
STATUTORY INSTRUMENTS

2015 No. 454

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

PART 1

Introductory

Title, application and commencement

1. These Regulations may be cited as the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015, apply in relation to England only and come into force on 6th April 2015.

Interpretation and scope

2.—(1) In these Regulations —

“the Act” means the Agriculture Act 1970;

“Regulation 882/2004” means Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(1);

“Regulation 183/2005” means Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene(2);

“Regulation 152/2009” means Commission Regulation (EC) No 152/2009 laying down the methods of sampling and analysis for the official control of feed(3);

“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(4);

“the Agency” means the Food Standards Agency;

“analyst” means an agricultural analyst or a deputy agricultural analyst;

“area” includes the district of the Port of London;

(1) OJNo. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29). 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).

(2) OJ No. L35, 8.2.2005, p.1. This Regulation was last amended by Commission Regulation (EU) No. 225/2012 (OJ No. L77, 16.3.2012, p.1).

(3) OJ No. L54, 26.2.2009, p.1. This Regulation was last amended by Commission Regulation (EU) No. 709/2014 (OJ No. L188, 27.6.2014, p.1).

(4) OJ No. L229, 1.9.2009, p.1. This Regulation was last amended by Commission Regulation (EU) No. 939/2010 (OJ No. L277, 21.10.2010, p.4).

“authorised officer” means a person (whether or not an officer of the enforcement authority) who is authorised by the enforcement authority, either generally or specially, to act in relation to matters arising under these Regulations;

“enforcement authority” means the body identified as having a duty to enforce under regulation 21;

“feed authority” means an authority identified in section 67(1) of the Act as having the duty to enforce Part IV of that Act within its area;

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

“prescribed manner” means the manner prescribed by Regulation 152/2009;

“specified feed law” means the instruments specified in Schedule 1.

(2) Subject to paragraph (3), any other expression used in these Regulations and in Regulation 882/2004, Regulation 183/2005 or Regulation 152/2009 has the same meaning in these Regulations as it does in the EU Regulation.

(3) Where, apart from this paragraph, any period of less than seven days which is specified in these Regulations would include any day which is —

(a) a Saturday, a Sunday, Christmas Day or Good Friday; or

(b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971,

that shall be excluded from the period.

(4) In these Regulations “feed” or “feeding stuff” does not include any of the following feed additives or premixtures consisting solely of such additives —

(a) coccidiostats;

(b) histomonostats; and

(c) all other zootechnical additives except —

(i) digestibility enhancers,

(ii) gut flora stabilisers, and

(iii) substances incorporated into feed with the intention of favourably affecting the environment.

(5) Any reference in these Regulations to Regulation 183/2005 or Regulation 152/2009 is a reference to that Regulation as any Annex to it may be amended from time to time.