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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3376**

**The Official Feed and Food Controls (Wales) Regulations 2009**

**PART 1**

PRELIMINARY

**Title, commencement and application**

1. The title of these Regulations is The Official Feed and Food Controls (Wales) Regulations 2009, they come into force on 25 January 2010 and apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990(1);

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“authorised officer” (“*swyddog awdurdodedig*”)—

(a) in relation to a competent authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing for the purposes of regulation 14; and

(b) in relation to a relevant enforcement authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing, either generally or specially, to act in matters arising under Part 2 of these Regulations in relation to its enforcement responsibilities under regulation 17;

“competent authority” (“*awdurdod cymwys*”) means, other than in regulations 23 and 24, an authority which, by virtue of regulation 3, is designated for the purposes of any of the provisions of Regulation 882/2004;

“Directive 2004/1” (“*Cyfarwyddeb 2004/1*”), “Regulation 999/2001” (“*Rheoliad 999/2001*”), “Regulation 178/2002” (“*Rheoliad 178/2002*”), “Regulation 852/2004” (“*Rheoliad 852/2004*”), “Regulation 853/2004” (“*Rheoliad 853/2004*”), “Regulation 882/2004” (“*Rheoliad 882/2004*”), “Regulation 1688/2005” (“*Rheoliad 1688/2005*”), “Regulation 2073/2005” (“*Rheoliad 2073/2005*”), “Regulation 2074/2005” (“*Rheoliad 2074/2005*”), “Regulation 1020/2008” (“*Rheoliad 1020/2008*”), “Regulation 669/2009” (“*Rheoliad 669/2009*”) and Regulation 1162/2009 (“*Rheoliad 1162/2009*”) have the meanings respectively given to them in Schedule 1;

“feed authority” (“*awdurdod bwyd anifeiliaid*”) means the authority required by section 67(1A) of the Agriculture Act 1970(2) to enforce that Act within its area or district as the case may be;

“food authority” (“*awdurdod bwyd*”) has the meaning it bears by virtue of section 5(1A) of the Act;

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(1) 1990 c. 16.

(2) 1970 c. 40.

“the Import Provisions” (“*y Darpariaethau Mewnforio*”) means Part 3 of these Regulations and Articles 15 to 24 of Regulation 882/2004 and Regulation 669/2009;

“the Official Control Regulations” (“*y Rheoliadau Rheolaethau Swyddogol*”) means these Regulations and Regulation 882/2004;

“premises” (“*mangre*”) includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“primary production” (“*cynhyrchu sylfaenol*”) has the meaning it bears in Regulation 852/2004;

“relevant enforcement authority” (“*awdurdod gorfodi perthnasol*”) means a body which, by virtue of regulation 17, is made responsible for executing and enforcing any provision of Part 2 of these Regulations;

“relevant feed law” (“*cyfraith bwyd anifeiliaid berthnasol*”) has the meaning given to it in Schedule 2; and

“relevant food law” (“*cyfraith bwyd berthnasol*”) has the meaning given to it in Schedule 3.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

(3) Unless the contrary intention appears, any expression used both in these Regulations and in Regulation 178/2002, Regulation 882/2004 or Regulation 669/2009 has the meaning it bears in Regulation 178/2002, Regulation 882/2004 or Regulation 669/2009 as the case may be.

(4) Where any functions under the Act are assigned—

- (a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984<sup>(3)</sup>, to a port health authority; or
- (b) by an order under section 6 of the Public Health Act 1936<sup>(4)</sup>, to a joint board for a united district,

any reference in these Regulations to a food authority is construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

(5) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as amended from time to time.

<sup>(3)</sup> 1984 c. 22.

<sup>(4)</sup> 1936 c. 49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.