

2006 No. 2808

AGRICULTURE, ENGLAND

The Feeding Stuffs (England) (Amendment) Regulations 2006

Made - - - - 19th October 2006

Laid before Parliament 25th October 2006

Coming into force - - 17th November 2006

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74(1) and 74A 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 with Articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002)(c).

There has been open and transparent consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(d) 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.

Title and commencement

1. These Regulations may be cited as the Feeding Stuffs (England) (Amendment) Regulations 2006, and come into force on 17th November 2006.

Amendments to the Feeding Stuffs (England) Regulations 2005

2.—(1) Part I of Schedule 3 to the Feeding Stuffs (England) Regulations 2005(e) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 18 insert the following paragraph —

“**18A.** In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material

(a) 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. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6.

(b) S.I. 2000/656.

(c) S.I. 2002/794.

(d) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(e) S.I. 2005/3281

in the compound feeding stuff, subject to a limit of variation of $\pm 15\%$ in relation to each declared percentage.”.

(3) In paragraph 23(1), omit the words “and by paragraph 19 of Schedule 4 to the 2000 Regulations”.

(4) In paragraph 26, for the expression “under paragraph 25 or under paragraph 19 of Schedule 4 to the 2000 Regulations” substitute “under paragraph 18A or 25”.

Revocations

3. The following provisions are revoked —

- (a) regulation 19A of and paragraph 19 of Schedule 4 to the Feeding Stuffs Regulations 2000(a); and
- (b) regulations 6 and 10(c) of the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (England) Regulations 2003(b).

Signed by authority of the Secretary of State for Health

19th October 2006

Caroline Flint
Minister of State
Department of Health

(a) S.I. 2000/2481. The relevant amending instrument is S.I. 2003/1503.
(b) S.I. 2003/1503.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Feeding Stuffs (England) Regulations 2005 (SI 2005/3281) (“the 2005 Regulations”) by inserting into them a provision requiring the percentage of each feed material contained in a compound feed to be declared, within a tolerance of $\pm 15\%$, on the label of the compound feed or on an accompanying document, (*regulation 2(2)*). This provision was formerly contained in the Feeding Stuffs Regulations 2000 (SI 2000/2481) as amended by SI 2003/1503 (“the 2000 Regulations”).

2. These Regulations also revoke a provision in the 2000 Regulations requiring the exact percentage of each feed material in a compound feed to be disclosed to customers on request (*regulation 3(a)*).

3. The provisions of the 2000 Regulations referred to in paragraphs 1 and 2 above implemented, in relation to England, Article 1.4 and Article 1.1(b) respectively of Directive 2002/2/EC of the European Parliament and of the Council amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs (OJ No. L63, 6.3.2002, p.23).

4. Following implementation, the provisions were suspended by order of the High Court pending the outcome of a referral to the European Court of Justice (ECJ). During the period of suspension, all of the 2000 Regulations other than the suspended provisions were revoked and replaced by the 2005 Regulations.

5. In response to the referral the ECJ has ruled that Article 1.4 of Directive 2002/2/EC is legally valid, whereas Article 1.1(b) is not.

6. A full regulatory impact assessment that this instrument will have on the costs of business has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Animal Feed Unit of the Primary Production Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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