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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2652**

**The Animal Feed (Wales) Regulations 2010**

**PART 4**

Undesirable substances in feed

**Interpretation of this Part**

**8.** In this Part—

- (a) any reference to a numbered Article or Annex is a reference to the Article or Annex so numbered in Directive 2002/32; and
- (b) “undesirable substance” (“*sylwedd annymunol*”) means any substance or product, not being a pathogenic agent, which is present in or on a feed and—
  - (i) constitutes a potential danger to human or animal health or to the environment, or
  - (ii) could adversely affect livestock production.

**Control of animal feeds containing undesirable substances**

**9.—(1)** Any person who—

- (a) places on the market any feed that is specified in column 2 of Annex I; or
- (b) uses any such feed,

is guilty of an offence if it contains any undesirable substance listed in column 1 of that Annex in excess of the relevant maximum content specified in column 3.

(2) Any person who places on the market or uses any complementary feed is guilty of an offence if—

- (a) having regard to the quantity of it recommended for use in a daily ration, it contains any undesirable substance listed in column 1 of Annex I in excess of the maximum content specified for it in column 3 in relation to complete feeds; and
- (b) there is no provision relating to any complementary feed in the corresponding entry in column 2 of that Annex.

(3) Any person who for the purpose of dilution mixes any feed with a feed that is specified in column 2 of Annex I and which contains any undesirable substance listed in column 1 of that Annex in excess of the maximum content specified for it in column 3 is guilty of an offence.

(4) Any person who places on the market or uses any feed which is not sound and genuine and of merchantable quality is guilty of an offence.

(5) For the purposes of paragraph (4) a feed listed in column 2 of Annex I is not sound, genuine and of merchantable quality if it contains any undesirable substance specified in column 1 of that Annex in excess of the maximum content specified in relation to it in column 3.

(6) Any person who has, for the purpose of a trade or business, possession or control of any of the feeds specified in paragraph (7) must, if required by an inspector, procure and produce to

the inspector an analysis in order to demonstrate that the content of inorganic arsenic in the feed specified in that paragraph is less than 2 parts per million.

(7) The feeds are—

- (a) palm kernel expeller;
- (b) feeds obtained from the processing of fish and other marine animals;
- (c) seaweed meal and feed materials derived from seaweed; and
- (d) complete feeds for fish or for fur-producing animals.

(8) Any person who, without reasonable excuse, fails to comply with a requirement made under paragraph (6) is guilty of an offence.