
STATUTORY INSTRUMENTS

1999 No. 1663

The Feeding Stuffs (Sampling and Analysis) Regulations 1999

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Feeding Stuffs (Sampling and Analysis) Regulations 1999, and shall come into force on 6th July 1999.

(2) In these Regulations “the Act” means the Agriculture Act 1970, and “the sampling Directive” means First Commission Directive [76/371/EEC](#) establishing the methods of sampling for the official control of feeding stuffs⁽¹⁾.

(3) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

Prescribed amount for the purposes of the definition of sampled portion

2.—(1) The prescribed amount of material for the purposes of the definition of sampled portion in section 6691) of the Act, so far as it relates to feeding stuffs, shall be determined in accordance with the provisions of this regulation.

(2) In relation to a solid feeding stuff in packages the prescribed amount shall be the quantity of material present or 5 tonnes, whichever is the less.

(3) In relation to a solid feeding stuff in bulk containers, the prescribed amount shall be—

- (a) the contents of the lowest number of containers which together hold not less than 5 tonnes; or
- (b) if all the containers together hold less than 5 tonnes, or if all the feeding stuff is in one container, the quantity of material present; or
- (c) if any container holds not less than 5 tonnes, the content of any such container.

(4) In relation to a solid feeding stuff which is loose in heaps or bays, the prescribed amount shall be—

- (a) the contents of the lowest number of heaps or bays which together contain not less than 5 tonnes; or
- (b) if all the heaps or bays together contain less than 5 tonnes, or if all the feeding stuff is in one heap or bay, the quantity of material present; or
- (c) if any heap or bay contains not less than 5 tonnes, the content of any such heap or bay.

(5) In relation to a liquid or semi-liquid feeding stuff in containers, the prescribed amount shall be—

- (a) the contents of the lowest number of containers which together hold not less than 5,000 litres; or
- (b) if all the containers together hold less than 5,000 litres, or if all the feeding stuff is in one container, the quantity of material present; or
- (c) if any container holds not less than 5,000 litres, the content of any such container.

(1) OJNo. L102, 15.4.76, p. 1.

Manner of taking, preparing, marking, sealing and fastening of samples

3. The manner in which samples of feeding stuffs are to be taken, prepared, marked, sealed and fastened shall be as prescribed in paragraphs 1 to 9 of Schedule 1 and paragraph 10 of that Schedule shall have effect for the purposes of the certificate referred to in regulation 7.

Methods of sending part of a sample

4. Any part of a sample of a feeding stuff required to be sent to any person in pursuance of subsection (1)(b) or (2) of section 77 of the Act shall be sent by registered post or by recorded delivery, or delivered or given by hand.

Qualifications of agricultural analysts and deputy agricultural analysts

5. The prescribed qualifications for an agricultural analyst or a deputy agricultural analyst for the purposes of section 67(5) of the Act, insofar as it relates to feeding stuffs, are that—

- (a) he shall be a Chartered Chemist or shall possess a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry,
- (b) he shall be a Fellow or a Member of the Royal Society of Chemistry, and
- (c) his practical experience of the analysis and examination of feeding stuffs shall be attested by another agricultural analyst or deputy agricultural analyst appointed under section 67(3) of the Act.

Application of methods of analysis

6.—(1) Subject to paragraph (2) below, for the purpose of determining whether a substance of a class or description—

- (a) listed in column 1 of Annex I to Part II of Schedule 2, or
- (b) to which the method of analysis specified in Annex II, or the method specified in Annex III, to that Part relates—

is present or active in a sample of a feeding stuff to be analysed pursuant to the Act, or what quantity or proportion of such a substance is present or active as aforesaid, the provisions specified in Part I of that Schedule under the heading “GENERAL PROVISIONS” shall apply, and—

- (i) in relation to a substance of a class or description listed (whether by itself or by reference to its activity) in column 1 of Annex I to Part II of that Schedule, the relevant method of analysis set out in the European Community provision in force specified in the corresponding entry in columns 2 and 3 of that Annex shall be used, and
- (ii) in relation to a substance to which the method of analysis specified in Annex II, or the method specified in Annex III, to Part II of that Schedule relates, the method applicable to that substance shall be used

and, where more than one method is set out in columns 2 and 3 of Annex I to Part II of that Schedule in relation to the same substance, the notes to that Annex shall have effect to specify which is the relevant method.

(2) After 31st October 1999, paragraph (1) above shall cease to apply to the following substances listed in column 1 of Annex I to Part II of Schedule 2—

- (a) menadione (vitamin K3);
- (b) theobromine;
- (c) vitamin A; and
- (d) volatile mustard oil,

and shall cease to apply to starch insofar as it falls to be analysed by the pancreatic method as mentioned in the notes to that Annex.

- (3) Where microscopic examination is carried out in order to—
- (a) determine whether any constituent of animal origin is present in a sample of a feeding stuff to be analysed pursuant to the Act; or
 - (b) estimate the quantity of any such constituent present in any such sample,

then—

- (i) the general provisions specified in Part I of Schedule 2 shall apply, and
 - (ii) the procedure set out in Commission Directive [98/88/EC](#) establishing guidelines for the microscopic identification and estimation of constituents of animal origin for the official control of feeding stuffs⁽²⁾ shall be used.
- (4) Where a sample of a feeding stuff is to be analysed pursuant to the Act and neither paragraph (1) above nor paragraph (3) above applies—
- (a) if there is an applicable standard of the kind referred to in the first indent of Article 18.3 of Council Directive [95/53/EC](#) fixing the principles governing the organisation of official inspections in the field of animal nutrition⁽³⁾ (as amended), analysis shall be carried out in accordance with that standard.
 - (b) if there is no such standard, it shall be carried out in accordance with any scientifically valid method the application of which does not contravene any general principle of the Treaty establishing the European Community.

Form of certificate of analysis

7. The certificate of analysis of any feeding stuff to be sent pursuant to section 77(4) of the Act shall be in the form set out in Part I of Schedule 3, and shall be completed in accordance with the notes set out in Part II of that Schedule.

Period within which analysis of the oil content of a feeding stuff must be carried out

8. Where a sample of a feeding stuff has been taken by an inspector in the prescribed manner and sent to an agricultural analyst for analysis, any analysis of the oil content of that feeding stuff shall be disregarded unless it is carried out before the expiry of the period of three weeks commencing with the date of sampling.

Modification of the Agriculture Act 1970 as respects metrication

9. For the purposes of its application to feeding stuffs, the Act shall continue to be modified as follows—

- (a) in the definition of sampled portion in section 66(1), the words “five tonnes or 5,000 litres” shall be substituted for the words “five tons or 1,000 gallons or the prescribed metric substitution”;
- (b) in section 68(2)(b), the words “the sales in quantities of not more than 25 kilograms” shall be substituted for the words “to ales of small quantities (that is to say, sales in quantities of not more than fifty six pounds or the prescribed metric substitution)”;
- (c) in section 76(5), the words “six kilograms” shall be substituted for the words “fourteen pounds or the prescribed metric substitution”.

(2) OJ No. L318, 27.11.98, p. 45.

(3) OJ No. L265, 8.11.95, p. 17, amended by Council Directive [1999/20/EC](#) (OJ No. L80, 25.3.1999, p. 20).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Revocation

10. The Feeding Stuffs (Sampling and Analysis) Regulations 1982⁽⁴⁾, the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulation 1984⁽⁵⁾, the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1985⁽⁶⁾ and the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations 1994⁽⁷⁾ are hereby revoked.

11th June 1999

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11th June 1999

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11th June 1999

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⁽⁴⁾ S.I.1982/1144.
⁽⁵⁾ S.I. 1984/52.
⁽⁶⁾ S.I. 1985/1119.
⁽⁷⁾ S.I. 1994/1610.