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STATUTORY INSTRUMENTS

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**2006 No. 3120**

**The Feed (Specified Undesirable  
Substances) (England) Regulations 2006**

**Title and Commencement**

1. These Regulations may be cited as the Feed (Specified Undesirable Substances) (England) Regulations 2006 and come into force on 26th December 2006.

**Amendments to the Feeding Stuffs (England) Regulations 2005**

2.—(1) The Feeding Stuffs (England) Regulations 2005(1) are amended in accordance with paragraphs (2) to (4).

(2) In Part B of Schedule 4 (limits of variation), after the entries relating to methionine insert the entries for moisture as set out in Schedule 1 to these Regulations.

(3) In relation to the table in Chapter A of Schedule 5 (prescribed limits for undesirable substances) —

- (a) for the entries in that table relating to cadmium, dioxin, fluorine and lead respectively substitute the entries for those substances as set out in the table in Part 1 of Schedule 2 to these Regulations;
- (b) after the entries for dioxin insert the entries for sum of dioxins and dioxin-like PCBs as set out in the table in Part 1 of Schedule 2 to these Regulations, and
- (c) as footnotes to that table add the footnotes to the table in Part 1 of Schedule 2 to these Regulations.

(4) In relation to the table in Chapter D of Schedule 5 —

- (a) for the entries in that table relating to camphechlor (toxaphene) substitute the entries as set out in the table in Part 2 of Schedule 2 to these Regulations, and
- (b) as a footnote to that table add the footnote to the table in Part 2 of Schedule 2 to these Regulations.

**Amendments to the Feed (Hygiene and Enforcement) (England) Regulations 2005**

3.—(1) The Feed (Hygiene and Enforcement) (England) Regulations 2005(2) are amended in accordance with paragraphs (2) and (3).

(2) After regulation 24, insert the following regulation —

“**24A.**—(1) For the purpose of carrying out investigations, in accordance with Article 4.2 of Directive 2002/32, to determine the source of those undesirable substances listed in Annex II to that Directive where action thresholds specified in that Annex have been reached, an authorised officer may, at all reasonable times and on producing if requested some duly authenticated document showing his authority, enter any premises (not being

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(1) [S.I. 2005/3281](#), as amended by [S.I. 2006/113](#) and [S.I. 2006/2808](#).

(2) [S.I. 2005/3280](#)

premises used only as a dwelling) on which he has reasonable cause to believe that feed has been or is being manufactured or produced, has been placed on the market or is being kept for the purpose of being placed on the market, incorporated into another product or used.

- (2) An authorised officer entering any premises by virtue of this regulation may —
- (a) take with him such other persons and such equipment as may appear to him to be necessary;
  - (b) inspect anything that he has the right to inspect under regulation 24(5), and
  - (c) take on those premises a sample of any material appearing to him to be a feed manufactured, produced, placed on the market or intended to be placed on the market or to be material used or intended for use as feed.

(3) Where for the purposes of taking a sample pursuant to paragraph (2)(c) an authorised officer takes material from one or more containers each of which weighs no more than six kilograms, and which are exposed for sale by retail, the owner of the container or containers may require the authorised officer to purchase the container or containers on behalf of the authority for which he acts.

(4) An authorised officer entering any premises by virtue of this regulation has the same rights to production, inspection and copying of records, including records kept on or produced by a computer, as are specified in paragraphs (9)(a) and (b) and (10)(c) of regulation 24.

(5) Paragraph (14) of regulation 24 applies to the power of entry under this regulation as it does to such powers under that regulation.

(6) Directive 2002/32 means Directive [2002/32/EC](#) of the European Parliament and of the Council<sup>(3)</sup> on undesirable substances in animal feed, as amended by Commission Directive [2003/57/EC](#)<sup>(4)</sup>, Commission Directive 2003/100<sup>(5)</sup>, Commission Directive [2005/8/EC](#)<sup>(6)</sup>, Commission Directive [2005/86/EC](#)<sup>(7)</sup>, Commission Directive [2005/87/EC](#)<sup>(8)</sup> and Commission Directive [2006/13/EC](#)<sup>(9)</sup>.”

(3) In paragraph (4) of regulation 27, after the expression “regulation 24” insert “or regulation 24A”.

Signed by authority of the Secretary of State for Health

22nd November 2006

*Caroline Flint*  
Minister of State  
Department of Health

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(3) OJ No. L140, 30.5.2002, p.10.

(4) OJ No. L151, 19.6.2003, p.38.

(5) OJ No. L285, 1.11.2003, p.33.

(6) OJ No. L27, 29.1.2005, p.44.

(7) OJ No. L318, 6.12.2005, p.16.

(8) OJ No. L318, 6.12.2005, p.19.

(9) OJ No. L32, 4.2.2006, p44. This amending Directive introduced action thresholds and the requirement to investigate.