

## STATUTORY INSTRUMENTS

# 2003 No. 1026

## The Feeding Stuffs (Amendment) Regulations 2003

### Title, commencement and extent **E+W**

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations 2003 and shall come into force on 1st May 2003.

(2) Regulations 2 to 6, 13 and 15 shall extend to England only.

### Amendment of the Feeding Stuffs Regulations 2000 **E+W**

2. The Feeding Stuffs Regulations 2000 <sup>M1</sup> shall be amended so far as they extend to England in accordance with regulations 3 to 6.

#### Marginal Citations

**M1** [S.I. 2000/2481](#), amended by [S.I. 2001/541](#), [S.I. 2001/3389](#) and [S.I. 2002/892](#).

### **E+W**

3. In regulation 2 (interpretation), immediately after the definition of “energy value” in paragraph (1) there shall be inserted the following definition—

““the Enforcement Directive” means Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition <sup>M2</sup> as amended by Council Directive [1999/20/EC](#)<sup>M3</sup>, Directive [2000/77/EC](#) of the European Parliament and of the Council <sup>M4</sup> and Directive [2001/46/EC](#) of the European Parliament and of the Council <sup>M5</sup>”.

#### Marginal Citations

**M2** OJ No. L265, 8.11.95, p. 17.

**M3** OJ No. L80, 25.3.99, p. 20.

**M4** OJ No. L333, 29.12.2000, p. 81.

**M5** OJ No. L234, 1.9.2001, p. 55.

### **E+W**

4. In each of regulations 7(1) and 25(1), for the expression “and the Feeding Stuffs (Amendment) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) Regulations 2002 and the Feeding Stuffs (Amendment) Regulations 2003”.

**E+W**

5. In regulation 14 (control of feeding stuffs and feed materials containing undesirable substances), for paragraph (9) there shall be substituted the following paragraph—

“(9) Where a person to whom the first paragraph of Article 16a of the Enforcement Directive applies has evidence that any feed material specified in column 2 of Chapter A of Part II of Schedule 7, which he has brought into England from a third country or put into circulation and which he holds or owns, contains any substance specified in column 1 of that Chapter in excess of the level specified in relation to it in column 3 of that Chapter, he shall—

- (a) notify the Agency and the authority which, by virtue of section 67(1), has the duty to enforce Part IV of the Act in relation to the feed material concerned; and
- (b) supply them with the information specified in the second paragraph of Article 16a of the Enforcement Directive.”.

**E+W**

6. In Schedule 3 (permitted additives and provisions relating to their use)—

- (a) for the footnote to Part VII of the Table (permitted preservatives) there shall be substituted the following footnote—

“(1) Note also that (as referred to in Part IX of this Table) one preservative is permitted by virtue of Commission Regulation (EC) No. 1594/1999<sup>M6</sup> and one by Commission Regulation (EC) No. 1252/2002<sup>M7</sup>.”; and

- (b) for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in the Schedule to these Regulations.

**Marginal Citations**

**M6** OJ No. 188, 21.7.1999, p. 35.

**M7** OJ No. L183, 12.7.2002, p. 10.

**Amendment of the Feeding Stuffs (Enforcement) Regulations 1999** **E+W**

7. <sup>[F1]</sup><sup>[F2]</sup>The Feeding Stuffs (Enforcement) Regulations 1999 <sup>M8</sup> shall be amended in accordance with regulations 8 to 14.]]

**Textual Amendments**

**F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**

**F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

**Marginal Citations**

**M8** [S.I. 1999/2325](#), amended in relation to England by [S.I. 2000/656](#), [S.I. 2000/2481](#), [S.I. 2001/541](#), [S.I. 2001/3389](#) and [S.I. 2002/892](#), in relation to Wales by [S.I. 2000/656](#), [S.I. 2001/2253 \(W163\)](#), [S.I. 2001/3461 \(W280\)](#) and [S.I. 2002/1797 \(W172\)](#) in relation to Scotland by [S.S.I. 2000/62](#), [S.S.I.](#)

2000/453, S.S.I. 2001/104, S.S.I. 2001/334 and S.S.I. 2002/285 and in relation to Northern Ireland by S.R. 2001/209, S.R. 2001/428 and S.R. 2002/623.

#### E+W

8. <sup>F1</sup><sup>F2</sup>In paragraph (1) of regulation 2 (general interpretation)—
- (a) for the definition of “Directive 95/53” there shall be substituted the following definition—
- ““Directive 95/53” means Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition as amended by Council Directive 1999/20/EC, Directive 2000/77/EC of the European Parliament and of the Council and Directive 2001/46/EC of the European Parliament and of the Council;”;
- and
- (b) immediately after the definition of “product” there shall be inserted the following definition—
- ““put into circulation” means sold or otherwise supplied, or had in possession with a view to selling or otherwise supplying;”.]

#### Textual Amendments

- F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**
- F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

#### E+W

9. <sup>F1</sup><sup>F2</sup>In paragraph (1) of regulation 3 (enforcement), for the expression “and (8) and requirements made under regulations 4(5)(a) and 6(1)(b)(i)” there shall be substituted the expression “(5)(a) and (8), 6(1)(b)(i), 6A and 6B ”.]

#### Textual Amendments

- F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**
- F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

#### E+W

10. <sup>F1</sup><sup>F2</sup>For paragraph (7) of regulation 4 (control of products brought into the United Kingdom from third countries) there shall be substituted the following paragraph—

- “(7) For the purposes of paragraph (6)—
- (a) it shall be for the competent authority to determine in which of the ways specified in the indents of Article 8.2 of Directive 95/53 the importer is to deal with the product concerned; and
- (b) in making that determination the competent authority shall comply with the second sub-paragraph of that Article.”.]

### Textual Amendments

- F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**
- F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

### E+W

#### 11. <sup>F1</sup><sup>F2</sup>In regulation 6—

- (a) for paragraph (2) there shall be substituted the following paragraph—

“(2) In complying with its duty under paragraph (1)(b)(i) the competent authority shall, where it considers that there is a serious risk of the kind referred to in regulation 6B(1), satisfy itself that the way selected cannot harm human or animal health or the environment.”; and

- (b) in paragraph (6), for the expression “, or make use of the right specified in the first paragraph, of Article 14 of Directive 95/53, as regards notification of the matters required to be notified, or, as the case may be, which may be notified under that Article” there shall be substituted the expression “ of Article 14 of Directive 95/53 as regards the matters required to be notified under that Article ”.]]

### Textual Amendments

- F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**
- F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

### E+W

#### 12. <sup>F1</sup><sup>F2</sup>Immediately after regulation 6 there shall be inserted the following provisions—

#### **“Control of products brought into the United Kingdom from third countries or traded within the European Community**

**6A.**—(1) Where a person to whom the first paragraph of Article 16a of Directive 95/53 applies has evidence that any product to which the second indent of that paragraph applies, which he has brought into the United Kingdom from a third country or put into circulation and which he holds or owns, does not comply with any provision specified in a Directive listed in Article 2.1(a) of that Directive, he shall—

- (a) notify the Food Standards Agency and the competent authority; and
- (b) supply them with the information specified in the second paragraph of Article 16a of that Directive.

(2) Any person who fails to comply with paragraph (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(1) Where the competent authority has information indicating that a product presents a serious risk to human or animal health or to the environment, it shall give to the person in charge of the product notice in writing that, until the notice is withdrawn, the product or any specified part of it—

(a) is not to be used in animal nutrition; and  
(b) either is not to be removed or is to be removed to a place specified by the authority, and any person who knowingly contravenes the requirements of such a notice shall be guilty of an offence and liable—

- (c) on summary conviction to a fine not exceeding the statutory maximum, and  
(d) on conviction on indictment to a fine.

(2) Where the competent authority gives notice in writing in accordance with paragraph (1), it shall as soon as reasonably practicable determine whether or not it considers that the product concerned fails to comply with a Community provision covered by Article 2.1(a) of Directive 95/53 and that there is a serious risk of the kind referred to in that paragraph, and—

- (a) if it does not so consider it shall forthwith withdraw the notice; and  
(b) if it does so consider it shall—  
(i) investigate the matter referred to in the second indent of Article 16b.1 of Directive 95/53, and  
(ii) to the extent necessary for the purpose of facilitating compliance with any requirement made pursuant to regulation 4(5) or 6(1), withdraw the notice.

(3) Upon the product concerned being dealt with in accordance with any requirement made by the competent authority pursuant to regulation 4(5) or 6(1), or where the competent authority determines that no such requirement is to be made, it shall, to the extent that it has not already done so, withdraw the notice given in accordance with paragraph (1).”.]

#### Textual Amendments

- F1** Regs. 7-12 revoked (W.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\), reg. 1, Sch. 2](#)  
**F2** Regs. 7-12 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\), regs. 1\(1\), 37, sch. 3](#)

#### E+W

**13.**—(1) In each of the provisions specified in paragraph (2), for the expression “and the Feeding Stuffs (Amendment) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) Regulations 2002 and the Feeding Stuffs (Amendment) Regulations 2003”.

(2) The provisions are regulations 7(2) and (4), the text of subsection (8) of section 67 of the Agriculture Act 1970 <sup>M9</sup> shown as modified by regulation 9 and the text of subsection (17) of section 76 of that Act shown as modified by regulation 10.

#### Marginal Citations

- M9** 1970 c. 40.

#### E+W

**14.** [<sup>F3</sup>For paragraph (b) of regulation 12 (modification of section 83 of the Agriculture Act 1970) there shall be substituted the following provision—

- “(b) for subsection (5) there were substituted the following subsection—

“(5) Subsection (4) of this section shall not prevent an inspector who has taken a sample of any material in the prescribed manner from disclosing—

- (a) to the manufacturer, or to the last seller or last supplier of the material, information as to the place where, and the person from whom, the sample was taken;
- (b) to that manufacturer, last seller or supplier, or to any person who had the material on his premises for the purpose of sale or supply, information as to the results of any analysis of that sample; or
- (c) any information the disclosure of which is necessary in order to prevent a serious risk to human health, animal health or the environment arising.”.]

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**Textual Amendments**

- F3** Reg. 14 revoked in part (S.) (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/608\)](#), regs. 1(1), 37, **sch. 3**

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

**+W**

**15.** In paragraph (2) of regulation 2 (definition of “feedingstuff” and related definitions and general interpretation) of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999<sup>M10</sup>, at the end of the definition of “Directive 95/53” there shall be added the words “, Directive [2000/77/EC](#) of the European Parliament and of the Council and Directive [2001/46/EC](#) of the European Parliament and of the Council ”.

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**Marginal Citations**

- M10** [S.I. 1999/1872](#), amended by [S.I. 2001/541](#) and [S.I. 2002/892](#).

Signed by authority of the Secretary of State for Health

*Hazel Blears*  
Parliamentary Under-Secretary of State,  
Department of Health

**Changes to legislation:**

There are currently no known outstanding effects for the The Feeding Stuffs (Amendment) Regulations 2003.