
WELSH STATUTORY INSTRUMENTS

2002 No. 1416

The TSE (Wales) Regulations 2002

Part III

Animal feeding

Feeding stuffs

Manufacture of feeding stuffs containing processed animal protein

22.—(1) Subject to paragraph (2) below, it is prohibited for any person to manufacture any feeding stuff, including petfood, which is destined for animals other than farmed animals, and which contains processed animal protein, in premises which prepare feed for farmed animals.

(2) If any feeding stuff is produced with no processed animal protein other than fishmeal, dicalcium phosphate or hydrolysed protein, it may be manufactured in premises which prepare feed for farmed animals other than ruminants.

Production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants

23.—(1) Subject to paragraph (3) below, it is prohibited for any person to use any premises for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feeding stuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 6 of Annex I to the Commission Decision by the National Assembly.

(2) The National Assembly shall register premises under this regulation where the occupier declares the premises are capable of being used for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants in accordance with paragraph 6 of Annex I to the Commission Decision.

(3) The prohibition in paragraph (1) above shall not apply to the use of premises for the production of feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants and for the preparation of feeding stuffs for ruminant animals if—

- (a) the fishmeal satisfies the requirements of regulation 14(2)(a) above;
- (b) the transport to and from the premises, or the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
- (c) the storage, manufacturing and packaging facilities at the premises, and the transport to and from the premises, of compound feeding stuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and

(d) the person using the premises for the preparation of feeding stuffs for ruminant animals carries out routine tests on the feeding stuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above is not present in those feeding stuffs.

(4) No person may produce any feeding stuff containing fishmeal for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words “contains fishmeal - cannot be fed to ruminant animals”.

(5) No person may use any vehicle for the transport to or from any premises of bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants at the same time as the vehicle is used for the transport of any feed for ruminant animals.

(6) If a vehicle used for the transport of bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants is subsequently used for the transport of any other product, the person using the vehicle for the transport of the bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants must ensure it is thoroughly cleaned before the transport of the other product and before the first subsequent transport of any bulk feeding stuffs containing fishmeal for feeding to farmed animals other than ruminants.

Production of feeding stuffs containing dicalcium phosphate and hydrolysed protein for feeding to farmed animals other than ruminants

24.—(1) Subject to paragraph (4) below, no person may use any premises for the production of feeding stuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feeding stuffs for ruminant animals; and
- (b) the premises are registered for the purpose of paragraph 3 of Annex II to the Commission Decision by the National Assembly.

(2) Subject to paragraph (4) below, no person may use any premises for the production of feeding stuffs containing hydrolysed protein for feeding to farmed animals other than ruminants unless—

- (a) the premises are not used for the preparation of feeding stuffs for ruminants animals; and
- (b) the premises are registered for the purpose of paragraph 2 of Annex III to the Commission Decision by the National Assembly.

(3) The National Assembly shall register premises under this regulation for the purposes of paragraph 3 of Annex II and paragraph 2 of Annex III of the Commission Decision when the occupier declares as appropriate that the premises are capable of being used for the production of—

- (a) feeding stuffs containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants in accordance with paragraph 3 of Annex II to the Commission Decision; or
- (b) feeding stuffs containing hydrolysed protein for feeding to farmed animals other than ruminants in accordance with paragraph 2 of Annex III to the Commission Decision.

(4) The prohibitions in paragraphs (1) and (2) above shall not apply to premises used for the preparation of feeding stuffs for ruminant animals which are used for the production of feeding stuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for other animal species if—

- (a) in respect of dicalcium phosphate, it satisfies the requirements of regulation 14(2)(c) above;
- (b) in respect of hydrolysed protein, it satisfies the requirements of regulation 14(2)(d) above;

- (c) the transport to and from the premises, and the storage at the premises, of feed material destined for ruminant animals is completely separate from feed material prohibited for feeding to ruminant animals;
 - (d) the storage, manufacturing and packaging facilities at the premises, and the transport to and from the premises, of compound feeding stuffs destined for ruminant animals are completely separate from feed material prohibited for feeding to ruminant animals; and
 - (e) the occupier of the premises carries out routine tests on the feeding stuffs destined for ruminant animals to ensure that any processed animal protein the feeding of which to farmed animals is prohibited by regulation 14 above are not present in those feeding stuffs.
- (5) No person may produce any feeding stuff containing dicalcium phosphate from defatted bones for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words “contains dicalcium phosphate from defatted bones - cannot be fed to ruminant animals”.
- (6) No person may produce any feeding stuff containing hydrolysed protein for feeding to farmed animals other than ruminants unless the packaging of the feeding stuff is labelled clearly to indicate the words “contains hydrolysed protein - cannot be fed to ruminant animals”.
- (7) No person may use any vehicle for the transport to or from any premises of bulk feeding stuffs for feeding to farmed animals other than ruminants containing dicalcium phosphate from defatted bones or hydrolysed protein, at the same time as the vehicle is used for the transport of any feed for ruminant animals.
- (8) If a vehicle used for the transport of bulk feeding stuffs containing dicalcium phosphate from defatted bones, or hydrolysed protein, for feeding to farmed animals other than ruminants, is subsequently used for the transport of any other product, the person using the vehicle for the transport of the bulk feeding stuffs must ensure the vehicle is thoroughly cleaned before the transport of the other product and before the first subsequent transport of any bulk feeding stuffs containing dicalcium phosphate from defatted bones or hydrolysed protein for feeding to farmed animals other than ruminants.

Use and storage of feeding stuffs containing fishmeal, dicalcium phosphate or hydrolysed protein

25.—(1) Subject to paragraph (2) below, it is prohibited for any person to use or store any feeding stuff, other than petfood referred to by Chapter 4 of Annex I to Council Directive [92/118/EEC](#)^{M1}, containing any—

- (a) fishmeal;
- (b) dicalcium phosphate derived from defatted bones; or
- (c) hydrolysed protein,

on a farm where ruminant animals are kept, fattened or bred for the production of food.

(2) Paragraph (1) above shall not apply to the use or storage of any feeding stuff containing any fishmeal, dicalcium phosphate derived from defatted bones or hydrolysed protein on any farm where ruminant animals are kept if measures are implemented on the farm sufficient to prevent the feeding stuff being fed to those ruminant animals.

Marginal Citations

M1 OJ No. L62, 15.3.1993, p.49.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The TSE (Wales) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations functions transferred by [S.I. 2004/3044 art. 2\(a\)-\(c\)](#)Sch. 1 (functions in relation to W transferred to the Assembly)
- Regulations revoked (except regs. 8, 9, 84, 93, Sch. 1 Pt. 3, Sch. 6A para. 17, Sch. 7 paras. 4, 8) by [S.I. 2006/1226 Sch. 8](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 6A Pt. 4 reg. 17 revoked by [S.I. 2006/1512 reg. 6](#)
- Sch. 6A Pt. 4 para. 17 revoked by [S.I. 2006/1513 reg. 6](#)
- Sch. 1A inserted by [S.I. 2005/2902 Sch.](#)
- Sch. 6A inserted by [S.I. 2004/2735 reg. 4](#)
- Sch. 6A Pt. 5 inserted by [S.I. 2005/2902 reg. 15](#)
- Sch. 6A para. 17(1) words substituted by [S.I. 2006/1226 reg. 25](#)
- Sch. 7 reg. 4 revoked by [S.I. 2006/1512 reg. 6](#)
- Sch. 7 reg. 8 revoked by [S.I. 2006/1512 reg. 6](#)
- reg. 10A10B inserted by [S.I. 2005/2902 reg. 4](#)
- reg. 13(7) added by [S.I. 2003/2756 Sch. 4 para. 3](#)
- reg. 25A25B inserted by [S.I. 2005/2902 reg. 7](#)
- reg. 29B(4)(5) substituted for reg. 29B(4) by [S.I. 2005/2902 reg. 8](#)
- reg. 34A inserted by [S.I. 2003/2756 Sch. 4 para. 4](#)
- reg. 86A inserted by [S.I. 2004/2735 reg. 3](#)