
STATUTORY INSTRUMENTS

2010 No. 2503

The Animal Feed (England) Regulations 2010

PART 1

Introductory and general

Title, application and commencement

1. These Regulations may be cited as the Animal Feed (England) Regulations 2010, apply in relation to England only and come into force on 23rd November 2010.

Interpretation and scope

2.—(1) In these Regulations —

“the Act” means the Agriculture Act 1970;

“Directive 82/475” means Commission Directive [82/475/EEC](#) laying down the categories of feed materials which may be used for the purposes of labelling compound feedingstuffs for pet animals(1);

“Directive 2002/32” means Directive [2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed(2);

“Regulation 1831/2003” means Regulation (EC) No. [1831/2003](#) of the European Parliament and of the Council on additives for use in animal nutrition(3);

“Directive 2008/38” means Commission Directive [2008/38/EC](#) establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes(4);

“Regulation 767/2009” means Regulation (EC) No. [767/2009](#) of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No [1831/2003](#) and repealing Council Directive [79/373/EEC](#), Commission Directive [80/511/EEC](#), Council Directives [82/471/EEC](#), [83/228/EEC](#), [93/74/EEC](#), [93/113/EC](#) and [96/25/EC](#) and Commission Decision [2004/217/EC](#)(5);

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...

“feed authority” means an authority identified in section 67(1) of the Act as having the duty to enforce Part IV of the Act within its area or district as the case may be.

(2) Any expression used in these Regulations and in Regulation 1831/2003 or Regulation 767/2009 has the meaning in these Regulations that it bears in the Regulation concerned.

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- (1) OJNo. L213, 21.7.1982, p.27. This Directive was last amended by Commission Directive [98/67/EC](#) (OJ No. L261, 24.9.1998, p.10).
- (2) OJ No. L140, 30.5.2002, p.10. This Directive was last amended by Commission Directive 2010/6/EU (OJ No. L37, 10.2.2010, p.29).
- (3) OJ No. L268, 18.10.2003, p. 29. This Regulation was last amended by Regulation (EC) No. [767/2009](#).
- (4) OJ No. L62, 6.3.2008, p.9. This Directive was last amended by Commission Directive 2008/82 (OJ No. L202, 31.7.2008, p.48).
- (5) OJ No. L229, 1.9.2009, p.1. This Regulation was last amended by [Commission Regulation \(EC\) No. 568/2010](#) (OJ No. L163, 30.6.2010, p.30).

Changes to legislation: There are currently no known outstanding effects for the *The Animal Feed (England) Regulations 2010.* (See end of Document for details)

[^{F2}(3) Any reference to an Annex to Directive 82/475, Directive 2002/32, Directive 2008/38 or Regulation 767/2009 is a reference to that Annex as it may be amended from time to time.]

(4) These Regulations do not apply to any feed additive in category (d) or (e) of Article 6(1) of Regulation 1831/2003, with the exception of those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation(6).

- F1** Words in reg. 2(1) omitted (17.1.2014) by virtue of [The Feed \(Hygiene and Enforcement\) and the Animal Feed \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/3133\)](#), regs. 1, **3(2)(a)**
- F2** Reg. 2(3) substituted (17.1.2014) by [The Feed \(Hygiene and Enforcement\) and the Animal Feed \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/3133\)](#), regs. 1, **3(2)(b)**

PART 2

Marketing and use of feed

Interpretation of this Part and Schedule 1

^{F3}3.

- F3** Reg. 3 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Enforcement of requirements of Regulation 767/2009

^{F4}4.

- F4** Reg. 4 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Competent authorities for the purposes of Regulation 767/2009

^{F5}5.

- F5** Reg. 5 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

PART 3

Feed additives

Interpretation of this Part

^{F6}6.

(6) Categories (d) and (e) of Article 6(1) comprise respectively zootechnical additives, and coccidiostats and histomonostats. Functional groups listed in paragraphs 4(a), (b) and (c) of Annex I comprise preservatives, antioxidants and emulsifiers.

F6 Reg. 6 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Enforcement of requirements of Regulation 1831/2003

F7.

F7 Reg. 7 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

PART 4

Undesirable substances in feed

Interpretation of this Part

F8.

F8 Reg. 8 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Control of animal feeds containing undesirable substances

F9.

F9 Reg. 9 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

PART 5

Feeds for particular nutritional purposes

Interpretation of this Part

F10.

F10 Reg. 10 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Control of feed intended for particular nutritional purposes

F11.

F11 Reg. 11 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

PART 6

Administration and enforcement

Penalties for offences under these Regulations

^{F12}12.

F12 Reg. 12 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

Duties to enforce

^{F13}13.

F13 Reg. 13 revoked (6.4.2015) by [The Animal Feed \(Composition, Marketing and Use\) \(England\) Regulations 2015 \(S.I. 2015/255\)](#), reg. 1, **Sch. 2**

PART 7

Amendments and modifications of the Agriculture Act 1970

Amendments and modifications of the Agriculture Act 1970

14.—(1) The Act is amended or modified, as the case may be, in accordance with paragraphs (2) to (9).

(2) In section 66 (interpretation of Part IV) —

(a) in subsection (1), after the definition of Regulation [\(EC\) No 178/2002](#) insert the following definitions —

““Regulation [\(EC\) No 1831/2003](#)” means Regulation [\(EC\) No 1831/2003](#) of the European Parliament and of the Council on additives for use in animal nutrition;

“Regulation [\(EC\) No 767/2009](#)” means Regulation [\(EC\) No 767/2009](#) of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation [\(EC\) No 1831/2003](#) and repealing Council Directive [79/373/EEC](#), Commission Directive [80/511/EEC](#), Council Directives [82/471/EEC](#), [83/228/EEC](#), [93/74/EEC](#), [93/113/EC](#) and [96/25/EC](#) and Commission Decision [2004/217/EC](#)”; and

(b) for subsection (2) substitute the following —

“(2) For the purposes of this Part of this Act material shall be treated as sold for use as a fertiliser or feeding stuff whether it is sold to be so used by itself or as an ingredient in something which is to be so used.”.

(3) In section 68 (duty of seller to give statutory statement) —

(a) after subsection (5) insert the following subsection —

“(5A) Nothing in subsections (1) to (5) applies to anyone to whom the requirements of Article 16 of Regulation [\(EC\) No 1831/2003](#) (labelling and packaging of feed additives and premixtures) or of Chapter 4 of Regulation [\(EC\) No 767/2009](#) (labelling, presentation and packaging) apply.”;

- (b) after subsection (6) add the following subsection —
 - “(7) Failure to comply with the labelling requirements of Article 16 of Regulation (EC) No 1831/2003 or of Chapter 4 of Regulation (EC) No 767/2009 shall not invalidate a contract of sale, but such labelling shall, regardless of any contract or notice to the contrary, have effect as a warranty by the person who gives it that the particulars contained in it are correct.”.
- (4) In section 69 (marking of material prepared for sale), in subsection (1) omit the words “or feeding stuff”.
- (5) In section 70 (use of names or expressions with prescribed meanings) —
 - (a) subsection (1)(a) in so far as it applies in relation to feeding stuffs shall apply as if the expression “under Regulation (EC) No 767/2009” were substituted for the expression “by regulations made for the purposes of this section”; and
 - (b) after subsection (5) add the following subsection —
 - “(6) Nothing in subsections (2) to (4) of this section shall apply to anyone to whom the labelling requirements of Regulation (EC) No 767/2009 apply.”.
- (6) In section 71 (particulars to be given of certain attributes if claimed to be present) —
 - (a) subsection (4) in so far as it applies in relation to feeding stuffs shall apply as if —
 - (i) the expression “the requirements of Article 13 of Regulation (EC) No 767/2009” were substituted for the expression “subsection (1) of this section”; and
 - (ii) “that Article” were substituted for “that subsection”;
 - (b) after subsection (5) add the following subsection —
 - “(6) Nothing in subsections (1) to (3) of this section shall apply to anyone to whom Article 13 (claims) of Regulation (EC) No 767/2009 applies.”.
- (7) Sections 73 and 73A shall cease to have effect.
- (8) In section 74 (limits of variation) after subsection (2) add the following subsection —
 - “(3) Nothing in subsection (2) shall apply to anyone to whom Article 11.5 and Annex IV (permitted tolerances) of Regulation (EC) No 767/2009 applies.”.
- (9) In section 74A, subsection (3) shall not apply to regulations concerning feed.

PART 8

Amendments to Regulations

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

^{F14}15.

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| <p>F14 Reg. 15 revoked (6.4.2015) by The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 (S.I. 2015/255), reg. 1, Sch. 2</p> |
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Amendment of the Official Feed and Food Controls (England) Regulations 2009

^{F15}16.

Changes to legislation: There are currently no known outstanding effects for the
The Animal Feed (England) Regulations 2010. (See end of Document for details)

F15 Reg. 16 revoked (6.4.2015) by The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 (S.I. 2015/255), reg. 1, **Sch. 2**

Revocations

^{F16}**17.**

F16 Reg. 17 revoked (6.4.2015) by The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 (S.I. 2015/255), reg. 1, **Sch. 2**

Signed by authority of the Secretary of State for Health

Anne Milton
Parliamentary Under-Secretary of State,
Department of Health

Changes to legislation:

There are currently no known outstanding effects for the The Animal Feed (England) Regulations 2010.