
STATUTORY INSTRUMENTS

1999 No. 1872

**The Feeding Stuffs (Establishments
and Intermediaries) Regulations 1999**

PART V

REGISTRATION OF INTERMEDIARIES

Declarations leading to the registration of intermediaries

26.—(1) An eligible person may submit to the competent body a declaration, with a view to being registered by it as an intermediary who may carry out either or both of the following activities—

- (a) wrapping, packaging, storing and putting into circulation an additive of any kind the wrapping, packaging, storing and putting into circulation of which is regulated by Article 8.1 of Directive 95/69; or
- (b) wrapping, packaging, storing and putting into circulation a premixture containing additives of any kind (other than copper, selenium, vitamin A and vitamin D) referred to in Chapter II(a) of the Annex, but not containing an additive of any kind referred to in Chapter I.2(a) of the Annex.

(2) A declaration submitted under paragraph (1) shall—

- (a) be in writing,
- (b) be in the English language or, where the facilities in respect of which the declaration is submitted are situated wholly or partly in Wales, in either that language or the Welsh language,
- (c) be signed by or on behalf of the person submitting the declaration,
- (d) contain the name (or business name) and address of that person,
- (e) identify the intermediary activity which that person is exercising or, as the case may be, intends to exercise,
- (f) identify the facilities in respect of which the declaration is submitted, and
- (g) contain a statement that that person complies, and an undertaking that when he exercises the intermediary activity he will comply, with the applicable conditions.

(3) For the purposes of the statement referred to in paragraph (2)(g), and pursuant to Article 8.2 of Directive 95/69, an intermediary shall be deemed to comply with the applicable conditions if he is an intermediary the exercise by whom of a corresponding activity, referred to in Article 3.1 of that Directive, is approved pursuant to these Regulations, the Feedingstuffs (Zootechnical Products) Regulations 1999 or both.

Registration of intermediaries

27. Where a declaration complying with regulation 26(2) is submitted under paragraph (1) of that regulation, the competent body shall—

- (a) register the person submitting the declaration as an intermediary who may exercise the intermediary activity concerned, and
- (b) in accordance with Article 10.1 of Directive 95/69, as read with Articles 8 and 9 of, and the Annex to, Directive 98/51, enter the intermediary on a list, which the competent body shall maintain, under an individual registration number which identifies the intermediary, as an intermediary registered for the exercise of that activity.

Amendment of registrations

28.—(1) An eligible person may submit to the competent body a declaration, with a view to being registered by it as a registered intermediary who may exercise an intermediary activity (“the new intermediary activity”)—

- (a) in addition to an intermediary activity for the exercise of which he is already registered, or
 - (b) instead of that activity.
- (2) A declaration submitted under paragraph (1) shall—
- (a) be in writing,
 - (b) be in the English language or, where the facilities in respect of which the declaration is made are situated wholly or partly in Wales, in either that language or the Welsh language,
 - (c) be signed by or on behalf of the person submitting the declaration,
 - (d) contain the name (or business name) and address of that person,
 - (e) identify the new intermediary activity which that person is exercising or, as the case may be, intends to exercise,
 - (f) identify the facilities in respect of which the declaration is submitted,
 - (g) state under which sub-paragraph of paragraph (1) the declaration is submitted, and
 - (h) contain a statement that the person submitting the declaration complies, and an undertaking that when he exercises the new intermediary activity he will comply, with the applicable conditions.

(3) For the purposes of the statement referred to in paragraph (2)(h), and pursuant to Article 8.2 of Directive 95/69, an intermediary shall be deemed to comply with the applicable conditions if he is an intermediary the exercise by whom of a corresponding activity referred to in Article 3.1 of that Directive, is approved pursuant to these Regulations, the Feedingstuffs (Zootechnical Products) Regulations 1999 or both.

(4) Where a declaration complying with paragraph (2) is submitted under paragraph (1), the competent body shall register the intermediary as an intermediary who may exercise the new intermediary activity.

(5) Where, pursuant to paragraph (4), the competent body registers an intermediary, the competent body shall amend the list maintained by it under regulation 27(b), to show all the intermediary activities for the exercise of which the intermediary is registered under regulation 27(a) or under paragraph (4).

Cancellation of registrations

29.—(1) The competent body shall cancel a registration for the exercise by a registered intermediary of an intermediary activity if the competent body is satisfied that the intermediary has ceased exercising that activity.

(2) The competent body shall cancel a registration for the exercise of an intermediary activity by a registered intermediary if, following the procedure in regulation 30, the competent body is not

satisfied that, in relation to that activity, the intermediary is complying with regulation 47, 51, 64 or 68, as the case may be.

(3) Where, pursuant to paragraphs (1) or (2), the competent body cancels a registration, it shall amend the list maintained by it under regulation 27(b), by deleting from it the entry effecting registration in respect of the intermediary activity for which registration has been cancelled.

Procedure relating to the cancellation of registrations

30.—(1) Where, in the circumstances described in regulation 29(2), the competent body proposes to cancel a registration relating to the exercise of an intermediary activity by a registered intermediary, the competent body shall not cancel the registration unless—

- (a) it serves a written notice complying with the requirements of paragraph (2) on the intermediary, and
 - (b) after the time for compliance with that notice has expired, it is not satisfied that the intermediary has complied with the requirements specified in the notice.
- (2) A notice served by the competent body under paragraph (1) shall—
- (a) state that it proposes to cancel the registration relating to the intermediary activity concerned, because it is not satisfied that the intermediary is complying, in relation to that activity, with regulation 47, 51, 64 or 68, as the case may be;
 - (b) specify—
 - (i) the essential conditions it is not satisfied that the intermediary is complying with; and
 - (ii) the requirements that the intermediary must comply with in order to satisfy it as to compliance with those essential conditions; and
 - (c) state that, unless it is satisfied that the intermediary has complied with those requirements, within such reasonable time as is specified in the notice, the registration for the exercise of the intermediary activity concerned will be cancelled.

National lists of registered intermediaries

31. Every competent body shall provide to the Minister in writing, on demand being made by him, such information as is available to it, and which will assist the Minister to comply with the requirements of Article 11 of Directive 95/69 in relation to lists of registered intermediaries.

Interpretation of Part V

32. In this Part—

“the applicable conditions” means the conditions laid down or referred to in point 7 of Chapter II(c) of the Annex;

“eligible person” means a person who is entitled to apply to the competent body, in accordance with Article 9.1 or 9.2 of Directive 95/69, to be registered as an intermediary who may exercise an intermediary activity;

“essential conditions” means the essential conditions laid down or referred to in point 7 of Chapter II(c) of the Annex;

“intermediary activity” means an activity specified in sub-paragraph (a) or (b) of regulation 26(1);

“registered intermediary” means a person registered by the competent body as an intermediary who may exercise an intermediary activity.