STATUTORY INSTRUMENTS

2015 No. 454

AGRICULTURE, ENGLAND

The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

Made - - - -	*25th February 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*6th April 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 66(1), 67(5), 74A(4), 79(9) 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**).

In so far as these Regulations cannot be made under the 1970 Act, the Secretary of State makes these Regulations in exercise of his powers as a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Union(**4**), the control and regulation of genetically modified organisms(**5**), measures in the veterinary and phytosanitary fields for the protection of public health(**6**) and measures relating to feed produced for or fed to food-producing animals(**7**), as read with paragraph 1A of Schedule 2 to that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for a reference to EU instrument mentioned in regulation 2(5) to be construed as references to that instrument as any Annex to it may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European

(**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 subsequently 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. Section 66(1) was also amended by S.I. 2010/2280.

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

(**3**) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7).

(**4**) S.I. 1972/1811, amended by S.I. 2002/794.

(**5**) S.I. 1991/755.

(**6**) S.I. 1999/2027.

(**7**) S.I. 2003/2901.

Parliament and of the Council 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(**8**) or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

(**8**) OJ No. L31, 1.2.2002, p.1. This Regulation was last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.6.2014, p.1).