
STATUTORY INSTRUMENTS

2005 No. 3281

The Feeding Stuffs (England) Regulations 2005

PART 1

Introductory and General

Title, commencement and application

1. These Regulations may be cited as the Feeding Stuffs (England) Regulations 2005, come into force on 1st January 2006 and apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Agriculture Act 1970;

“additive”, subject to regulation 21(4), means a feed additive to which the Additives Regulation applies, with the exception of any additive in categories (d) or (e) of Article 6(1) of that Regulation other than those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation;

“the Additives Directive” means Council Directive [70/524/EEC](#) concerning additives in feeding stuffs⁽¹⁾;

“the Additives Regulation” means Regulation [\(EC\) No. 1831/2003](#) of the European Parliament and of the Council on additives for use in animal nutrition⁽²⁾;

“ash” means the matter which results from the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for ash specified in Point 5 of the Annex to Directive [71/250/EEC](#)⁽³⁾;

“the Certain Products Directive” means Council Directive [82/471/EEC](#) concerning certain products used in animal nutrition⁽⁴⁾;

“complementary feeding stuff” means a compound feeding stuff which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other feeding stuffs;

“complete feeding stuff” means a compound feeding stuff which, by reason of its composition, is sufficient for a daily ration;

“compound feeding stuff”, subject to regulation 14(6), means a mixture of feed materials, whether or not containing any additive, for oral feeding to pet animals or farmed creatures in the form of complementary feeding stuffs or complete feeding stuffs;

(1) OJ No. L270, 14.12.70, p. 1 (OJ/SE Vol. 18, p. 4) last amended by Council Directive [1999/20/EC](#) (OJ No. L80, 25.3.1999, p. 20).

(2) OJ No. L268, 18.10.2003, p. 29. Last amended by Commission Regulation [\(EC\) No 378/2005](#) (OJ No. L59, 5.3.2005, p. 8).

(3) OJ No. L155, 12.7.71, p. 13 (OJ/SE 1971(II), p. 480).

(4) OJ No. L213, 21.7.82, p. 8. Last amended by Commission Directive [2004/116/EC](#) (OJ No. L379, 24.12.2004, p. 81).

“the Compound Feedingstuffs Directive” means Council Directive [79/373/EEC](#) on the circulation of compound feedingstuffs⁽⁵⁾;

“daily ration” means the average total quantity of feeding stuff, expressed on a 12% moisture basis, required daily by an animal of a given kind, age group and level of production in order to satisfy all its nutritional needs;

“EEA State” means a Member State, Norway, Iceland or Liechtenstein;

“energy value” means the energy value of a compound feeding stuff calculated in accordance with the relevant method specified in Schedule 1;

“establishment” has the meaning given by Article 3(d) of Regulation [\(EC\) No. 183/2005](#) of the European Parliament and of the Council laying down requirements for feed hygiene⁽⁶⁾;

“fat” means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for oils and fats specified in Part IV of the Annex to Directive [71/393/EEC](#)⁽⁷⁾;

“feeding stuff intended for a particular nutritional purpose” means a compound feeding stuff, the composition or method of manufacture of which distinguishes it from other feeding stuffs and from the type of products covered by Council Directive [90/167/EEC](#) laying down the conditions governing the preparation, placing on the market and use of medicated feeding stuffs in the Community⁽⁸⁾, and in respect of which any indication is given that it is intended for a particular nutritional purpose;

“feed material” means—

- (a) any product of vegetable or animal origin, in its natural state, fresh or preserved;
- (b) any product derived from such a product by industrial processing; or
- (c) any organic or inorganic substance,

(whether or not containing any additive) and for use in oral feeding to pet animals or farmed creatures, directly as such, or after processing, in the preparation of a compound feeding stuff or as a carrier of a premixture;

“the Feed Materials Directive” means Council Directive [96/25/EC](#) on the circulation of feed materials⁽⁹⁾;

“fibre” means the organic matter calculated following the treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for fibre specified in Point 3 of Annex 1 to Directive [73/46/EEC](#)⁽¹⁰⁾;

“mammalian meat and bone meal” has the meaning given in Regulation 3(1) of the TSE (England) Regulations 2002⁽¹¹⁾;

“Member State” means a Member State other than the United Kingdom;

“micro-organism” has the meaning given by Article 2(2)(m) of the Additives Regulation;

“milk replacer feed” means a compound feeding stuff administered in dry form, or after reconstitution with a given quantity of liquid, for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter;

(5) OJ No. L86, 6.4.79, p. 30. Last amended by Council Regulation [\(EC\) No 807/2003](#) (OJ No. L122, 16.5.2003, p. 36).

(6) OJ No. L35, 8.2.2005, p. 1.

(7) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987). (Part IV was replaced entirely by Annex 1 to Directive [84/4/EEC](#) (OJ No. L15, 18.1.84, p. 28. That Annex was in turn replaced entirely by Part B of the Annex to Directive [98/64/EC](#) (OJ No. L257, 19.9.98, p. 14)).

(8) OJ No. L92, 7.4.90, p. 42.

(9) OJ No. L125, 23.5.96, p. 35. Last amended by Council Regulation [\(EC\) No. 806/2003](#) (OJ No. L122, 16.5.2003, p. 1).

(10) OJ No. L83, 30.3.73, p. 21. (Point 3 of Annex 1 was replaced entirely by the Annex to Directive [92/89/EEC](#)) (OJ No. L344, 26.11.92, p. 35)).

(11) S.I.2002/843, as amended by S.I. 2002/1253, S.I. 2002/2860, S.I. 2003/1482 and S.I. 2004/1518.

“mineral feeding stuff” means a complementary feeding stuff which is composed mainly of minerals and which contains at least 40% by weight of ash;

“minimum storage life” means, in relation to a compound feeding stuff, the date until which, under proper storage conditions, that feeding stuff retains its specific properties;

“molassed feeding stuff” means a complementary feeding stuff prepared from molasses and which contains at least 14% by weight of total sugar expressed as sucrose;

“moisture” means water and other volatile material determined in accordance with the procedure set out in the method of analysis for moisture specified in Part I of the Annex to Directive [71/393/EEC](#)(12);

“oil” means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for oils and fats specified in Part IV of the Annex to Directive [71/393/EEC](#)(13);

“particular nutritional purpose” means the purpose of satisfying any nutritional requirement of pet animals or productive livestock, the process of assimilation or absorption of which, or the metabolism of which, may be temporarily impaired, or is temporarily or permanently impaired, and which may therefore benefit from ingestion of a feeding stuff capable of achieving that purpose;

“pet food” means a feeding stuff for pet animals and “compound pet food” shall be construed accordingly;

“premixture” has the meaning given by Article 2(2)(e) of the Additives Regulation, excluding any premixture consisting solely of feed additives in categories (d) or (e) of Article 6(1) of that Regulation, other than those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation;

“prescribed material” means material described in regulation 5(1);

“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;

“protein”, except in paragraphs 7(2), 8, 9 and 10 of Part I of Schedule 3 where it has the meaning given to it by regulation 3(1) of the TSE (England) Regulations 2002(14), means the matter obtained as a result of treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for protein specified in Point 2 of Annex 1 to Directive [72/199/EEC](#)(15);

“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, and in regulations 13(8) and 14 also means import into England from a state other than an EEA State;

“starch” means the matter obtained as the result of treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for starch specified in Point 1 of Annex 1 to Directive [72/199/EEC](#)(16);

“2000 Regulations” means the Feeding Stuffs Regulations 2000(17);

(12) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987), amended by Article 1 of Directive [73/47/EEC](#) (OJ No. L83, 30.3.73, p. 35).

(13) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987). (Part IV was replaced entirely by Annex 1 to Directive [84/4/EEC](#) (OJ No. L15, 18.1.84, p. 28). That Annex was in turn replaced entirely by Part B of the Annex to Directive [98/64/EC](#) (OJ No. L257, 19.9.98, p. 14).

(14) S.I. [2002/843](#), as amended by S.I. [2002/1253](#), S.I. [2002/2860](#), S.I. [2003/1482](#) and S.I. [2004/1518](#).

(15) OJ No. L123, 29.5.72, p. 6 (OJ/SE 1966-1972 supplement, p. 74), (Point 2 of Annex 1 has been replaced by the Annex to Directive [93/28/EEC](#) (OJ No. L179, 22.7.93, p. 8)).

(16) OJ No. L123, 29.5.72, p. 6 (OJ/SE 1966-1972 supplement, p. 74), (Point 1 of Annex 1 has been replaced entirely by the Annex to Directive [1999/79/EC](#) (OJ No. L209, 7.8.1999, p. 23)).

(17) S.I. [2000/2481](#), as last amended by S.I. [2004/2688](#).

“undesirable substance” means any substance or product, not being a pathogenic agent, which is present in or 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.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) Where, in any tabular or other entry in a Schedule to these Regulations, a numbered reference to a footnote appears, the footnote so numbered shall be treated as included in or amplifying the text to which it relates.

(4) Any reference in these Regulations to a numbered section shall, unless otherwise indicated, be construed as a reference to the section bearing that number in the Act.

(5) Any reference in these Regulations to a Community instrument shall be construed as a reference to that instrument as amended on the date that these Regulations are made.

Modification of the Agriculture Act 1970 in relation to all feeding stuffs

3.—(1) Subsection (1) of section 66 shall have effect in England as if—

- (a) for the definition of “feeding stuff” there were substituted the following definition—

““feeding stuff” means—

- (a) a product of vegetable or animal 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 or farmed creatures;”;

- (b) for the definition of “pet animal” there were substituted the following definition—

““pet animal” means an animal belonging to a species normally nourished and kept, but not consumed, by man, other than an animal bred for fur;”.

(2) Subsection (2) of section 66 shall have effect in England as if the following were substituted for paragraph (b) of that subsection—

- “(b) material shall be treated—

- (i) as imported or sold for use as a feeding stuff whether it is imported or, as the case may be, sold, to be used by itself, or as an ingredient in something which is to be so used, and
- (ii) as used as a feeding stuff whether it is so used by itself, or as an ingredient in something which is to be so used.

- (c) paragraph (b) shall not apply in any circumstances in which Article 16 (labelling and packaging of feed additives and premixtures) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition applies.**(18)**

(3) Sections 73 and 73A shall have effect in England as if, for the words “animals of any description prescribed for the purpose of the definition of “feeding stuff” in section 66(1) of this Act” there were substituted the words “any farmed creatures”.

(18) OJ No. L268, 18.10.2003, p. 29.

- (4) Section 85 shall have effect in England as if—
- (a) in so far as it relates to delivery outside the United Kingdom, paragraph (a) were omitted; and
 - (b) paragraph (b) were omitted.

Modification of the Agriculture Act 1970 in relation to imported feeding stuffs

4. In relation to feeding stuffs which have been imported, section 69(1) shall have effect in England as if the words “and in either case before it is removed from the premises” were omitted.

Prescribed material to which requirements for the statutory statement and marking apply

5.—(1) Subject to paragraph (2), the material prescribed for the purposes of sections 68(1) and 69(1) is any material usable as a feeding stuff.

- (2) For the purposes of these Regulations section 68(2) does not apply.

Exemption from these Regulations

6. In so far as provisions of these Regulations implement the Compound Feedingstuffs Directive (which principally regulates the labelling and packaging of compound feeding stuffs), they shall not apply in the circumstances specified in Article 14(c) (relating to animals kept for scientific or experimental purposes) of that Directive.

Revocations

7. The Feeding Stuffs Regulations 2000, with the exception of regulation 19A and paragraph 19 of Schedule 4 of those Regulations, are revoked in relation to England, together with the amending instruments listed in Schedule 9 and to the extent specified in that Schedule.