

**2005 No. 557**

**AGRICULTURE, ENGLAND**

**The Feeding Stuffs (Establishments and Intermediaries)  
(Amendment) (England) Regulations 2005**

<i>Made</i>	- - - -	<i>7th March 2005</i>
<i>Laid before Parliament</i>		<i>14th March 2005</i>
<i>Coming into force</i>		<i>4th April 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on him by that section, after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c), makes the following Regulations:

**Title, commencement and application**

1. These Regulations may be cited as the Feeding Stuffs (Establishments and Intermediaries) (Amendment) (England) Regulations 2005, shall come into force on 4th April 2005 and shall apply in relation to England only.

**Amendments to the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999**

2. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(d) shall be amended in so far as they apply in relation to England in accordance with regulations 3 to 5.

3. Immediately after regulation 9 (procedure relating to the withdrawal of approvals) there shall be inserted the following regulation —

**“Fees**

**9A.—**(1) Subject to paragraphs (2), (3), (5), (6) and (7), an eligible person who applies to the competent body under regulation 5 or 7 to approve an establishment which is located in England as an establishment on which an establishment activity may be exercised shall —

(a) pay the relevant fee to the competent body; and

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(a) S.I. 1972/1811, amended by S.I. 2002/794.

(b) 1972 c. 68.

(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4). Under Article 3 of Regulation 178/2002, “food law” extends to feed produced for, or fed to, food producing animals.

(d) S.I. 1999/1872, to which there are amendments not relevant to these Regulations.

(b) reimburse the competent body the cost of any laboratory analysis incurred by it in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulation 5 or 7, the competent body need not —

(a) take any step specified in regulation 6 until the relevant fee has been paid to it; or

(b) take any step specified in regulation 6(2) until, in accordance with paragraph (1)(b), it has been reimbursed the cost of any laboratory analysis incurred by it in connection with the application.

(5) Where an eligible person makes an application under regulation 5 seeking approval of an establishment as one on which more than one establishment activity may be exercised, he shall be liable to pay a single relevant fee, which fee shall be the highest one otherwise payable.

(6) Where an eligible person makes an application under regulation 7 seeking approval of an establishment as one on which more than one new establishment activity may be exercised, he shall be liable to pay a single relevant fee, which fee shall be the highest one otherwise payable.

(7) Any fee payable pursuant to paragraph (5) or (6) shall be treated, for the purposes of paragraphs (2) and (4)(a), as included among any fee payable under paragraph (1)(a).

(8) In this regulation “relevant fee” means the fee specified in Column 2 of Part I of Schedule 1A which is opposite to the reference in Column 1 of that Part to the application of the kind being made by the applicant.”.

4. Immediately after regulation 16 (procedure relating to the withdrawal of approvals) there shall be inserted the following regulation —

**“Fees**

**16A.**—(1) Subject to paragraphs (2), (3), (5), (6) and (7), where the area of the competent body is in England, an eligible person who applies to it under regulation 12 or 14 to be approved as an intermediary who may exercise an intermediary activity shall —

(a) pay the relevant fee to the competent body; and

(b) reimburse the competent body the cost of any laboratory analysis incurred by it in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulation 12 or 14, the competent body need not —

(a) take any step specified in regulation 13(1) or (3) until the relevant fee has been paid to it; or

(b) take any step specified in regulation 13(3) until, in accordance with paragraph (1)(b), it has been reimbursed the cost of any laboratory analysis incurred by it in connection with the application.

(5) Where an eligible person makes an application under regulation 12 seeking approval as a person who may exercise more than one intermediary activity, he shall be liable to pay a single relevant fee.

(6) Where an eligible person makes an application under regulation 14 seeking approval as a person who may exercise more than one new intermediary activity, he shall be liable to pay a single relevant fee.

(7) Any fee payable pursuant to paragraph (5) or (6) shall be treated, for the purposes of paragraphs (2) and (4)(a), as included among any fee payable under paragraph (1)(a).

(8) In this regulation “relevant fee” means the fee specified in Column 2 of Part II of Schedule 1A which is opposite to the reference in Column 1 of that Part to the application of the kind being made by the applicant.”.

5. Immediately after Schedule 1 (expressions having the same meaning as in Directive 70/524 and expressions having the same meaning as in Directive 95/69) there shall be inserted the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health

*Melanie Johnson*  
Parliamentary Under Secretary of State,  
Department of Health

7th March 2005

## SCHEDULE

Regulation 5

### SCHEDULE INSERTED IMMEDIATELY AFTER SCHEDULE 1 TO THE FEEDING STUFFS (ESTABLISHMENTS AND INTERMEDIARIES) REGULATIONS 1999

#### “SCHEDULE 1A

Regulations 9A and 16A

#### FEES PAYABLE UNDER REGULATION 9A OR 16A

#### PART I

##### Fees payable under regulation 9A

1	2
<i>Application</i>	<i>Fee (£)</i>
Under regulation 5(1)(a) or on an application under regulation 7 to amend an approval granted following an application under regulation 5(1)(a)	451
Under regulation 5(1)(b) or on an application under regulation 7 to amend an approval granted following an application under regulation 5(1)(b)	451
Under regulation 5(1)(c) or on an application under regulation 7 to amend an approval granted following an application under regulation 5(1)(c)	451
Under regulation 5(1)(d) or on an application under regulation 7 to amend an approval granted following an application under regulation 5(1)(d)	451
Under regulation 5(1)(e) or on an application under regulation 7 to amend an approval granted following an application under regulation 5(1)(e)	226

#### PART II

##### Fees payable under regulation 16A

1	2
<i>Application</i>	<i>Fee (£)</i>
Under regulation 12(1)(a) or on an application under regulation 14 to amend an approval granted following an application under regulation 12(1)(a)	226
Under regulation 12(1)(b) or on an application under regulation 14 to amend an approval granted following an application under regulation 12(1)(b)	226
Under regulation 12(1)(c) or on an application under regulation 14 to amend an approval granted following an application under regulation 12(1)(c)”	226

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which apply in relation to England only, amend in relation to England the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 (S.I. 1999/1872, as already amended), which extend to the whole of the United Kingdom. These Regulations implement Council Decision 98/728/EC concerning a Community system of fees in the animal feed sector (OJ No. L346, 22.12.98, p.51).

2. These Regulations amend S.I. 1999/1872 by —

- (a) inserting a new regulation, 9A, into that instrument, providing for the payment of fees and the reimbursement of the costs of laboratory analyses to the prescribed approval body (“the competent body”) by a person applying to that body for approval of an establishment under regulation 5 or 7 of that instrument, and making supplementary provisions relating thereto (*regulation 3*);
- (b) inserting a new regulation, 16A, into that instrument, providing for the payment of fees and the reimbursement of the costs of laboratory analyses to the competent body by a person applying to it for approval as an “intermediary” under regulation 12 or 14 of that instrument, and making supplementary provisions relating thereto (*regulation 4*); and
- (c) inserting a new Schedule, 1A, into that instrument, specifying the fees payable by virtue of new regulations 9A and 16A (*regulation 5*).

3. No regulatory impact assessment has been prepared in respect of these Regulations.





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STATUTORY INSTRUMENTS

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**£3.00**

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0405 4/2005 150405T 19585

ISBN 0-11-072440-2



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