

STATUTORY INSTRUMENTS

2015 No. 454

The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

PART 2 **E+W**

Requirements for Feed Hygiene, Registration and Approval

Scope and interpretation of Part 2 **E+W**

3.—(1) This Part does not apply to the activities mentioned in Article 2(2) of Regulation 183/2005.

(2) Any reference in this Part or in Schedule 2 to a numbered Article or Annex is a reference to the Article or Annex so numbered in Regulation 183/2005.

Commencement Information

11 Reg. 3 in force at 6.4.2015, see [reg. 1](#)

Competent authorities **E+W**

4.—(1) The competent authorities for the purposes of specified Articles are —

- (a) in respect of Articles 9(1) and (3), 18(3), [^{F1}19(3) and (7) and 21(1)], the Agency and the enforcement authority;
- (b) in respect of Articles 7, 9(2), 10, 13, 14, 15, 16, 17, 18(1),(2) and (4) and 19(2), the enforcement authority; and
- (c) in respect of Article 19(1), the Agency.

(2) The competent authorities for the purposes of the section headed “Dioxin Monitoring” in Annex II are —

- (a) in respect of paragraph [^{F2}2(f)], the enforcement authority; and
- (b) in respect of paragraph 7, the enforcement authority and the Agency.

Textual Amendments

- F1** Words in [reg. 4\(1\)\(a\)](#) substituted (31.12.2022) by [The Food and Feed \(Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1351\)](#), [regs. 1\(1\)](#), [5\(2\)\(a\)](#)
- F2** Word in [reg. 4\(2\)\(a\)](#) substituted (31.12.2022) by [The Food and Feed \(Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1351\)](#), [regs. 1\(1\)](#), [5\(2\)\(b\)](#)

Commencement Information

12 [Reg. 4](#) in force at 6.4.2015, see [reg. 1](#)

Enforcement of specified provisions of Regulation 183/2005 **E+W**

5. A person who contravenes or fails to comply with any of the provisions of Regulation 183/2005 specified in the first column of Table 1 or Table 2 of Schedule 2 commits an offence.

Commencement Information

I3 [Reg. 5](#) in force at 6.4.2015, see [reg. 1](#)

Form of notification with a view to registration **E+W**

6. A person who is required under Article 9 (officials controls, notification and registration) to notify the enforcement authority of the information mentioned in paragraph (2)(a) or (b) of that Article must ensure that any such notification —

- (a) is in writing and signed by that person or on their behalf;
- (b) contains the person's name and, if different, business name;
- (c) contains the person's address and, if different, the address of any establishment to which the notification relates;
- (d) identifies the feed business activities in such form as may be required by the enforcement authority may require; and
- (e) is properly directed to the enforcement authority for the area in which the establishment to which the notification relates is situated.

Commencement Information

I4 [Reg. 6](#) in force at 6.4.2015, see [reg. 1](#)

Form of application for approval **E+W**

7. Where approval of a feed business establishment is required pursuant to Article 10, an application to the enforcement authority for the area in which the establishment is located must be made which —

- (a) is in writing and signed by or on behalf of the applicant;
- (b) contains the name or business name and the address of the applicant and, if different, the address of the establishment;
- (c) identifies which of the feed business activities specified in Article 10(1) or as may be specified pursuant to Article 10(3) the applicant is exercising or intends to exercise and for which approval is sought;
- (d) in the case of a person to whom Article 17(2) (exemption from on-site visits) applies, includes a statement to the effect that the establishment is one to which Article 17(1) applies and a declaration of compliance as required by paragraph (2) of that Article; and
- (e) is properly directed to the enforcement authority for the area in which the establishment to which the declaration relates is situated.

Commencement Information

I5 [Reg. 7](#) in force at 6.4.2015, see [reg. 1](#)

Procedure for suspension of registration or approval **E+W**

8.—(1) Where an enforcement authority proposes to take action pursuant to Article 14 (temporary suspension of registration or approval) it must serve on the feed business operator a notice in accordance with paragraph (2).

- (2) The notice served by the enforcement authority must —
- (a) specify the operative date of the notice (“the operative date”);
 - (b) state that on the operative date the enforcement authority intends to suspend the registration or approval of the establishment pursuant to Article 14 and these Regulations;
 - (c) specify the feed business activity or activities to which the notice relates;
 - (d) identify the remedial action required;
 - (e) state that unless remedial action has been carried out to the satisfaction of the enforcement authority within one year of the operative date, the registration or approval will be revoked without further notice on the first anniversary of the operative date; and
 - (f) provide information on the time limit for appealing under regulation 12.

Commencement Information

I6 [Reg. 8](#) in force at 6.4.2015, see [reg. 1](#)

Procedure for lifting of suspension **E+W**

9. Where the enforcement authority that has served notice on a feed business operator under regulation 8 is satisfied that —

- (a) the remedial action required under paragraph (2)(e) of that regulation has been carried out; and
- (b) the period for action specified in that sub-paragraph has not expired,

it must immediately lift the suspension and notify the feed business operator to that effect.

Commencement Information

I7 [Reg. 9](#) in force at 6.4.2015, see [reg. 1](#)

Procedure for revocation of registration or approval **E+W**

10.—(1) Where an enforcement authority proposes to take action in the circumstances set out in Article 15 (revocation of registration or approval) it must serve on the feed business operator a notice in accordance with paragraph (2).

- (2) A notice served under paragraph (1) must —
- (a) specify the operative date of the notice;
 - (b) state that the registration or approval as the case may be has been revoked;
 - (c) specify the feed business activity or activities to which the revocation relates;
 - (d) identify which of the conditions of revocation set out in Article 15 is applicable;
 - (e) provide information on the time limits for appealing under regulation 12.

(3) Where an enforcement authority has revoked a registration or approval under this regulation it must —

- (a) make the appropriate amendments to its own register of feed business establishments; and
- (b) promptly transmit to the Agency the necessary information to ensure compliance with Article 19(3) (updating of national lists).

Commencement Information

18 [Reg. 10](#) in force at 6.4.2015, see [reg. 1](#)

Form of application for amendments to registration or approval E+W

11. Where a feed business operator wishes to apply for amendments to registration or approval pursuant to Article 16 (amendments to registration or approval of an establishment), an application to the enforcement authority for the area in which the relevant feed business establishment is located must be made which —

- (a) is signed by or on behalf of the applicant;
- (b) contains the name or business name and the address of the applicant and, if different, the address of the establishment;
- (c) identifies the activities to which the application for amendments relates;
- (d) is properly addressed to the enforcement authority for the area in which the establishment to which the application relates is situated.

Commencement Information

19 [Reg. 11](#) in force at 6.4.2015, see [reg. 1](#)

Rights of appeal in connection with registration or approval E+W

12.—(1) Any person who is aggrieved by the decision of an enforcement authority taken in respect of —

- (a) the approval of an establishment under Article 13;
- (b) suspension of the registration or approval of an establishment under Article 14;
- (c) revocation of the registration or approval of an establishment under Article 15; or
- (d) amendment of the approval of an establishment under Article 16,

may appeal to a magistrates' court.

(2) The procedure on appeal to a magistrates' court under paragraph (1) shall be by way of complaint for an order, and the Magistrates' Courts Act 1980(1) applies to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought is one month from which notice of the decision was served on the person wishing to appeal and the making of a complaint for an order is deemed for the purposes of this paragraph to be the bringing of the appeal.

(4) Where on an appeal under paragraph (1) a magistrates' court determines that the decision of the enforcement authority is incorrect, the authority must give effect to the determination of the court.

(5) Where a registration or an approval is suspended or revoked, the feed business operator who, immediately before such suspension or revocation, had been operating the establishment concerned may continue to operate it, subject to any conditions imposed by the enforcement authority for the protection of public health, unless —

(1) [1980 c.43](#).

- (a) the time limit for appealing against the decision to suspend or revoke registration or approval has expired without an appeal having been brought; or
 - (b) where an appeal against that decision has been brought, the appeal has been finally disposed of or abandoned.
- (6) Nothing in paragraph (5) permits the operation of a feed business establishment if a feed business prohibition order, a feed business emergency prohibition notice or a feed business emergency prohibition order has been imposed in relation to that establishment.

Commencement Information

I10 Reg. 12 in force at 6.4.2015, see [reg. 1](#)

Fees for approvals or amendments to approvals **E+W**

13.—(1) A feed business operator who applies to an enforcement authority for an approval or amendment to an approval must —

- (a) pay the relevant fee when the application is submitted; and
- (b) reimburse the enforcement authority on demand the cost of any laboratory analysis incurred by it in connection with the application.

(2) In relation to any such application referred to in paragraph (1) submitted to it, the enforcement authority need not —

- (a) take any steps to approve an establishment in respect of one or more of its feed business activities until the relevant fee has been paid to it; nor
- (b) approve an establishment in respect of one or more of its feed business activities until it has been reimbursed in accordance with paragraph (1)(b).

(3) Where the establishment in relation to which approval or amendment to approval is sought is one at which more than one feed business activity requiring approval may be exercised, the feed business operator is liable to pay a single relevant fee, which fee shall be the highest one otherwise payable.

(4) In this regulation “relevant fee” means the appropriate fee specified in Schedule 3.

Commencement Information

I11 Reg. 13 in force at 6.4.2015, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, PART 2.