
STATUTORY INSTRUMENTS

2004 No. 1301

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004

Title, application and commencement

1. These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004, shall apply in relation to England only and shall come into force on 1st June 2004.

Amendments to the Feeding Stuffs Regulations 2000

2.—(1) The Feeding Stuffs Regulations 2000⁽¹⁾ shall be amended, in so far as they apply in relation to England, in accordance with paragraphs (2) to (5).

(2) In Part V (trace elements) of Schedule 3 (permitted additives and provisions relating to their use), the entries relating to Iron-Fe, Cobalt-Co, Copper-Cu, Manganese-Mn and Zinc-Zn shall be omitted.

(3) In Part IX (European Community Regulations by which additives are controlled) of Schedule 3—

(a) the following text shall be inserted immediately after the reference to Commission Regulation (EC) No. 877/2003—

“Commission Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements⁽¹⁹⁾.

Commission Regulation (EC) No. 1801/2003 provisionally authorising the new use of a certain micro-organism in feedingstuffs⁽²⁰⁾.

Commission Regulation (EC) No. 1847/2003 concerning the provisional authorisation of a new use of an additive and the permanent authorisation of an additive already authorised in feedingstuffs⁽²¹⁾.

Commission Regulation (EC) No. 2112/2003 correcting Regulation (EC) No. 1334/2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group trace elements⁽²²⁾.

Commission Regulation (EC) No. 2154/2003 provisionally authorising certain micro-organisms in feeding stuffs⁽²³⁾.

Commission Regulation (EC) No. 277/2004 concerning the authorisation without time limit of an additive in feeding stuffs (3-phytase for turkeys for fattening)⁽²⁴⁾.

(1) S.I.2002/2481, amended by S.I. 2001/541, S.I. 2001/3389, S.I. 2002/892, S.I. 2003/1026, S.I. 2003/1503 and S.I. 2003/2912.

Commission Regulation (EC) No. 278/2004 provisionally authorising a new use of an additive already authorised in feeding stuffs (preparation of endo-1, 4-beta-xylanase and subtilisin for laying hens)⁽²⁵⁾.

Commission Regulation (EC) No. 490/2004 provisionally authorising the new use of an additive already authorised in feeding stuffs (*saccharomyces cerevisiae*)⁽²⁶⁾.”.

(b) the following text shall be inserted at the end—

“(19) OJ No. L187, 26.7.2003, p.11.

(20) OJ No. L264, 15.10.2003, p.16.

(21) OJ No. L269, 21.10.2003, p.3.

(22) OJ No. L317, 2.12.2003, p.22.

(23) OJ No. L324, 11.12.2003, p.11.

(24) OJ No. L047, 18.2.2004, p.20.

(25) OJ No. L047, 18.2.2004, p.22.

(26) OJ No. L079, 17.3.2004, p.23.”.

(4) For the entries relating to dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997)) PCDD/F which are set out in columns 1 to 3 respectively of Part I (feeding stuffs) of Schedule 7 (prescribed limits for undesirable substances) there shall be substituted the entries set out in columns 1 to 3 respectively of Schedule 1 to these Regulations.

(5) For the entries relating to analogues of methionine which are set out in columns 1 to 7 respectively of Schedule 8 (control of certain protein sources) there shall be substituted the entries set out in columns 1 to 7 respectively of Schedule 2 to these Regulations.

Consequential amendments to the Feeding Stuff Regulations 2000

3.—(1) The Feeding Stuff Regulations 2000 shall be amended, insofar as they apply in relation to England, in accordance with paragraphs (2) and (3).

(2) For paragraph (1) of regulation 7 (limits of variation) there shall be substituted the following paragraph—

“(1) Section 74(2) shall have effect as if after the words “this Part of this Act” there were inserted the words “or the Feeding Stuff Regulations 2000 as amended by Regulations up to and including the Feeding Stuff, the Feeding Stuff (Sampling and Analysis) and the Feeding Stuff (Enforcement) (Amendment) (England) Regulations 2004.”.

(3) For paragraph (1) of regulation 25 (modification of section 74A(3) of the Agriculture Act 1970) there shall be substituted the following paragraph—

“(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2) below section 74A(3) shall have effect as if for the words “regulations under subsection (1) above, or fails to comply with any other provision of the regulations,” there were substituted the words “any provision specified in regulation 25(2) of the Feeding Stuff Regulations 2000 as amended by Regulations up to and including the Feeding Stuff, the Feeding Stuff (Sampling and Analysis) and the Feeding Stuff (Enforcement) (Amendment) (England) Regulations 2004.”.

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

4. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(2) shall be amended in so far as they apply in relation to England in accordance with regulations 5 and 6.

5. In paragraph 3(e)(ii) of Part I of Schedule 2 (methods of analysis) after the words “Feeding Stuffs Regulations 2000” for the remainder of the paragraph there shall be substituted the words “as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004”.

6. For paragraph (11)(a) of Part II (notes for completion of certificate) of Schedule 3 (form of certificate of analysis) there shall be substituted the following paragraph—

- “(a) whether or not the material was named in accordance with the requirements of the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004 and, if it was not named in accordance with those requirements, in what respect it was not;”.

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

7. The Feeding Stuffs (Enforcement) Regulations 1999(3) shall be amended in so far as they apply in relation to England in accordance with regulations 8 to 11.

8. In regulation 7 (modification of the Agriculture Act 1970 for certain purposes)—

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

“(2) The purpose referred to in paragraph (1) is the enforcement and administration of—

(a) the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004 as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.”; and

(b) for paragraph (4) there shall be substituted the following paragraph—

“(4) The purpose referred to in paragraph (3) is the enforcement and administration of—

(a) the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.”.

9. In each of regulations 11, 11A and 11B for the expression “the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003” there shall be substituted the expression “, Regulations up to and including the Feeding Stuffs, the Feeding

(2) S.I. 1999/1663, amended by S.I. 1999/1871, S.I. 2001/541, S.I. 2002/892, S.I. 2003/1296, S.I. 2003/1503 and S.I. 2003/2912.
(3) S.I. 1999/2325, amended by S.I. 2000/656, S.I. 2000/2481, S.I. 2001/541, S.I. 2001/3389, S.I. 2002/892, S.I. 2003/1026, S.I. 2003/1296 and S.I. 2003/1503.

Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004”.

10. In the modified version of subsection (8) of section 67 of the Agriculture Act 1970 which is set out in regulation 9 for the expression “the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003” there shall be substituted the expression “, Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004”.

11. In regulation 10 (modification of section 76 of the Agriculture Act 1970) for the modified version of subsection (17) of section 76 of the Agriculture Act 1970 which is set out in that regulation there shall be substituted the following subsection—

“(17) In this section—

“compound feeding stuff” has the meaning given in regulation 2(1) of the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004;

“controlled product” means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004, as read with this Part of this Act, or in section 73 or 73A of this Act;

“feeding stuff which is intended for a particular nutritional purpose” shall be construed in accordance with the definitions of “feeding stuff intended for a particular nutritional purpose” and “particular nutritional purpose” in regulation 2(1) of the Feeding Stuffs Regulations 2000 as amended by Regulations up to and including the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2004;

“premises” include any land, vehicle, vessel, aircraft or hovercraft; and

“put into circulation” means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying.”.

Signed by authority of the Secretary of State for Health

6th May 2004

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health