
EXPLANATORY NOTE

(This Note does not form part of the Regulations)

These Regulations apply and enforce Regulation (EC) No. 882/2004 (OJNo. L165, 30.4.2004, p.1; corrected in the corrigendum published in OJ No. L191, 28.5.2004, p. 1) (“Regulation 882/2004”) in England in relation to animal health and welfare rules, and feed and food law excluded from the Official Feed and Food Controls Regulations (England) 2006 (“the 2006 Regulations”), which also apply and enforce Regulation 882/2004.

These Regulations provide for the designation of the Secretary of State and local authorities (including food authorities) as competent authorities for the purposes of Article 4.1 of Regulation 882/2004 (regulations 3 to 5). The designations relate to:

- (a)
- (b)
- (c)
- (d)

They also relate to transmissible spongiform Encephalopathies (“TSEs”) in relation to testing (including sampling) controls on bovine, ovine and caprine animals slaughtered for human consumption.

The designations do not include medicated feedingstuffs and zootechnical additives, which are covered in paragraph 4 of Schedule 5 to the Veterinary Medicines Regulations 2006 (SI 2006/2407).

These Regulations provide for the exchange of information between competent authorities in England and elsewhere in the United Kingdom, and in the European Union (regulation 6).

They create independent powers for a competent authority’s auditors to conduct audits required under Article 4.6 of Regulation 882/2004 (regulation 7). Provision is made for the Secretary of State to call for information from a local authority about its audits; and for him to require an auditor to carry out an audit of that local authority’s official controls as a competent authority (regulation 8).

Regulation 9 provides that where the Secretary of State arranges that the Food Standards Agency is to carry out an audit for purposes of Regulation 882/2004 of relevant legislation under these Regulations, monitoring provisions of the 2006 Regulations apply together with the corresponding enforcement provisions from the 2006 Regulations.

The Regulations also supplement existing powers of inspectors so that they may bring Commission experts with them for purposes of the Commission’s own audits (regulation 10). There are provisions to facilitate assistance and co-operation between Member States required under Title IV (Articles 34 to 40) of Regulation 882/2004 (regulations 11 and 12), in particular to enable officials of the Commission and other Member States to attend with an inspector who investigates suspected breaches under the relevant legislation. Regulation 13 provides for the payment on written demand of expenses charged under Article 40.4 and Article 28 of Regulation 882/2004.

Part 5 provides for the enforcement of the Regulations. It is an offence under regulation 17 to obstruct an auditor, an enforcement officer, or an inspector who brings with him representatives from the Commission or other Member States, or any persons accompanying an inspector or auditor pursuant to the Regulations. It is also an offence under regulation 17 to provide misleading or false information to, or to fail to provide information requested by, an inspector or auditor or an enforcement officer. The penalty on summary conviction for the offences is a fine at level 5 of the standard scale (currently £5,000) or three months’ imprisonment, or both (regulation 17(4)).

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Animals, Feed and Food) (England) Regulations 2006 (revoked)*. (See end of Document for details)

Regulation 20 amends the 2006 Regulations to remove from the definition of “relevant food law” in so far as it applies in relation to food, Schedule 2 to the Transmissible Spongiform Encephalopathies (England) (No. 2) Regulations 2006 (“the TSE Regulations”) and certain provisions in the EU Regulation on TSEs (Regulation No. EC 999/2001 (OJ No. L147, 31.5.2001, p. 1)) relating to the monitoring of TSEs in slaughtered goats and sheep.

A full Regulatory Impact Assessment of the effect that this instrument will have on the costs of business has been placed in the library of both Houses of Parliament and copies can be obtained from the OFFC Implementation Team, Department for Environment, Food and Rural Affairs, Area 204, 1A Page Street, London, SW1P 4 PQ.

Textual Amendments

- F1** Regulations revoked (14.12.2019) by [The Official Controls \(Animals, Feed and Food, Plant Health Fees etc.\) Regulations 2019 \(S.I. 2019/1488\)](#), **regs. 1(1), 40**

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Animals, Feed and Food) (England) Regulations 2006 (revoked).