
STATUTORY INSTRUMENTS

2010 No. 2503

The Animal Feed (England) Regulations 2010

PART 7

Amendments and modifications of the Agriculture Act 1970

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14.—(1) The Act is amended or modified, as the case may be, in accordance with paragraphs (2) to (9).

(2) In section 66 (interpretation of Part IV) —

(a) in subsection (1), after the definition of Regulation (EC) No 178/2002 insert the following definitions —

““Regulation (EC) No 1831/2003” means Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition;

“Regulation (EC) No 767/2009” means Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC;”;

(b) for subsection (2) substitute the following —

“(2) For the purposes of this Part of this Act material shall be treated as sold for use as a fertiliser or feeding stuff whether it is sold to be so used by itself or as an ingredient in something which is to be so used.”.

(3) In section 68 (duty of seller to give statutory statement) —

(a) after subsection (5) insert the following subsection —

“(5A) Nothing in subsections (1) to (5) applies to anyone to whom the requirements of Article 16 of Regulation (EC) No 1831/2003 (labelling and packaging of feed additives and premixtures) or of Chapter 4 of Regulation (EC) No 767/2009 (labelling, presentation and packaging) apply.”;

(b) after subsection (6) add the following subsection —

“(7) Failure to comply with the labelling requirements of Article 16 of Regulation (EC) No 1831/2003 or of Chapter 4 of Regulation (EC) No 767/2009 shall not invalidate a contract of sale, but such labelling shall, regardless of any contract or notice to the contrary, have effect as a warranty by the person who gives it that the particulars contained in it are correct.”.

(4) In section 69 (marking of material prepared for sale), in subsection (1) omit the words “or feeding stuff”.

(5) In section 70 (use of names or expressions with prescribed meanings) —

- (a) subsection (1)(a) in so far as it applies in relation to feeding stuffs shall apply as if the expression “under Regulation (EC) No 767/2009” were substituted for the expression “by regulations made for the purposes of this section”; and
- (b) after subsection (5) add the following subsection —
 - “(6) Nothing in subsections (2) to (4) of this section shall apply to anyone to whom the labelling requirements of Regulation (EC) No 767/2009 apply.”.
- (6) In section 71 (particulars to be given of certain attributes if claimed to be present) —
 - (a) subsection (4) in so far as it applies in relation to feeding stuffs shall apply as if —
 - (i) the expression “the requirements of Article 13 of Regulation (EC) No 767/2009” were substituted for the expression “subsection (1) of this section”; and
 - (ii) “that Article” were substituted for “that subsection”;
 - (b) after subsection (5) add the following subsection —
 - “(6) Nothing in subsections (1) to (3) of this section shall apply to anyone to whom Article 13 (claims) of Regulation (EC) No 767/2009 applies.”.
- (7) Sections 73 and 73A shall cease to have effect.
- (8) In section 74 (limits of variation) after subsection (2) add the following subsection —
 - “(3) Nothing in subsection (2) shall apply to anyone to whom Article 11.5 and Annex IV (permitted tolerances) of Regulation (EC) No 767/2009 applies.”.
- (9) In section 74A, subsection (3) shall not apply to regulations concerning feed.