
WELSH STATUTORY INSTRUMENTS

2010 No. 2287

The Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010

PART 1

General and introductory

Title, application and commencement

1. The title of these Regulations is the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010, they apply in relation to Wales and come into force on 11 October 2010.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Agriculture Act 1970;

“Regulation 152/2009” (“*Rheoliad 152/2009*”) means Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed ^{M1};

“the Feed Hygiene Regulations” (“*y Rheoliadau Hylendid Bwyd Anifeiliaid*”) means the Feed (Hygiene and Enforcement) (Wales) Regulations 2005 ^{M2};

“the GM Feed Regulations” (“*y Rheoliadau Bwyd Anifeiliaid AE*”) means the Genetically Modified Animal Feed (Wales) Regulations 2004 ^{M3}; and

“analyst” (“*dadansoddwr*”) means an agricultural analyst or deputy agricultural analyst.

(2) Any expression used in these Regulations and Regulation 152/2009 has the meaning that it bears in Regulation 152/2009.

(3) Any reference to a numbered section is a reference to the section so numbered in the Act as modified by these Regulations.

Marginal Citations

M1 OJ No. L54, 26.2.2009, p.1.

M2 S.I. 2005/3368 (W.265) amended by S.I. 2006/3256 (W.290) and S.I. 2009/3376 (W.298).

M3 S.I. 2004/3221 (W.277) amended by S.I. 2007/3173 (W.278).

Prescribed metric substitution

3. For the purposes of its application to feeding stuffs, the Act is to be read as if—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) in section 68(2)(b) the words “to sales in quantities of not more than 25 kilograms” were substituted for the words “ to sales of small quantities (that is to say, sales in quantities of not more than fifty six pounds or the prescribed metric substitution) ”; and
- (b) in section 76(5) the words “six kilograms” were substituted for the words “ fourteen pounds or the prescribed metric substitution ”.

PART 2

Miscellaneous requirements relating to sampling and analysis

Methods of sending a final sample

^{F1}4.

F1 [Reg. 4](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), **Sch. 5**

Qualifications of analysts

^{F2}5.

F2 [Reg. 5](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), **Sch. 5**

Analysis other than in the course of official controls

^{F3}6.

F3 [Reg. 6](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), **Sch. 5**

Form of certificate of analysis

^{F4}7.

F4 [Reg. 7](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), **Sch. 5**

PART 3

Amendment and modification of other legislation with regard to sampling and analysis

Amendment or modification of the Act

- 8. The Act is amended or as the case may be modified in accordance with regulations 9 to 20.

9. In section 66(1) (interpretation of Part IV) insert at the appropriate place the following definitions— “ “final sample” has the meaning that it bears in Annex I to Regulation 152/2009; ”; “ “Regulation 152/2009” means Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed;”.

10. Section 68 (duty of seller to give statutory statement) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (4)(b) “final sample” were substituted for “ sampled portion ”; and
- (b) in subsection (5)—
 - (i) “final sample” were substituted for “ sample taken from the portion in question ”, and
 - (ii) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”.

11. Section 69 (marking of material prepared for sale) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (4)(c) “final sample” were substituted for “ sampled portion ”; and
- (b) in subsection (5) “final sample in question” were substituted for “ sample taken from the portion in question ”.

12. Section 70 (use of names or expressions with prescribed meanings) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (2) “final sample” were substituted for “ sampled portion ”; and
- (b) in subsection (4)—
 - (i) “final sample” were substituted for “ sampled portion ”, and
 - (ii) “that sample” were substituted for “ the sample taken from that portion ”.

13. Section 71 (particulars to be given of certain attributes if claimed to be present) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (2)(b) “final sample” were substituted for “ sampled portion ”; and
- (b) in subsection (3)—
 - (i) “final sample” were substituted for “ sampled portion ”, and
 - (ii) “that sample” were substituted for “ the sample taken from that portion ”.

14. In section 73 (deleterious ingredients in feeding stuff)—

- (a) in subsection (1)—
 - (i) for “sampled portion” substitute “ final sample ”, and
 - (ii) omit “the sample taken from”; and
- (b) in subsections (2)(a) and (b), (2A) and (3)(b) in each case for “sampled portion” substitute “ final sample ”.

15. In section 73A—

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- (a) in subsection (1)—
 - (i) for “sampled portion” substitute “ final sample ”, and
 - (ii) omit “the sample taken from”; and
- (b) in subsections (2)(a) and (b) and (3) in each case for “sampled portion” substitute “ final sample ”.

16. Section 75 (purchaser's right to have sample taken and analysed) in so far as it applies in relation to feeding stuffs will apply as if in subsection (1) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”.

17. Section 76 (inspector's power to enter premises and take samples) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (1) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”; and
- (b) for subsection (4) the following were substituted—

“(4) Without prejudice to any other power or duty as to the taking of samples, an inspector may for the purposes of this Part of this Act take a sample of any material which has been sold for use as a feeding stuff or which he has reasonable cause to believe to be intended for sale as such.”.

18. Section 77 (division of samples and analysis by agricultural analyst) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) for subsection (1) the following were substituted—

“(1) Where an inspector has taken a sample and prepared and packaged final samples in accordance with Regulation 152/2009 the inspector, in addition to sending a final sample to the agricultural analyst for the inspector's area in accordance with the requirements of paragraph 8 of Annex I to that Regulation—

 - (a) shall send one final sample—
 - (i) where the sample was taken pursuant to the request of a purchaser under section 75 of this Act, to the seller or his agent;
 - (ii) in any other case, to the person on whose premises the sample was taken, or, if the person on whose premises the sample was taken purchased the material in question for use and not for resale, to the seller or his agent; and
 - (b) subject to section 78 of this Act, shall retain at least one final sample for nine months.”;
- (b) for subsection (2) the following were substituted—

“(2) If the person who manufactured any material of which an inspector has taken a sample as mentioned in subsection (1) is not a person to whom a final sample is required to be sent under that subsection, the inspector shall send a final sample to the manufacturer unless he does not know and is unable after making reasonable inquiries to ascertain before the expiration of fourteen days from the date when the sample was taken—

 - (a) the manufacturer's name; or
 - (b) any address of the manufacturer in the United Kingdom.”;
- (c) in subsection (3)—

- (i) “final sample” were substituted for “ part of a sample ”, and
- (ii) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”; and
- (d) in subsection (4)—
 - (i) “final sample” were substituted in each case for “ part of a sample ” or “ part of the sample ” as the case may be,
 - (ii) “in such manner, if any, as may be prescribed” were omitted,
 - (iii) “subsection (1)” were substituted for “ subsection (1)(a) ”, and
 - (iv) in paragraph (b) “subsection (1)(a)(ii)” were substituted for “ subsection (1)(b)(ii) ”.

19. Section 78 (further analysis by Government Chemist) in so far as it applies in relation to feeding stuffs will apply as if—

- (a) in subsection (1)—
 - (i) for paragraph (a) the following were substituted—
 - “(a) to send the final sample retained by the inspector under section 77(1) (b) of this Act (as that section is modified by regulation 18(a) of the Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010) (“the retained sample”) to the Government Chemist for analysis;”, and
 - (ii) in paragraph (b) “retained sample” were substituted for “ remaining part ” and “that sample” were substituted for “ that part ”;
- (b) in subsection (2)—
 - (i) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”,
 - (ii) in paragraph (a)(i) “retained sample” were substituted for “ remaining part of the sample ”,
 - (iii) in paragraph (a)(ii) “retained sample, whether that sample” were substituted for “ remaining part, whether that part ”, and
 - (iv) in paragraph (b) “the retained sample” were substituted for “ that remaining part ”;
- (c) in subsection (4)—
 - (i) “in accordance with Regulation 152/2009” were substituted for “ in the prescribed manner ”, and
 - (ii) “retained sample” were substituted for “ remaining part of the sample ”;
- (d) in subsection (5)—
 - (i) “part of a” were omitted,
 - (ii) in paragraph (a) “part of the” were omitted, and
 - (iii) in paragraph (b) “the retained sample” were substituted for “ the part ”; and
- (e) in subsection (6)—
 - (i) “in such manner, if any, as may be prescribed any part of” were omitted, and
 - (ii) “the sample” were substituted for “ the part ”.

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20. Section 79 (supplementary provisions relating to samples and analysis) in so far as it applies in relation to feeding stuffs will apply as if in subsection (3)–

- (a) “ is specified by Regulation 152/2009 or ” were inserted after “quality of any material”; and
- (b) “the method so specified or prescribed” were substituted for “ the method prescribed ”.

Amendment of the Feed Hygiene Regulations

^{F5}**21.**

F5 [Reg. 21](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), [Sch. 5](#)

Amendment of the Genetically Modified Animal Feed (Wales) Regulations 2004

^{F6}**22.**

F6 [Reg. 22](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), [Sch. 5](#)

Amendment of the Official Feed and Food Controls (Wales) Regulations 2009

^{F7}**23.**

F7 [Reg. 23](#) revoked (12.5.2016) by [The Animal Feed \(Hygiene, Sampling etc. and Enforcement\) \(Wales\) Regulations 2016 \(S.I. 2016/387\)](#), reg. 1(2), [Sch. 5](#)

Revocation

24. The Feeding Stuffs (Sampling and Analysis) Regulations 1999 ^{M4} are revoked.

Marginal Citations
M4 [S.I. 1999/1663](#) amended by [S.I. 2001/2253](#) (W.163), [S.I. 2002/1797](#) (W.172), [S.I. 2003/1677](#) (W.180), [S.I. 2003/1850](#) (W.200), [S.I. 2004/2734](#) (W.241), [S.I. 2006/116](#) (W.14) and [S.I. 2006/617](#) (W.69).

PART 4

Undesirable substances

Amendment of the Feeding Stuffs (Wales) Regulations 2006

25.—(1) The Feeding Stuffs (Wales) Regulations 2006 ^{M5} are amended in accordance with paragraphs (2) and (3).

(2) In paragraph (9) of regulation 14 (control of products intended for animal feed containing undesirable substances), for the expression “is within the limit specified in the relevant entry in column 3” substitute “ is less than 2 parts per million ”.

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- (3) In Schedule 5 (prescribed limits for undesirable substances)—
- (a) in Chapter A, for the entries relating to arsenic substitute the entries set out in Schedule 2 to these Regulations;
 - (b) in Chapter B, for the entries relating to castor oil plant (*Ricinus communis* L.) substitute the entries set out in Schedule 3 to these Regulations; and
 - (c) in Chapter C—
 - (i) for the entries relating to theobromine substitute the entries set out in Schedule 4 to these Regulations,
 - (ii) omit the expression “Croton – Croton tiglium L.”, and
 - (iii) for the expression “Datura stramonium L.” substitute “Datura sp.”.

Marginal Citations

M5 [S.I. 2006/116](#) (W.14) amended by [S.I. 2006/617](#) (W.69), [S.I. 2006/2928](#) (W.263), [S.I. 2006/3256](#) (W.296), [S.I. 2007/3171](#) (W.277), [S.I. 2008/1806](#) (W.174), [S.I. 2009/106](#) (W.20) and [S.I. 2009/2881](#) (W.254).

Gwenda Thomas
Deputy Minister for Social Services, under
authority of The Minister for Health and Social
Services, one of the Welsh Ministers

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Changes and effects yet to be applied to :

- Sch. 2 revoked by [S.I. 2010/2652 Sch. 2](#)
- Sch. 3 revoked by [S.I. 2010/2652 Sch. 2](#)
- Sch. 4 revoked by [S.I. 2010/2652 Sch. 2](#)
- reg. 11 revoked by [S.I. 2010/2652 Sch. 2](#)
- reg. 14 revoked by [S.I. 2010/2652 Sch. 2](#)
- reg. 15 revoked by [S.I. 2010/2652 Sch. 2](#)
- reg. 25 revoked by [S.I. 2010/2652 Sch. 2](#)