
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 263

**The Feed (Hygiene and Enforcement)
(Scotland) Amendment Regulations 2009**

Amendment of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

2.—(1) The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005⁽¹⁾ are amended in accordance with paragraphs (2) to (5).

- (2) In regulation 2(1), in the definition of “authorised officer”, for “16(2)” substitute “16(3)”.
- (3) In regulation 4(a) and (b) for “enforcement” substitute “feed”.
- (4) For regulation 16 substitute—

“Enforcement

- (1) In the area of each feed authority, the relevant provisions in so far as they apply to—
 - (a) the operations mentioned in paragraph (2) are to be executed and enforced by the Agency or the feed authority in question;
 - (b) any other operations mentioned in Regulation 183/2005 are to be executed and enforced by the feed authority in question.
- (2) The operations referred to in paragraph (1)(a) are—
 - (a) primary production of feed and those associated operations listed in Article 5(1) of Regulation 183/2005 which require to be carried out in compliance with the provisions listed in Annex I to that Regulation; and
 - (b) feeding of food producing animals (other than animals mentioned in Article 2(2)(b) and (c) of Regulation 183/2005⁽²⁾) which requires to be carried out in compliance with the provisions of Article 5(5) of and Annex III to that Regulation.
- (3) The Agency or any feed authority may in writing appoint as authorised officers, either generally or specifically, such persons as it considers necessary to act in matters arising under the relevant provisions.
- (4) A person appointed under paragraph (3) need not be an officer of the appointing body.
- (5) In this regulation, “the relevant provisions” are—
 - (a) these Regulations;
 - (b) the provisions of Regulation 178/2002 set out in regulation 15(2); and
 - (c) Regulation 183/2005.”.
- (5) In regulation 32(1)—

⁽¹⁾ [S.S.I. 2005/608](#), as amended by [S.S.I. 2006/578](#) and [S.S.I. 2008/201](#).

⁽²⁾ Article 2(2)(b) and (c) provide that Regulation 183/2005 does not apply to the feeding of food producing animals kept for private domestic consumption, animals kept for the activities mentioned in Article 1(2)(c) of Regulation (EC) No. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (O.J. No. L 139, 30.4.04, p.1) (Corrigendum: O.J. No. L 226, 25.6.04, p.3) (the direct supply, by the producer, of small quantities of primary products to the final consumer or to local retail establishments directly supplying the final consumer) or to animals not kept for food production.

- (a) for “in the area of” substitute “by”; and
- (b) the words “in that area” and “in respect of that area” are omitted.