
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 578

The Feeding Stuffs (Scotland) and the Feed (Hygiene and Enforcement) (Scotland) Amendment Regulations 2006

Amendments to the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

3.—(1) The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) After regulation 24 (powers of entry for authorised officers), insert—

“**24A.**—(1) For the purpose of carrying out investigations, in accordance with Article 4.2 of Directive 2002/32, to determine the source of those undesirable substances listed in Annex II to that Directive where action thresholds specified in that Annex have been reached, an authorised officer may, at all reasonable times and on producing if requested some duly authenticated document showing that officer’s authority, enter any premises (not being premises used only as a dwelling) on which that officer has reasonable cause to believe that feed has been or is being manufactured or produced, has been placed on the market or is being kept for the purpose of being placed on the market, incorporated into another product or used.

(2) An authorised officer entering any premises by virtue of this regulation may—

- (a) take such other persons and such equipment as may appear to be necessary;
- (b) inspect anything that officer would have had the right to inspect under regulation 24(5); and
- (c) take on those premises a sample of any material appearing to be a feed manufactured, produced, placed on the market or intended to be placed on the market or to be material used or intended for use as feed.

(3) Where for the purpose of taking a sample pursuant to paragraph (2)(c) an authorised officer takes material from one or more containers, each of which weighs no more than six kilograms and which are exposed for sale by retail, the owner of the container or containers may require the authorised officer to purchase the container or containers on behalf of the authority for which that officer acts.

(4) An authorised officer entering any premises by virtue of this regulation has the same rights to production, inspection and copying of records, including records kept on or produced by a computer, as are specified in regulation 24(9)(a) and (b) and (10)(c).

(5) Regulation 24(14) applies to the power of entry under this regulation as it does to such powers under that regulation.

(6) Directive 2002/32 means Directive [2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed⁽²⁾, as amended by Commission Directive [2003/57/EC](#)⁽³⁾, Commission Directive [2003/100/EC](#)⁽⁴⁾, Commission Directive

(1) [S.S.I. 2005/608](#), as amended by [S.S.I. 2005/616](#).

(2) O.J. No. L 140, 30.5.02, p.10.

(3) O.J. No. L 151, 19.6.03, p.38.

(4) O.J. No. L 285, 1.11.03, p.33.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Feeding Stuffs (Scotland) and the Feed (Hygiene and Enforcement) (Scotland) Amendment Regulations 2006*. 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](#)

[2005/8/EC\(5\)](#), Commission Directive [2005/86/EC\(6\)](#), Commission Directive [2005/87/EC\(7\)](#) and Commission Directive [2006/13/EC\(8\)](#).”.

(3) In regulation 27(4), after “regulation 24”, insert “or regulation 24A”.

Commencement Information

II Reg. 3 in force at 26.12.2006, see [reg. 1\(1\)](#)

(5) O.J. No. L 27, 29.1.05, p.44.

(6) O.J. No. L 318, 6.12.05, p.16.

(7) O.J. No. L 318, 6.12.05, p.19.

(8) O.J. No. L 32, 4.2.06, p.44. This amending Directive introduced action thresholds and the requirement to investigate.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Schs. revoked by [S.S.I. 2010/373 Sch. 2 para. 4](#)