

2009 No. 2825

AGRICULTURE, ENGLAND

**The Feed (Specified Undesirable Substances) (England)
Regulations 2009**

<i>Made</i>	- - - -	<i>21st October 2009</i>
<i>Laid before Parliament</i>		<i>26th October 2009</i>
<i>Coming into force</i>	- -	<i>23rd November 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 66(1), 74A and 84 of the Agriculture Act 1970(a), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(b) and with Articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002(c).

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or as appropriate of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(d) 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.

Title and Commencement

1. These Regulations may be cited as the Feed (Specified Undesirable Substances) (England) Regulations 2009 and come into force on 23rd November 2009.

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- (a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”. The definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland previously exercisable in relation to England ceased to be so exercisable and were transferred to the Minister of Agriculture, Fisheries and Food. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6. Sections 66(1) and 84 were amended by S.I. 2004/3254.
- (b) S.I. 2000/656.
- (c) S.I. 2002/794.
- (d) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14).

Amendment of the Feeding Stuffs (England) Regulations 2005

2. After Chapter D of Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs (England) Regulations 2005(a), as Chapter E add the entries set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health

21st October 2009

Gillian Merron
Minister of State
Department of Health

(a) S.I. 2005/3281, as amended by S.I. 2006/113, S.I. 2006/2808, S.I. 2006/3120, S.I. 2007/3008, S.I. 2008/1523 and S.I. 2009/28.

SCHEDULE

Regulation 2

Entries to comprise Chapter E of Schedule 5 to the Feeding Stuffs (England) Regulations 2005

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
CHAPTER E		
Lasalocid sodium	Feed materials	1.25
	Compound feeding stuffs for: — dogs, calves, rabbits, equine species, dairy animals, laying birds, turkeys (> 12 weeks old) and chickens reared for laying (> 16 weeks old)	1.25
	— chickens for fattening, chickens reared for laying (< 16 weeks old) and turkeys (< 12 weeks old) for the period before slaughter in which the use of lasalocid sodium is prohibited	1.25
	— other animal species Premixtures for use in feed in which the use of lasalocid sodium is not authorised	3.75 (1)
Narasin	Feed materials	0.7
	Compound feeding stuffs for: — turkeys, rabbits, equine species, laying birds and chickens reared for laying (> 16 weeks old)	0.7
	— chickens for fattening for the period before slaughter in which the use of narasin is prohibited	0.7
	— other animal species Premixtures for use in feed in which the use of narasin is not authorised	2.1 (1)
Salinomycin sodium	Feed materials	0.7
	Compound feeding stuffs for: — equine species, turkeys, laying birds and chickens reared for laying (> 12 weeks old)	0.7
	— chickens for fattening, chickens reared for laying (< 12 weeks old) and rabbits for fattening for the period before slaughter in which the use of salinomycin sodium is prohibited	0.7
	— other animal species Premixtures for use in feed in which the use of salinomycin sodium is not authorised	2.1 (1)
Monensin sodium	Feed materials	1.25
	Compound feeding stuffs for: — equine species, dogs, small ruminants (sheep and goats), ducks, dairy cattle and other bovines, laying birds, chickens reared for laying (> 16 weeks old) and turkeys (>16 weeks old)	1.25
	— chickens for fattening, chickens reared for laying (<	1.25

	<p>16 weeks old) and turkeys (< 16 weeks old) for the period before slaughter in which the use of monensin sodium is prohibited</p> <p>— other animal species</p> <p>Premixtures for use in feed in which the use of monensin sodium is not authorised</p>	<p>3.75 (1)</p>
Semduramicin sodium	Feed materials	0.25
	Compound feeding stuffs for:	
	— laying birds and chickens reared for laying (> 16 weeks old)	0.25
	— chickens for fattening for the period before slaughter in which the use of semduramicin sodium is prohibited	0.25
	— other animal species	0.75 (1)
	Premixtures for use in feed in which the use of semduramicin sodium is not authorised	
Maduramicin ammonium alpha	Feed materials	0.05
	Compound feeding stuffs for:	
	— equine species, rabbits, turkeys (> 16 weeks old), laying birds and chickens reared for laying (> 16 weeks old)	0.05
	— chickens for fattening and turkeys (< 16 weeks old) for the period before slaughter in which the use of maduramicin ammonium alpha is prohibited	0.05
	— other animal species	0.15 (1)
	Premixtures for use in feed in which the use of maduramicin ammonium alpha is not authorised	
Robenidine hydrochloride	Feed materials	0.7
	Compound feeding stuffs for:	
	— laying birds and chickens reared for laying (> 16 weeks old)	0.7
	— chickens for fattening, rabbits for fattening and breeding and turkeys for the period before slaughter in which the use of robenidine hydrochloride is prohibited	0.7
	— other animal species	2.1 (1)
	Premixtures for use in feed in which the use of robenidine hydrochloride is not authorised	
Decoquinat	Feed materials	0.4
	Compound feeding stuffs for:	
	— laying birds and chickens reared for laying (> 16 weeks old)	0.4
	— chickens for fattening for the period before slaughter in which the use of decoquinat is prohibited	0.4
	— other animal species	1.2 (1)
	Premixtures for use in feed in which the use of decoquinat is not authorised	
Halofuginone	Feed materials	0.03

hydrobromide	Compound feeding stuffs for: — laying birds and chickens reared for laying (> 16 weeks old) and turkeys (> 12 weeks old)	0.03
	— chickens for fattening and turkeys (< 12 weeks old) for the period before slaughter in which the use of halofuginone hydrobromide is prohibited	0.03
	— other animal species other than chickens reared for laying (< 16 weeks old)	0.09
	Premixtures for use in feed in which the use of halofuginone hydrobromide is not authorised	(1)
Nicarbazin	Feed materials	0.5
	Compound feeding stuffs for: — equine species, laying birds and chickens reared for laying (> 16 weeks old)	0.5
	— chickens for fattening for the period before slaughter in which the use of nicarbazin (in combination with narasin) is prohibited	0.5
	— other animal species	1.5
Premixtures for use in feed in which the use of nicarbazin (in combination with narasin) is not authorised	(1)	
Diclazuril	Feed materials	0.01
	Compound feeding stuffs for: — laying birds, chickens reared for laying (> 16 weeks old) and turkeys for fattening (> 12 weeks old)	0.01
	— rabbits for fattening and breeding for the period before slaughter in which the use of diclazuril is prohibited	0.01
	— other animal species other than chickens reared for laying (< 16 weeks old), chickens for fattening and turkeys for fattening (< 12 weeks old)	0.03
	Premixtures for use in feed in which the use of diclazuril is not authorised	(1)

(1) The maximum level of the substance in the premixture is the concentration which shall not result in a level of the substance higher than 50% of the maximum levels established in the feed when the instructions for use of the premixture are followed.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make further amendments to the Feeding Stuffs (England) Regulations 2005 (S.I. 2005/3281 as already amended by S.I. 2006/113, S.I. 2006/2808, S.I. 2006/3120, 2007/3008, S.I. 2008/1523 and S.I. 2009/28) (“the Feeding Stuffs Regulations”).

2. These Regulations provide for the implementation of Commission Directive 2009/8/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels of unavoidable carry-over of coccidiostats or histomonostats in non-target feed (OJ No. L40, 11.2.2009, p.19).

3. The Regulations amend Schedule 5 to the Feeding Stuffs Regulations by the addition of a Chapter E setting specified limits in relation to the carry-over into non-target feeding stuffs of certain zootechnical feed additives, (*regulation 2 and the Schedule*).

4. A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Animal Feed Branch of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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STATUTORY INSTRUMENTS

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The Feed (Specified Undesirable Substances) (England)
Regulations 2009

£5.50