
STATUTORY INSTRUMENTS

1996 No. 1260

AGRICULTURE

The Feeding Stuffs (Amendment) Regulations 1996

<i>Made</i> - - - -	<i>22nd April 1996</i>
<i>Laid before Parliament</i>	<i>10th May 1996</i>
<i>Coming into force</i>	
<i>regulations 1 – 8(a) and 10 and Schedule 2</i>	<i>1st June 1996</i>
<i>regulations 8(b) and 9 and Schedule 1</i>	<i>31st July 1996</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 66(1), 68(1), 74, 74A and 84 of the Agriculture Act 1970(1) and of all other powers enabling them in that behalf, after consultation in accordance with section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3)(4) in relation to the common agricultural policy of the European Economic Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2)(5), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations 1996 and shall come into force on the following dates:

- (a) regulations 1 to 8(a) and 10 and Schedule 2 on 1st June 1996;
- (b) regulations 8(b) and 9 and Schedule 1 on 31st July 1996.

(1) 1970 c. 40; section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6, and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980). Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”; the definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1.

(2) S.I. 1972/1811.

(3) 1972 c. 68.

(4) The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51).

(5) As read together with section 2(5) of the European Economic Area Act 1993.

Amendment of the Feeding Stuffs Regulations 1995

2. The Feeding Stuffs Regulations 1995(6) shall be amended in accordance with regulations 3 – 10 below.

3. In regulation 2(1), after the definition of “daily ration” there shall be inserted the following definitions —

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as amended by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;(7).”

4. For regulation 10 there shall be substituted the following regulation:

“10. For the purposes of section 74, the limits of variation in relation to any mis-statement in a statutory statement or mark as to the nature, substance or quality of a feeding stuff, where the mis-statement relates to—

- (a) an analytical constituent specified in the first column of any of Parts A to D of Schedule 3, or
- (b) energy value of a feeding stuff specified in the first column of Part E of that Schedule,

shall be as set out with respect to that constituent or feeding stuff in the corresponding entry in the second column of the relevant Part of that Schedule.”.

5. In regulation 15—

- (a) in each of paragraphs (3), (4) and (6), for the words “a Member State of the European Community” there shall be substituted the words “an EEA State”;
- (b) for paragraph (11)(b) there shall be substituted the following sub-paragraph:
 - “(b) hide treated with tanning substances and its waste;”;
- (c) in paragraph (12), after the expression “Council Directive 75/442/EEC(8)” there shall be added the words “on waste, as amended by Council Directive 91/156/EEC”(8).

6. In regulation 22(1)(a), after the figure “70”, there shall be inserted the figure “73,”.

7. In Part C of Schedule 3 (“OTHER FEEDING STUFFS NOT COVERED BY PARTS A OR B”), for the provisions in the second column relating to the analytical constituent “Acid index” there shall be substituted the following provisions:

“If present in excess—

1.5 for declarations of 15% or more

10% of the amount stated for declarations of 2% or more but less than 15%

0.2 for declarations less than 2%”.

8. In Schedule 4—

- (a) in Part II (“PERMITTED COLOURANTS”)—
 - (i) for the provisions in Columns 1 to 3 relating to the names or descriptions “Carotenoids and xanthophylls” and “Capsanthin” there shall be substituted the following provisions:

(6) S.I. 1995/1412.

(7) The reference for the EEA Agreement is OJ No. L1, 3.1.94, p.1. The reference for the Protocol signed on 17th March 1993 is OJ No. L1, 3.1.94, p.571.

(8) OJ No. L78, 26.3.91, p.32.

(8) OJ No. L78, 26.3.91, p.32.

“E 160c	1. Carotenoids and xanthophylls: Capsanthin	C ₄₀ H ₅₆ O ₃ ”
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(ii) for the provisions in Column 2 relating to item 3 there shall be substituted the following provisions:

“All colourants (other than Patent Blue V and Acid Brilliant Green BS) at present permitted for use in human food by European Community legislation, as implemented by Regulations made under the Food Safety Act 1990(9);”

(b) in Part VI (“TRACE ELEMENTS”), for the provisions relating to the element Iodine-I there shall be substituted the contents of Schedule 1 to these Regulations.

9. In the provisions relating to the substance Aflatoxin B1 in Chapter B in Part I of Schedule 5 (“FEEDING STUFFS”), for the provisions in columns 2 and 3 relating to complete feeding stuffs for cattle, sheep and goats (except dairy animals, calves, lambs and kids) there shall be substituted the following provisions:

“Complete feeding stuffs for cattle, sheep and goats except:	0.05
— dairy cattle	0.005
— calves and lambs	0.01”

10. In Schedule 7 (“CONTROL OF CERTAIN PROTEIN SOURCES”) —

(a) after the provisions relating to item 1.1.1. (“Bacteria cultivated on methanol”) there shall be inserted the contents of Schedule 2 to these Regulations; and

(b) for the provisions in Column 5 relating to item 3.2.2 (“Concentrated liquid L-Lysine (base)”) there shall be substituted the following provisions:

“L-Lysine:
min 50%”.

22nd April 1996

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

15th April 1996

Lindsay
Parliamentary Under Secretary of State, Scottish
Office

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Signed by authority of the Secretary of State for Wales

16th April 1996

Gwilym Jones
Parliamentary Under Secretary of State, Welsh
Office

SCHEDULE 1

Regulation 8(b)

"E2	Iodine-I	Calcium iodate, hexahydrate	Ca(IO ₃) ₂ ·6H ₂ O	equines; fish; other species of animals	4 (total);	—
			Ca(IO ₃) ₂		20 (total)	—
		Calcium iodate, anhydrous	NaI		10 (total)	—"
		Sodium iodide	KI			
		Potassium iodide				

SCHEDULE 2

Regulation 10(a)

"1.1.2 Bacteria cultivated on natural gas	1.1.2.1 protein product of fermentation from natural gas obtained by culture of:	<i>Methylococcus capsulatus</i> (Bath) NCIMB 11132	Natural gas: protein : (approx min. 65%)	— Pigs for fattening from 25 to 60 kg	Declarations to be made on the label or the packaging of the product: — the name "Protein product of fermentation from natural gas obtained by culture of <i>Methylococcus capsulatus</i> (Bath), <i>Alcaligenes acidovorans</i> , <i>Bacillus brevis</i> and <i>Bacillus firmus</i> ."
		<i>Alcaligenes acidovorans</i> NCIMB strain 12387	methane, 5% ethane, 2% propane, 0.5% isobutane, 0.5% n-butane, 1% other components), ammonia, mineral salts	— Calves from 80 kg on	
	the cells of which have been killed.	<i>Bacillus firmus</i> NCIMB strain 13280		— Salmon	— protein — ash

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- fat
- moisture content
- instructions for use
- maximum incorporation rate in the feed:
 - 8% pigs for fattening
 - 8% calves
 - 19% salmon (freshwater)
 - 33% salmon (seawater)
- declaration of the words “avoid inhalation”

Declarations to be made on the label or packaging of the compound feedingstuffs

- The name “Protein product obtained by bacterial fermentation of natural gas”
- amount of the product contained

in the
feedingstuffs”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Feeding Stuffs Regulations 1995 (“the principal Regulations”) and implement the following European Community Directives:

Commission Directive [95/33/EC](#) (OJNo. L167, 18.7.95, p.17) amending Council Directive [82/471/EEC](#) concerning certain products used in animal nutrition;

Commission Decision [95/274/EC](#) (OJ No. L167, 18.7.95, p.24) amending Commission Decision [91/516/EEC](#) establishing a list of ingredients whose use is prohibited in compound feeding stuffs;

Commission Directive [96/6/EC](#) (OJ No. L49, 28.2.96, p.29) amending Council Directive [74/63/EEC](#) on undesirable substances and products in animal nutrition;

Commission Directive [96/7/EC](#) (OJ No. L51, 1.3.96, p.45) amending Council Directive [70/524/EEC](#) concerning additives in feeding stuffs.

The principal changes are contained in—

- (a) regulation 5(a)— which modifies certain provisions in regulation 15 of the principal Regulations by providing that the requirements in those provisions currently regulating importation into Great Britain from countries other than Member States of the European Community of feeding stuffs and ingredients containing certain substances shall apply instead to their importation from any country not a signatory to the Agreement on the European Economic Area;
- (b) regulation 5(b)— which modifies the prohibition in regulation 15(11)(b) of the principal Regulations on the use of treated hide in compound feeding stuffs;
- (c) regulation 8(b)— which amends the entry in Part VI of Schedule 4 to the principal Regulations relating to the additive Iodine;
- (d) regulation 9— which amends the entry in Chapter B of Part I of Schedule 5 to the principal Regulations relating to the substance Aflatoxin B1;
- (e) regulation 10— which amends Schedule 7 to the principal Regulations by adding new provisions relating to Bacteria cultivated on natural gas and amending the entry relating to item 3.2.2— Concentrated liquid L— Lysine (base).

In addition the Regulations make minor drafting and textual amendments (regulations 4, 5(c), 6, 7 and 8(a)).