/2481.

8. The Feeding Stuffs (Enforcement) Regulations 1999 shall be amended in relation to England by the insertion, after regulation 11, of the following regulation—

“11A. For the purposes of sections 77(4) and 78(6) of the Act, analysis shall (as specified in regulation 7) be treated as carried out in the prescribed manner, in relation to a sample of a premixture to which Part A or Part B of Commission Directive 2000/45/EC establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs applies, if it is carried out in accordance with whichever of those Parts is applicable in the case concerned.”.

Signed by authority of the Secretary of State for Health

Gisela Stuart
Parliamentary Under-Secretary of State,
Department of Health

26th February 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and implement Commission Directive 2000/45/EC establishing Community methods of analysis for the determination of vitamin A, vitamin E and tryptophan in feedingstuffs (OJ No. L174, 13.7.2000, p. 32).

The Regulations—

- (a) amend the 1999 Regulations by prescribing a revised method of analysis for the determination of vitamin A, and new methods for the determination of vitamin E and tryptophan, in feeding stuffs and, in the cases of vitamins A and E, in premixtures (regulation 4), and
- (b) make minor and consequential amendments to those Regulations, the Feeding Stuffs Regulations 2000, the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (regulations 3 and 5–8).

A regulatory impact assessment has been prepared in relation to these Regulations, and a copy placed in the library of each House of Parliament.

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