
STATUTORY INSTRUMENTS

2003 No. 2912

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003

Title, application and commencement

1. These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003, shall apply in relation to England only and shall come into force on 8th December 2003.

Substantive amendments to the Feeding Stuffs Regulations 2000

2.—(1) The Feeding Stuffs Regulations 2000⁽¹⁾ shall be amended, insofar as they apply in relation to England, in accordance with paragraphs (2) and (3).

(2) For Part II of the Table set out in Schedule 3 (permitted additives and provisions relating to their use) there shall be substituted the Part set out in the Schedule to these Regulations.

(3) In Part IX of Schedule 3 —

(a) the following text shall be inserted immediately after the reference to Commission Regulation (EC) No. 668/2003 —

“Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs⁽¹⁷⁾.

Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator “Benzoic acid” in feedingstuffs⁽¹⁸⁾.”; and

(b) the following text is inserted at the end —

“(17) OJ No. L125, 21.5.2003, p.3.

(18) OJ No. L126, 22.5.2003, p.24.”.

Consequential amendments to the Feeding Stuffs Regulations 2000

3.—(1) The Feeding Stuffs Regulations 2000 shall be amended, insofar as they apply in relation to England, in accordance with paragraphs (2) and (3).

(2) 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 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001⁽²⁾, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001⁽³⁾,

⁽¹⁾ S.I.2000/2481, amended by S.I. 2001/541, S.I. 2001/3389, S.I. 2002/892, S.I. 2003/1026 and S.I. 2003/1503.

⁽²⁾ S.I. 2001/541.

⁽³⁾ S.I. 2001/3389.

the Feeding Stuffs (Amendment) Regulations 2002⁽⁴⁾, the Feeding Stuffs (Amendment) Regulations 2003⁽⁵⁾, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003⁽⁶⁾ and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003.”.

(3) For paragraph (1) of regulation 25 (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 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003.”.

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

4. The Feeding Stuffs (Sampling and Analysis) Regulations 1999⁽⁷⁾ shall be amended in so far as they apply in relation to England in accordance with regulations 5 and 6.

5. In Part I of Schedule 2 (methods of analysis) in paragraph 3(e)(ii) for the expression “and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003” there shall be substituted the expression “, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003”.

6. In Part II of Schedule 3 (form of certificate of analysis) in note (11)(a) for the expression “and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003” there shall be substituted the expression “, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003”.

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

7. The Feeding Stuffs (Enforcement) Regulations 1999⁽⁸⁾ shall be amended in so far as they apply in relation to England in accordance with regulations 8 to 11.

8. 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 —

(4) S.I. 2002/892.

(5) S.I. 2003/1026.

(6) S.I. 2003/1503.

(7) S.I. 1999/1663, amended by S.I. 1999/1871, S.I. 2001/541, S.I. 2002/892, S.I. 2003/1296 and S.I. 2003/1503.

(8) S.I. 1999/2325, amended by S.I. 2000/656, S.I. 2000/2481, S.I. 2001/541, S.I. 2001/3389, S.I. 2002/892, S.I. 2003/1026, S.I. 2003/1296 and S.I. 2003/1503.

- (a) the Feeding Stuffs Regulations 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) 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 Regulations 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003, as read with Part IV of the Act; and
- (b) sections 73 and 73A of the Act.”.

9. In each of regulations 11, 11A and 11B for the expression “and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003” there shall be substituted the expression “, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003”.

10. 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, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003” there shall be substituted the expression “, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003”.

11. 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 Regulations 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs,

the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003;

“controlled product” means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs Regulations 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003, as read with this Part of this Act, or in section 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 Regulations 2000 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2001, the Feeding Stuffs (Amendment) Regulations 2002, the Feeding Stuffs (Amendment) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) 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 by authority of the Secretary of State for Health

12th November 2003

Melanie Johnson
Parliamentary Under Secretary of State,
Department of Health