
WELSH STATUTORY INSTRUMENTS

2003 No. 1850

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003

Title, commencement and application

1.—(1) These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and shall apply to Wales only.

Regulations 1, 2, 3, 4, 5, 7, 8, 9 and 11 and 13 to 20 shall come into force on 1st August 2003 and regulations 6, 10 and 12 shall come into force on 6th November 2003.

Amendments to the Feeding Stuffs (Wales) Regulations 2001

2. The Feeding Stuffs (Wales) Regulations 2001(1) shall be amended in accordance with regulations 3 to 12.

3. In regulation 2 (interpretation) —

(a) in paragraph (1) —

(i) the following definitions shall be deleted —

(aa) any definition commencing with the expression “EC approved”, “EC permitted”, “European Economic Area approved”, “European Economic Area permitted” “UK approved” or “UK permitted”,

(bb) “national list”, and

(cc) “third country”,

(ii) in each of the definitions of “complementary feeding stuff”, “complete feeding stuff”, for the expression “regulation 12(10)(a)” there shall be substituted the expression “regulation 12(6) and in the definition of “feeding stuff”, for the expression “regulation 12(11)(a)” there shall be substituted the expression “regulation 12(7)”,

(iii) for the definition of “compound feeding stuff” there shall be substituted the following definition —

““compound feeding stuff” has the same meaning as in the Compound Feeding Stuffs Directive;”,

(iv) in the definition of “feed material” the expression “, subject to regulation 12(10)(b),” shall be deleted,

(v) immediately after the definition of “premixture” there shall be inserted the following definition —

““product intended for animal feed” means any product used or intended for use in feed for pet animals, farmed creatures or animals living freely in the wild;”

- (vi) for the definition of “put into circulation” there shall be substituted the following definition —

““put into circulation” means sell or otherwise transfer, have in possession with a view to selling or otherwise transferring, or offer for sale, in each case to a third party, but in regulation 12 also means import into Wales from a country which is neither an European Economic Area State nor part of an European Economic Area State;”, and

- (vii) immediately after the definition of “third country” there shall be inserted the following definition —

““undesirable substance” means any substance or product, not being a pathogenic agent, which is contained in or is on a product intended for animal feed and —

- (a) constitutes a potential danger to animal or human health or the environment; or
(b) could adversely affect livestock production;” and

- (b) for paragraph (8) there shall be substituted the following paragraph —

“(8) Any reference in these Regulations to a Community instrument shall be construed as a reference to that instrument as amended on the date the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 are made.”

4. For paragraph (1) of regulation 7 (limits of variation) there shall be substituted the following paragraph —

“(1) Section 74(2) shall have effect as if after the words “this Part of this Act” there were inserted the words “or the Feeding Stuffs Regulations (Wales) 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001(2), the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001(3), the Feeding Stuffs (Amendment) (Wales) Regulations 2002(4), the Feeding Stuffs (Amendment) (Wales) Regulations 2003(5) and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003.”

5. For regulation 12 (control of feeding stuffs and feed materials containing undesirable substances) there shall be substituted the following regulation —

“Control of products intended for animal feed containing undesirable substances

14.—(1) No person shall —

- (a) put into circulation any product intended for animal feed which is specified in column 2 of Part I of Schedule 7; or
(b) use any such product for animal feed,

(2) S.I. 2001/2253 (W 163).

(3) S.I. 2001/3461 (W 280).

(4) S.I. 2002/1797 (W 172).

(5) S.I. 2003/989 (W 138).

if it contains any undesirable substance specified in column 1 of that Part in excess of the level specified for it in column 3 of that Part.

(2) No person shall put into circulation, or use as a feeding stuff, any complementary feeding stuff if —

- (a) having regard to the quantity of it recommended for use in a daily ration, it contains any undesirable substance specified in column 1 of Part I of Schedule 7 in excess of the level specified for it in column 3 of that Part in relation to complete feeding stuffs; and
- (b) there is no provision relating to any complementary feeding stuff in the corresponding entry in column 2 of that Part.

(3) No person shall mix any product intended for animal feed which is specified in column 2 of Part I of Schedule 7 and which contains any undesirable substance specified in column 1 of that Part in excess of the level specified for it in column 3 of that Part for the purpose of dilution with any product intended for animal feed.

(4) No person shall put into circulation any product intended for animal feed or use any such product for animal feed unless it is —

- (a) sound and genuine; and
- (b) of merchantable quality.

(5) For the purposes of paragraph (4) above, a product intended for animal feed which is specified in column 2 of Part I of Schedule 7 is not sound, genuine and of merchantable quality if it contains any undesirable substance specified in column 1 of that Part in excess of the level specified in relation to it in column 3 of that Part.

(6) For the purposes of paragraph (2) above “feeding stuff” means —

- (a) a product of vegetable origin in its natural state (whether fresh or preserved);
- (b) a product derived from the industrial processing of such a product; or
- (c) an organic or inorganic substance, used singly or in a mixture,

whether or not containing additives, for oral feeding to pet animals, to farmed creatures or to animals living freely in the wild, and “complementary feeding stuff” and “complete feeding stuff” shall be construed accordingly.”

6. Immediately after regulation 17 (control of feeding stuffs intended for particular nutritional purposes, and supplementary provisions relating to statutory statement) there shall be inserted the following regulation —

“Provision of information in relation to compound feeding stuffs for animals other than pet animals

17A. Where a person to whom a compound feeding stuff for animals other than pet animals is supplied so requests, the supplier of that compound feeding stuff shall provide the person making that request with details of the exact percentages by weight of feed materials used in that compound feeding stuff.”

7. For paragraph (1) of regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) there shall be substituted the following paragraph —

“(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2) below section 74A(3) shall have effect as if for the words “regulations under subsection (1) above, or fails to comply with any other provision of the regulations,” there were substituted the words “any provision specified in regulation 25(2) of the Feeding Stuffs Regulations (Wales) 2001 as amended by the Feeding Stuffs (Sampling and Analysis)

(Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003.”.

8. In paragraph (2) of regulation 24 for the expression “12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1)” there shall be substituted the expression “12(1) to (4), 13(1), 15, 16(1), 17(1) and 17A”.

9. In Schedule 3 (permitted additives and provisions relating to their use) for the list of European Community Regulations specified in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the list of European Community Regulations specified in the Schedule to these Regulations.

10. In Schedule 4 (contents of the statutory statement or other declaration (except for additives and premixtures not contained in feeding stuffs)) —

- (a) paragraph 14(1)(c) shall be deleted;
- (b) in paragraph 15 —
 - (i) the word “and”, where it appears at the end of sub-paragraph (b), shall be deleted,
 - (ii) for sub-paragraph (c) there shall be substituted the following sub-paragraph —
 - “(c) the batch reference number; and”, and
 - (iii) immediately after sub-paragraph (c) there shall be inserted the following sub-paragraph —
 - “(d) the approval or registration number allocated in accordance with Article 5 or as the case may be 10 of the Establishments Directive to the establishment which manufactured the compound feeding stuff;”, and
- (c) for paragraph 19 there shall be substituted the following paragraph —

“**19.** In the case of any compound feeding stuff for animals other than pet animals —

- (a) all the feed materials shall be declared in the statutory statement —
 - (i) by their specific names, and
 - (ii) with an indication, in descending order, of the percentage by weight of each feed material contained in the compound feeding stuff, subject to a limit of variation of +/- 15% in relation to each declared percentage; and
- (b) the statutory statement shall contain the following declaration —

“The exact percentage by weight of feed materials used in this feeding stuff may be obtained from ... (name or trade name, address or registered office, telephone number and email address of the supplier of the compound feeding stuff).”.

11. In Schedule 7 (prescribed limits for undesirable substances) —

- (a) in Part I (feeding stuffs) for the headings to columns 1 and 2 there shall be substituted the headings “Undesirable Substances” and “Products intended for animal feed” respectively; and
- (b) Part II (feed materials) shall be deleted.

12. Part II of Schedule 10 (categories of feed materials for use in relation to compound feeding stuffs for animals other than pets) shall be deleted.

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

13. The Feeding Stuffs (Sampling and Analysis) Regulations 1999(6) shall be amended in so far as they apply to Wales in accordance with regulations 14 and 15.

14. In Part I of Schedule 2 (methods of analysis) in paragraph 3(e)(ii) for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003”.

15. In Part II of Schedule 3 (form of certificate of analysis) in note (11)(a) for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003”.

Amendments to the Feeding Stuffs (Enforcement) Regulations 1999

16. The Feeding Stuffs (Enforcement) Regulations 1999(7) shall be amended in so far as they apply to Wales in accordance with regulations 17 to 20.

17. In regulation 7 (modification of the Agriculture Act 1970 for certain purposes) —

(a) for paragraph (2) there shall be substituted the following paragraph —

“(2) The purpose referred to in paragraph (1) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.”; and

(b) for paragraph (4) there shall be substituted the following paragraph —

“(4) The purpose referred to in paragraph (3) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.”.

18. In each of regulations 11, 11A and 11B for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2003” there shall be substituted the expression “, the Feeding

(6) S.I. 1999/1663, amended by S.I. 1999/1871, S.I. 2001/2253 (W. 163), S.I. 2002/1797 (W.172) and S.I. 2003/1677 (W.180).
(7) S.I. 1999/2325, amended by S.I. 2000/656, S.I. 2001/2253 (W. 163), S.I. 2001/3461 (W.280), S.I. 2002/1797 (W.172), S.I. 2003/989 (W.138) and S.I. 2003/1677 (W.180).

Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003”.

19. In the modified version of subsection (8) of section 67 of the Agriculture Act 1970 which is set out in regulation 9 for the expression “and the Feeding Stuffs (Amendment) (Wales) Regulations 2002” there shall be substituted the expression “, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003”.

20. In regulation 10 (modification of section 76 of the Agriculture Act 1970) for the modified version of subsection (17) of section 76 of the Agriculture Act 1970 which is set out in that regulation there shall be substituted the following subsection —

“(17) In this section —

“compound feeding stuff” has the meaning given in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003;

“controlled product” means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003, as read with this Part of this Act, or in sections 73 or 73A of this Act;

“feeding stuff which is intended for a particular nutritional purpose” shall be construed in accordance with the definitions of “feeding stuff intended for a particular nutritional purpose” and “particular nutritional purpose” in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003;

“premises” include any land, vehicle, vessel, aircraft or hovercraft; and

“put into circulation” means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8).

16th July 2003

D. Elis-Thomas
The Presiding Officer of the National Assembly