
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 474

AGRICULTURE

**The Feeding Stuffs (Scotland)
Amendment (No. 3) Regulations 2003**

Made - - - - - *30th September 2003*
Laid before the Scottish
Parliament - - - - - *2nd October 2003*
Coming into force - - - - - *1st December 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970(1) after consultation as required by section 84(1) of that Act with such persons or organisations appearing to represent the interests concerned, and in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(2) (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 above) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Feeding Stuffs (Scotland) Amendment (No. 3) Regulations 2003 and shall come into force on 1st December 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Feeding Stuffs (Scotland) Regulations 2000

2. Schedule 3 (permitted additives and provisions relating to their use) to the Feeding Stuffs (Scotland) Regulations 2000(3) shall be amended as follows:—

(a) for the provisions specified in Part II of the Table (permitted colourants), there shall be substituted the provisions set out in Schedule 1 to these Regulations; and

(1) 1970 c. 40; section 66(1) was amended by S.I.1982/980, 1995/1412, 1996/1342 and 1999/1663. Section 74A was inserted by the European Communities Act 1972, (c.68), Schedule 4, paragraph 6. Section 66(1) contains definitions of “the Ministers”, “prescribed” and “regulations”. The functions of the Secretary of State in so far as within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) 1972 c. 68; section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon Ministers of the Crown by section 2(2), in so far as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(3) S.S.I. 2000/453, amended by S.S.I. 2001/334, 2002/285, 2003/101 and 2003/312.

- (b) for the provisions specified in Part IX of the Table (European Community Regulations by which additives are controlled), there shall be substituted the provisions set out in Schedule 2 to these Regulations⁽⁴⁾.

St Andrew's House, Edinburgh
30th September 2003

TOM McCABE

⁽⁴⁾ Part IX of the Table to Schedule 3 was previously substituted by [S.S.I. 2003/101](#).

SCHEDULE 1

Regulation 2(a)

PROVISIONS SUBSTITUTED FOR PART II OF THE TABLE SET OUT IN
SCHEDULE 3 TO THE FEEDING STUFFS (SCOTLAND) REGULATIONS 2000“PART II
PERMITTED COLOURANTS

<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
1. Carotenoids and xanthophylls:					
E160c	Capsanthin	C ₄₀ H ₅₆ O ₃	}	}	–
E160e	Beta-apo-8'- Carotenal	C ₃₀ H ₄₀ O	}	}80	
E160f	Ethyl ester of beta-apo-8'- carotenoic Acid	C ₃₂ H ₄₄ O ₂	}Poultry	}(alone or with the other carotenoids and xanthophylls)	
E161b	Lutein	C ₄₀ H ₅₆ O ₂	}	}	
E161c	Cryptoxanthin	C ₄₀ H ₅₆ O	}	}	
E161g	Canthaxanthin	C ₄₀ H ₅₂ O ₂	(a)Poultry other than laying hens	25	The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff
			(b)Laying hens	8	The mixture of canthaxanthin with other carotenoids

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
					and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff
			(Salmon, trout	25	Use permitted from the age of 6 months onwards. The mixture of canthaxanthin with asthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feedingstuff
			(d) Dogs, cats and ornamental fish	–	–
E161h	Zeaxanthin	C ₄₀ H ₅₆ O ₂	Poultry	} 80 (alone or with other carotenoids and xanthophylls)	–

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
E161i	Citranaxanthin	C ₃₃ H ₄₄ O	Laying hens	}	
E161j	Astaxanthin	C ₄₀ H ₅₂ O ₄	(a) Salmon, trout	100	Use only permitted from the age of 6 months onwards. The mixture of astaxanthin with canthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100mg/kg in the complete feedingstuff
			Ornamental fish	–	–
2. Other colourants					
E102	Tartrazine	C ₁₆ H ₉ N ₄ Na ₃ O ₉ S ₂	}		
E110	Sunset yellow FCF	C ₁₆ H ₁₀ N ₂ Na ₂ O ₇ S ₂	Ornamental fish	–	–
E124	Ponceau 4R	C ₂₀ H ₁₁ N ₂ Na ₃ O ₁₀ S ₃			
E127	Erythrosine	C ₂₀ H ₆ I ₄ Na ₂ O ₅ H ₂ O			
E131	Patent Blue V	Calcium salt of the disulphonic acid of m-hydroxytetra ethyl diamino triphenylcarbinol anhydride	(a) All species or categories of animals with the exception of dogs	–	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs;

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
			and cats		(ii) denatured cereals or manioc flour; or (iii) other base substances denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture
			(b) Dogs – and cats		–
E132	Indigotine	C ₁₆ H ₈ N ₂ Na ₂ O ₈ S ₂	Ornamental fish	–	–
E141	Chlorophyll copper complex	–	Ornamental fish	–	–
E142	Acid Brilliant Green BS, (Lissamine Green)	Sodium salt of 4,4'-bis (dimethylamino) diphenylmethylen-2 naphthol 3, 6 disulphonic acid	(a) All – species or categories of animals with the exception of dogs, cats and	–	Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs; (ii) denatured cereals

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
				ornamental fish	or manioc flour; or (iii) other base substances denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture
			(b) Dogs, – cats and ornamental fish	–	–
E153	Carbon black	C	}		
E160B	Bixin	C ₂₅ H ₃₀ O ₄	}Ornamental fish	–	–
E172	Iron oxide, red	Fe ₂ O ₃	}		
	3. All – colourants (other than Patent Blue V and Acid Brilliant Green BS and Canthaxanthin) at present permitted		(a) All species or categories of animals with the exception of dogs and cats		Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs; or (ii) other base

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
	for use in human food by European Community legislation as implemented by Regulations made under the Food Safety Act 1990(5)				substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture
	Canthaxanthin authorised for colouring foodstuffs by Community rules		(b) Dogs – and cats	–	
			(a) All – species or categories of animals other than poultry, salmon, trout, dogs and cats		Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs; or (ii) other base substances, with the exception of

(5) 1990 c. 16.

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<i>Col. 1 EEC No.</i>	<i>Column 2 Name or Description</i>	<i>Column. 3 Chemical formula, description.</i>	<i>Column 4 Kind of animal permitted</i>	<i>Column 5 Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Column 6 Conditions</i>
					cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture
			(b) Dogs – and cats		–
			(c) Poultry other than laying hens, salmon, trout	25	Permitted in animal feedingstuffs only in products processed from: <ul style="list-style-type: none"> (i) waste products of foodstuffs; or (ii) other base substances, with the exception of cereals and manioc flour, denatured by

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					means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture
			(d)Laying 8 hens		Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs; or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the

<i>Col. 1</i>	<i>Column 2</i>	<i>Column. 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>
<i>EEC No.</i>	<i>Name or Description</i>	<i>Chemical formula, description.</i>	<i>Kind of animal permitted</i>	<i>Maximum content (mg/kg in complete feedingstuffs)</i>	<i>Conditions</i>

necessary identification during manufacture”

SCHEDULE 2

Regulation 2(b)

PROVISIONS SUBSTITUTED FOR PART IX OF THE TABLE TO SCHEDULE
3 TO THE FEEDING STUFFS (SCOTLAND) REGULATIONS 2000

“PART IX

EUROPEAN COMMUNITY REGULATIONS BY
WHICH ADDITIVES ARE CONTROLLED(6)

Commission Regulation (EC) No. 2316/98 concerning authorisation of new additives and amending the conditions for authorisation of a number of additives already authorised in feedingstuffs(7).

Commission Regulation (EC) No. 1594/1999 amending the conditions for the authorisation of an additive in feedingstuffs(8).

Commission Regulation (EC) No. 2439/1999 on the conditions for authorisation of additives belonging to the group “binders, anti-caking agents and coagulants” in feedingstuffs(9).

Commission Regulation (EC) No. 1353/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives, new additive uses and new preparations in feedingstuffs(10).

Commission Regulation (EC) No. 2437/2000 concerning the permanent authorisation of an additive and the provisional authorisation of new additives in feedingstuffs(11).

Commission Regulation (EC) No. 2013/2001 concerning the provisional authorisation of a new additive use and the permanent authorisation of an additive in feedingstuffs(12).

Commission Regulation (EC) No. 2200/2001 concerning provisional authorisation of additives in feedingstuffs(13).

(6) Certain of the above Regulations relate to additive categories which include additives controlled by the Additives Directive (as defined in article 2 of S.S.I. 2000/453), and which are listed in the relevant Part(s) of Parts I to VIII of the Table to Schedule 3 (e.g. the preservative formic acid is covered by Regulation (EC) No. 1594/1999, but certain other preservatives are covered by Part VII of the Table).

(7) O.J. No. L 289, 28.10.98, p.4.

(8) O.J. No. L 188, 21.7.99, p.35.

(9) O.J. No. L 297, 18.11.99, p.8. The Annex to this Regulation is now replaced by the Annex to Regulation (EC) No. 739/2000 (O.J. No. L 87, 8.4.00, p.14).

(10) O.J. No. L 155, 28.6.00, p.15.

(11) O.J. No. L 280, 4.11.00, p.28.

(12) O.J. No. L 272, 13.10.01, p.24.

(13) O.J. No. L 299, 15.11.01, p.1.

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Commission Regulation (EC) No. 256/2002 concerning the provisional authorisation of new additives, the prolongation of provisional authorisation of an additive and the permanent authorisation of an additive in feedingstuffs(14).

Commission Regulation (EC) No. 1252/2002 concerning the provisional authorisation of a new additive in feedingstuffs(15).

Commission Regulation (EC) No. 1876/2002 concerning the provisional authorisation of a new use of an additive in feedingstuffs(16).

Commission Regulation (EC) No. 2188/2002 concerning the provisional authorisation of new uses of additives in feedingstuffs(17).

Commission Regulation (EC) No. 261/2003 concerning the provisional authorisation of new uses of additives in feedingstuffs(18).

Commission Regulation (EC) No. 316/2003 concerning the permanent authorisation of an additive in feedingstuffs and the provisional authorisation of an additive already authorised in feedingstuffs(19).

Commission Regulation (EC) No. 666/2003 provisionally authorising the use of certain micro-organisms in feedingstuffs(20).

Commission Regulation (EC) No. 668/2003 concerning the permanent authorisation of an additive in feedingstuffs(21).

Commission Regulation (EC) No. 871/2003 concerning the permanent authorisation of a new additive in feedingstuffs(22).

Commission Regulation (EC) No. 877/2003 concerning the provisional authorisation of a new additive in feedingstuffs(23).”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, further amend the Feeding Stuffs (Scotland) Regulations 2000 (S.S.I. 2000/453, as already amended).

These Regulations implement Commission Directive 2003/7/EC amending the conditions for authorisation of canthaxanthin in feedingstuffs in accordance with Council Directive 70/524/EEC (O.J. No. L 22, 25.1.03, p.28).

These Regulations also provide for the enforcement of the following Community Regulations:–

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- (14) O.J. No. L 41, 13.2.02, p.6.
(15) O.J. No. L 183, 12.7.02, p.10.
(16) O.J. No. L 284, 22.10.02, p.7.
(17) O.J. No. L 333, 10.12.02, p.5.
(18) O.J. No. L 37, 13.2.03, p.12.
(19) O.J. No. L 46, 20.2.03, p.15.
(20) O.J. No. L 96, 12.4.03, p.11.
(21) O.J. No. L 96, 12.4.03, p.14.
(22) O.J. No. L 125, 21.5.2003, p.3.
(23) O.J. No. L 126, 22.5.2003, p.24.

- (a) Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs (O.J. No. L 125, 21.5.03, p.3); and
- (b) Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator “Benzoic acid” in feedingstuffs (O.J. No. L 126, 22.5.03, p.24).

These Regulations amend the Feeding Stuffs (Scotland) Regulations 2000 by–

- (a) modifying the controls regulating the presence of additives in feedingstuffs by specifying new maximum levels in feed for the colourant canthaxanthin in Part II of the Table to Schedule 3 (regulation 2(a) and Schedule 1); and
- (b) adding two new Commission Regulations to the list of Commission Regulations under which authorisation for the marketing of feed additives has been granted which is contained in Part IX of the Table to Schedule 3 (regulation 2(b) and Schedule 2).

A Regulatory Impact Assessment, which includes a compliance assessment of the effect which these Regulations would have on business costs, has been prepared in relation to these Regulations and has been placed in the Scottish Parliament Information Centre. Copies can be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.