STATUTORY INSTRUMENTS

2009 No. 28

AGRICULTURE, ENGLAND

The Feeding Stuffs (England) (Amendment) Regulations 2009

Made - - - -	*12th January 2009*
Laid before Parliament	*16th January 2009*
Coming into force - -	*20th February 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 66(1), 68(1), 69(1), 74A and 84 of the Agriculture Act 1970(**1**), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(**2**) and with Articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002(**3**).

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or, as appropriate, of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**4**) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Title and commencement

1. These Regulations may be cited as the Feeding Stuffs (England) (Amendment) Regulations 2009 and come into force on 20th February 2009.

Amendments to the Feeding Stuffs (England) Regulations 2005

2. The Feeding Stuffs (England) Regulations 2005(**5**) are amended in accordance with regulations 3 and 4.

(**1**) 1970 c.40. 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. Functions of "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland previously exercisable in relation to England ceased to be so exercisable and were transferred to the Minister of Agriculture, Fisheries and Food. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6. Sections 66(1) and 84 were amended by S.I. 2004/3254.

(**2**) S.I. 2000/656.

(**3**) S.I. 2002/794.

(**4**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 202/2008 (OJ No. L60, 5.3.2008, p.17).

(**5**) S.I. 2005/3281 as amended by S.I. 2006/113, S.I. 2006/2808, S.I 2006/3120, S.I. 2007/3008 and S.I. 2008/1523.

3. In Schedule 5 —

(a) in Chapter A, in the entries relating to fluorine —

(i) after the last entry in Column 2 add "– complete feeding stuffs for fish", and

(ii) after the last entry in Column 3 add "350";

(b) in Chapter C —

(i) omit the entries relating to Apricots, Bitter almond and Camelina;

(ii) for the entries relating to Weed seeds etc substitute the following —

Column 1 *Undesirable substances*	*Column 2* *Products intended for animal feed*	*Column 3* *Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%*
Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances, separately or in combination including:	All feeding stuffs	3000
Datura stramonium L.		1000

(c) in Chapter D, in the entries relating to DDT in column 1, for the expression in parenthesis substitute "(sum of DDT-, DDD- (or TDE-) and DDE-isomers, expressed as DDT)".

4. In Schedule 7, for the entries relating to the support of renal function in the case of chronic renal insufficiency, in the first row of the table in Chapter A, substitute the entries set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health.

Dawn Primarolo
Minister of State,
Department of Health

12th January 2009

SCHEDULE Regulation 4

Entries to be substituted in Schedule 7 to the Feeding Stuffs (England) Regulations 2005

Particular nutritional purpose	*Essential nutritional characteristics*	*Species or category of animal*	*Labelling declarations*	*Recommended length of time for use*	*Other provisions*
Support of renal function in case of chronic renal insufficiency[1]	Low level of phosphorus and restricted level of protein but of high quality	Dogs and cats	— Protein source(s) — Calcium — Phosphorus — Potassium — Sodium — Content of essential fatty acids (if added)	Initially up to 6 months[2]	Indicate on the package, container or label: "It is recommended that a veterinarian's opinion be sought before use or before extending the period of use." Indicate in the instructions for use: "Watershou
	or				
	Reduced phosphorus absorption by means of incorporation of Lanthanum carbonate octahydrate	Adult cats	— Protein source(s) — Calcium — Phosphorus — Potassium — Sodium — Lanthanum carbonate octahydrate — Content of essential fatty acids (if added)	Initially up to 6 months[2]	Indicate on the package, container or label: "It is recommended that a veterinarian's opinion be sought before use or before extending the period of use." Indicate in the instructions for use: "Watershou

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations further amend the Feeding Stuffs (England) Regulations 2005 (SI 2005/3281 as already amended by S.I. 2006/113, S.I. 2006/2808, S.I. 2006/3120, S.I. 2007/3008 and S.I. 2008/1523) ("the Feeding Stuffs Regulations").

2. These Regulations provide for the implementation of—

(a) Commission Directive 2008/76/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJ No. L198, 26.7.2008, p.37); and

(b) Commission Directive 2008/82/EC amending Directive 2008/38/EC as regards feedingstuffs intended for the support of the renal function in case of chronic renal insufficiency (OJ No. L202, 31.7.2008, p.48).

3. In respect of paragraph 2(a), these Regulations amend Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs Regulations. The changes relate to fluorine, DDT and certain plant products.

4. In respect of paragraph 2(b), these Regulations amend the table in Schedule 7 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) to the Feeding Stuffs Regulations, by replacing the existing entries relating to the support of renal function in cases of chronic renal insufficiency.

5. A full impact assessment has not been prepared for these Regulations as no impact on the voluntary or private sectors is foreseen.