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WELSH STATUTORY INSTRUMENTS

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**2016 No. 387 (W. 121)**

**AGRICULTURE, WALES**

**The Animal Feed (Hygiene, Sampling etc. and  
Enforcement) (Wales) Regulations 2016**

<i>Made</i>	- - - -	<i>15 March 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>17 March 2016</i>
<i>Coming into force</i>	- -	<i>12 May 2016</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 66, 67, 74A, 79 and 84 of the Agriculture Act 1970(1) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(2).

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to feed produced for or fed to food-producing animals(3), measures in the veterinary and phytosanitary fields for the protection of public health(4) and measures in relation to the common agricultural policy of the European Union(5).

As set out above, these Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for a reference in these Regulations to an EU instrument mentioned in regulation 2(5) to be construed as a reference to that instrument and any Annex to it as may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of

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- (1) 1970 c. 40. Functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672, and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68). Section 84 was amended by S.I. 2004/3254.
- (2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (c. 7).
- (3) S.I. 2005/1971. The functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006. The designation does not extend to measures concerning feed containing medicinal products (including growth regulators) or medicinal products when destined for use in feed except provision concerning digestibility enhancers, gut flora stabilisers, or substances which favourably affect the environment.
- (4) S.I. 2008/1792.
- (5) S.I. 2010/2690. The designation does not extend to making provision in respect of feed that contains medicinal products destined for use in feed, except provision concerning substances that favourably affect the environment, digestibility enhancers, or gut flora stabilisers.

food safety<sup>(6)</sup> or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

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(6) OJ No L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material (OJ No L 189, 27.6.2014, p 1).