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STATUTORY INSTRUMENTS

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**2004 No. 2146**

**AGRICULTURE, ENGLAND**

**The Feeding Stuffs (Sampling and Analysis)  
(Amendment) (England) Regulations 2004**

*Made* - - - - - *12th August 2004*  
*Laid before Parliament* *23rd August 2004*  
*Coming into force* - - - *13th September 2004*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 66(1), 77(4), 78(6) and 84 of the Agriculture Act 1970(1) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(2) and articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002(3)), after consultation as required by section 84(1) of that Act and by 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 food safety(4), and being a Minister designated(5) for the purposes of section 2(2) of the European Communities Act 1972(6) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on him by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), makes the following Regulations:

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- (1) 1970 c. 40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”; the definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland previously exercisable in relation to England ceased to be so exercisable and were transferred to the Minister of Agriculture, Fisheries and Food.
- (2) S.I. 2000/656.
- (3) S.I. 2002/794.
- (4) OJ No. L31, 1.2.2002, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4). Under Article 3 of Regulation (EC) No. 178/2002 “food law” extends to feed produced for, or fed to, food producing animals.
- (5) S.I. 1972/1811, amended by S.I. 2002/794.
- (6) 1972 c. 68.

**Title, application and commencement**

1. These Regulations may be cited as the Feeding Stuffs (Sampling and Analysis) (Amendment) (England) Regulations 2004, shall apply in relation to England only and shall come into force on 13<sup>th</sup> September 2004.

**Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations 1999**

2.—(1) The Feeding Stuffs (Sampling and Analysis) Regulations 1999(7) shall be amended, insofar as they apply in relation to England, in accordance with paragraph (2).

(2) For paragraph (3)(b)(ii) of regulation 6 (application of methods of analysis) there shall be substituted the following provision —

“(ii) the procedure set out in Commission Directive [2003/126/EC](#) on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs(8) shall be used.”.

Signed by authority of the Secretary of State for Health

12th August 2004

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of Health

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(7) S.I. [1999/1663](#), amended by [1999/1871](#), S.I. [2001/541](#); S.I. [2002/892](#); S.I. [2003/1296](#); S.I. [2003/1503](#), S.I. [2003/2912](#) and S.I. [2004/1301](#).

(8) OJ No. L339, 24.12.2003, p.78.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which apply in relation to England only, further amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I.1999/1663, as already amended), which extend to the whole of Great Britain.

2. These Regulations implement Commission Directive 2003/126/EC on the analytical method for the determination of constituents of animal origin for the official control of feedingstuffs (OJ No. L339, 24.12.2003, p.78).

3. These Regulations amend the Feeding Stuffs (Sampling and Analysis) Regulations 1999 by providing that where a microscopic examination is carried out for specified purposes, the procedure set out in Commission Directive 2003/126/EC shall be used (*regulation 2(2)*).

4. A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and placed in the Library of each House of Parliament together with a Transposition Note setting out how Commission Directive 2003/126/EC is transposed into domestic law by these Regulations. Copies may be obtained from the Chemical Contaminants and Animal Feed Division of the Food Standards Agency, Aviation House, 125 Kingsway, London, WC2B 6NH.