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NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. (W.)

AGRICULTURE, WALES

The Feeding Stuffs (Amendment)
(Wales) (No. 2) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

2003 No. (W.)

AGRICULTURE, WALES

**The Feeding Stuffs (Amendment)
(Wales) (No. 2) Regulations 2003**

Made 2003

Coming into force

regulations 1 to 4, 6, 7 and 9 2003

regulations 5, 8 and 10 2003

The National Assembly for Wales, acting in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 77(4), 78(6), 79(1) 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 articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002(c)) and now exercisable by it in relation to Wales(d), after consultation as required by section 84(1) of that Act with the persons or organisations appearing to represent the interests concerned(e), and having been designated(f) for the purposes of section 2(2) of the European Communities Act 1972(g) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by the said section 2(2) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), makes the following Regulations:

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- (a) 1970 c. 40.
(b) S.I. 2000/656
(c) S.I. 2002/794
(d) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI No. 1999/672).
(e) The requirement to consult must now be read in conjunction with Article 9 of Regulation (EC) No. 178/2002 (OJ No. L31, 1.2.2002, p.1).
(f) S.I. 1999/2788.
(g) 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (1993 c. 51).

product intended for animal feed” means
any product intended for use, or used, in
animal feed;”,

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

(a) S.I. 2001/343 (W15), amended by S.I. 2002/1797 (W172) and
S.I. 2003/ (W).

““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

(vi) 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 (Amendment) (Wales) (No. 2) Regulations 2003 are made.”.

4. For regulation 12 there shall be substituted the following regulation —

“**12.**—(1) No person shall -

(a) put into circulation any product specified in column 2 of Part I of Schedule 7; or

(b) use any product for animal feed,

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.

(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 prescribed for its 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 that substance 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 in relation to 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 which is intended for animal feed or use any product as a product intended for animal feed unless it is —

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

(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 quantity 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. .

5. 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.”

6. In regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) —

- (a) in paragraph (1), 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 (Amendment) (Wales) (No.2) Regulations 2003.”; and
- (b) in paragraph (2), 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) and (6), 13(1), 15, 16(1), 17(1) and 17A”.

7. 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 listed in the Schedule to these Regulations.

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

- (a) in paragraph 14, sub-paragraph (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) 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;”;
- (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 instrument —
 - (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 $\pm 15\%$ 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).”.

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

- (a) in Part I, 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) in Part II —
 - (i) for the heading to column 1 there shall be substituted the heading “*Undesirable Substances*”, and
 - (ii) Chapter B shall be deleted.

10. 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.

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

Date

The Presiding Officer of the National Assembly

(a) 1999 c.38.