
STATUTORY INSTRUMENTS

2005 No. 2626

**The Official Feed and Food Controls
(England) Regulations 2005**

PART 1

PRELIMINARY

Title, commencement and application

1. These Regulations —

- (a) may be cited as the Official Feed and Food Controls (England) Regulations 2005;
- (b) come into force on 1st January 2006; and
- (c) apply in relation to England only.

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

“the Agency” means the Food Standards Agency;

“authorised officer” —

- (a) in relation to a competent authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under the Official Control Regulations; and
- (b) in relation to a relevant enforcement authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under Part 2 of these Regulations in relation to their execution and enforcement of regulation 16;

“competent authority” means an authority which, by virtue of regulation 3, is designated for the purposes of any of the provisions of Regulation 882/2004;

“feed authority” means the authority required by section 67(1) of the Agriculture Act 1970(1) to enforce that Act within its area or district as the case may be;

“food authority” has the meaning it bears by virtue of section 5(1) of the Act, except that it does not include the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and Middle Temple);

“the Official Control Regulations” means these Regulations and Regulation 882/2004;

“port health authority” means —

- (c) in relation to the London port health district (within the meaning given to that phrase for the purposes of the Public Health (Control of Disease) Act 1984⁽²⁾ by section 7(1) of that Act), the Common Council of the City of London; and
- (d) in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act;

“premises” includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“primary production” has the meaning it bears in Regulation 852/2004;

“Regulation 178/2002”, “Regulation 852/2004”, “Regulation 853/2004”, “Regulation 882/2004” and “Directive 2004/41” have the meanings respectively given to them in Schedule 1;

“relevant enforcement authority” means a body which, by virtue of regulation 17, is made responsible for executing and enforcing paragraph (3) of regulation 5, paragraph (8) of regulation 9 and regulations 11 and 16;

“relevant feed law” has the meaning given to it in Schedule 2; and

“relevant food law” has the meaning given to it in Schedule 3.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

(3) Any expression used both in these Regulations and in Regulation 178/2002 or Regulation 882/2004 has the meaning it bears in Regulation 178/2002 or Regulation 882/2004 as the case may be.

(4) Any reference in these Regulations to a food authority includes a reference to a port health authority and in the context of such a reference any reference to a food authority’s area includes a reference to a port health authority’s district.