
STATUTORY INSTRUMENTS

2005 No. 3281

The Feeding Stuffs (England) Regulations 2005

PART 1

Introductory and General

Title, commencement and application

1. These Regulations may be cited as the Feeding Stuffs (England) Regulations 2005, come into force on 1st January 2006 and apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Agriculture Act 1970;

“additive”, subject to regulation 21(4), means a feed additive to which the Additives Regulation applies, with the exception of any additive in categories (d) or (e) of Article 6(1) of that Regulation other than those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation;

“the Additives Directive” means Council Directive [70/524/EEC](#) concerning additives in feeding stuffs⁽¹⁾;

“the Additives Regulation” means Regulation [\(EC\) No. 1831/2003](#) of the European Parliament and of the Council on additives for use in animal nutrition⁽²⁾;

“ash” means the matter which results from the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for ash specified in Point 5 of the Annex to Directive [71/250/EEC](#)⁽³⁾;

“the Certain Products Directive” means Council Directive [82/471/EEC](#) concerning certain products used in animal nutrition⁽⁴⁾;

“complementary feeding stuff” means a compound feeding stuff which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other feeding stuffs;

“complete feeding stuff” means a compound feeding stuff which, by reason of its composition, is sufficient for a daily ration;

“compound feeding stuff”, subject to regulation 14(6), means a mixture of feed materials, whether or not containing any additive, for oral feeding to pet animals or farmed creatures in the form of complementary feeding stuffs or complete feeding stuffs;

(1) OJ No. L270, 14.12.70, p. 1 (OJ/SE Vol. 18, p. 4) last amended by Council Directive [1999/20/EC](#) (OJ No. L80, 25.3.1999, p. 20).

(2) OJ No. L268, 18.10.2003, p. 29. Last amended by Commission Regulation [\(EC\) No 378/2005](#) (OJ No. L59, 5.3.2005, p. 8).

(3) OJ No. L155, 12.7.71, p. 13 (OJ/SE 1971(II), p. 480).

(4) OJ No. L213, 21.7.82, p. 8. Last amended by Commission Directive [2004/116/EC](#) (OJ No. L379, 24.12.2004, p. 81).

“the Compound Feedingstuffs Directive” means Council Directive [79/373/EEC](#) on the circulation of compound feedingstuffs⁽⁵⁾;

“daily ration” means the average total quantity of feeding stuff, expressed on a 12% moisture basis, required daily by an animal of a given kind, age group and level of production in order to satisfy all its nutritional needs;

“EEA State” means a Member State, Norway, Iceland or Liechtenstein;

“energy value” means the energy value of a compound feeding stuff calculated in accordance with the relevant method specified in Schedule 1;

“establishment” has the meaning given by Article 3(d) of Regulation [\(EC\) No. 183/2005](#) of the European Parliament and of the Council laying down requirements for feed hygiene⁽⁶⁾;

“fat” means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for oils and fats specified in Part IV of the Annex to Directive [71/393/EEC](#)⁽⁷⁾;

“feeding stuff intended for a particular nutritional purpose” means a compound feeding stuff, the composition or method of manufacture of which distinguishes it from other feeding stuffs and from the type of products covered by Council Directive [90/167/EEC](#) laying down the conditions governing the preparation, placing on the market and use of medicated feeding stuffs in the Community⁽⁸⁾, and in respect of which any indication is given that it is intended for a particular nutritional purpose;

“feed material” means—

- (a) any product of vegetable or animal origin, in its natural state, fresh or preserved;
- (b) any product derived from such a product by industrial processing; or
- (c) any organic or inorganic substance,

(whether or not containing any additive) and for use in oral feeding to pet animals or farmed creatures, directly as such, or after processing, in the preparation of a compound feeding stuff or as a carrier of a premixture;

“the Feed Materials Directive” means Council Directive [96/25/EC](#) on the circulation of feed materials⁽⁹⁾;

“fibre” means the organic matter calculated following the treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for fibre specified in Point 3 of Annex 1 to Directive [73/46/EEC](#)⁽¹⁰⁾;

“mammalian meat and bone meal” has the meaning given in Regulation 3(1) of the TSE (England) Regulations 2002⁽¹¹⁾;

“Member State” means a Member State other than the United Kingdom;

“micro-organism” has the meaning given by Article 2(2)(m) of the Additives Regulation;

“milk replacer feed” means a compound feeding stuff administered in dry form, or after reconstitution with a given quantity of liquid, for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter;

(5) OJ No. L86, 6.4.79, p. 30. Last amended by Council Regulation [\(EC\) No 807/2003](#) (OJ No. L122, 16.5.2003, p. 36).

(6) OJ No. L35, 8.2.2005, p. 1.

(7) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987). (Part IV was replaced entirely by Annex 1 to Directive [84/4/EEC](#) (OJ No. L15, 18.1.84, p. 28. That Annex was in turn replaced entirely by Part B of the Annex to Directive [98/64/EC](#) (OJ No. L257, 19.9.98, p. 14)).

(8) OJ No. L92, 7.4.90, p. 42.

(9) OJ No. L125, 23.5.96, p. 35. Last amended by Council Regulation [\(EC\) No. 806/2003](#) (OJ No. L122, 16.5.2003, p. 1).

(10) OJ No. L83, 30.3.73, p. 21. (Point 3 of Annex 1 was replaced entirely by the Annex to Directive [92/89/EEC](#)) (OJ No. L344, 26.11.92, p. 35)).

(11) S.I.2002/843, as amended by S.I. 2002/1253, S.I. 2002/2860, S.I. 2003/1482 and S.I. 2004/1518.

“mineral feeding stuff” means a complementary feeding stuff which is composed mainly of minerals and which contains at least 40% by weight of ash;

“minimum storage life” means, in relation to a compound feeding stuff, the date until which, under proper storage conditions, that feeding stuff retains its specific properties;

“molassed feeding stuff” means a complementary feeding stuff prepared from molasses and which contains at least 14% by weight of total sugar expressed as sucrose;

“moisture” means water and other volatile material determined in accordance with the procedure set out in the method of analysis for moisture specified in Part I of the Annex to Directive [71/393/EEC](#)(12);

“oil” means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure set out in the method of analysis for oils and fats specified in Part IV of the Annex to Directive [71/393/EEC](#)(13);

“particular nutritional purpose” means the purpose of satisfying any nutritional requirement of pet animals or productive livestock, the process of assimilation or absorption of which, or the metabolism of which, may be temporarily impaired, or is temporarily or permanently impaired, and which may therefore benefit from ingestion of a feeding stuff capable of achieving that purpose;

“pet food” means a feeding stuff for pet animals and “compound pet food” shall be construed accordingly;

“premixture” has the meaning given by Article 2(2)(e) of the Additives Regulation, excluding any premixture consisting solely of feed additives in categories (d) or (e) of Article 6(1) of that Regulation, other than those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation;

“prescribed material” means material described in regulation 5(1);

“product intended for animal feed” means any product used or intended for use in feed for pet animals, farmed creatures or animals living freely in the wild;

“protein”, except in paragraphs 7(2), 8, 9 and 10 of Part I of Schedule 3 where it has the meaning given to it by regulation 3(1) of the TSE (England) Regulations 2002(14), means the matter obtained as a result of treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for protein specified in Point 2 of Annex 1 to Directive [72/199/EEC](#)(15);

“put into circulation” means sell or otherwise transfer, have in possession with a view to selling or otherwise transferring, or offer for sale, in each case to a third party, and in regulations 13(8) and 14 also means import into England from a state other than an EEA State;

“starch” means the matter obtained as the result of treatment of a feeding stuff in accordance with the procedure set out in the method of analysis for starch specified in Point 1 of Annex 1 to Directive [72/199/EEC](#)(16);

“2000 Regulations” means the Feeding Stuffs Regulations 2000(17);

(12) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987), amended by Article 1 of Directive [73/47/EEC](#) (OJ No. L83, 30.3.73, p. 35).

(13) OJ No. L279, 20.12.71, p. 7 (OJ/SE 1971(III), p. 987). (Part IV was replaced entirely by Annex 1 to Directive [84/4/EEC](#) (OJ No. L15, 18.1.84, p. 28). That Annex was in turn replaced entirely by Part B of the Annex to Directive [98/64/EC](#) (OJ No. L257, 19.9.98, p. 14).

(14) S.I. [2002/843](#), as amended by S.I. [2002/1253](#), S.I. [2002/2860](#), S.I. [2003/1482](#) and S.I. [2004/1518](#).

(15) OJ No. L123, 29.5.72, p. 6 (OJ/SE 1966-1972 supplement, p. 74), (Point 2 of Annex 1 has been replaced by the Annex to Directive [93/28/EEC](#) (OJ No. L179, 22.7.93, p. 8)).

(16) OJ No. L123, 29.5.72, p. 6 (OJ/SE 1966-1972 supplement, p. 74), (Point 1 of Annex 1 has been replaced entirely by the Annex to Directive [1999/79/EC](#) (OJ No. L209, 7.8.1999, p. 23)).

(17) S.I. [2000/2481](#), as last amended by S.I. [2004/2688](#).

“undesirable substance” means any substance or product, not being a pathogenic agent, which is present in or on a product intended for animal feed and—

- (a) constitutes a potential danger to animal or human health or the environment; or
- (b) could adversely affect livestock production.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) Where, in any tabular or other entry in a Schedule to these Regulations, a numbered reference to a footnote appears, the footnote so numbered shall be treated as included in or amplifying the text to which it relates.

(4) Any reference in these Regulations to a numbered section shall, unless otherwise indicated, be construed as a reference to the section bearing that number in the Act.

(5) Any reference in these Regulations to a Community instrument shall be construed as a reference to that instrument as amended on the date that these Regulations are made.

Modification of the Agriculture Act 1970 in relation to all feeding stuffs

3.—(1) Subsection (1) of section 66 shall have effect in England as if—

- (a) for the definition of “feeding stuff” there were substituted the following definition—

““feeding stuff” means—

- (a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);
- (b) a product derived from the industrial processing of such a product; or
- (c) an organic or inorganic substance, used singly or in a mixture, whether or not containing additives, for oral feeding to pet animals or farmed creatures;”;

- (b) for the definition of “pet animal” there were substituted the following definition—

““pet animal” means an animal belonging to a species normally nourished and kept, but not consumed, by man, other than an animal bred for fur;”.

(2) Subsection (2) of section 66 shall have effect in England as if the following were substituted for paragraph (b) of that subsection—

“(b) material shall be treated—

- (i) as imported or sold for use as a feeding stuff whether it is imported or, as the case may be, sold, to be used by itself, or as an ingredient in something which is to be so used, and
- (ii) as used as a feeding stuff whether it is so used by itself, or as an ingredient in something which is to be so used.

- (c) paragraph (b) shall not apply in any circumstances in which Article 16 (labelling and packaging of feed additives and premixtures) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition applies.**(18)**

(3) Sections 73 and 73A shall have effect in England as if, for the words “animals of any description prescribed for the purpose of the definition of “feeding stuff” in section 66(1) of this Act” there were substituted the words “any farmed creatures”.

(18) OJ No. L268, 18.10.2003, p. 29.

- (4) Section 85 shall have effect in England as if—
- (a) in so far as it relates to delivery outside the United Kingdom, paragraph (a) were omitted; and
 - (b) paragraph (b) were omitted.

Modification of the Agriculture Act 1970 in relation to imported feeding stuffs

4. In relation to feeding stuffs which have been imported, section 69(1) shall have effect in England as if the words “and in either case before it is removed from the premises” were omitted.

Prescribed material to which requirements for the statutory statement and marking apply

5.—(1) Subject to paragraph (2), the material prescribed for the purposes of sections 68(1) and 69(1) is any material usable as a feeding stuff.

- (2) For the purposes of these Regulations section 68(2) does not apply.

Exemption from these Regulations

6. In so far as provisions of these Regulations implement the Compound Feedingstuffs Directive (which principally regulates the labelling and packaging of compound feeding stuffs), they shall not apply in the circumstances specified in Article 14(c) (relating to animals kept for scientific or experimental purposes) of that Directive.

Revocations

7. The Feeding Stuffs Regulations 2000, with the exception of regulation 19A and paragraph 19 of Schedule 4 of those Regulations, are revoked in relation to England, together with the amending instruments listed in Schedule 9 and to the extent specified in that Schedule.

PART 2

Presentation and Composition of Feeding Stuffs

Matters required and permitted to be contained in a statutory statement or otherwise declared

8. Except in respect of additives and premixtures not contained in feeding stuffs, the particulars, information and instructions required or permitted to be contained in a statutory statement or otherwise declared, are as specified in and shall comply with the provisions of Schedule 3.

Forms of statutory statement

9.—(1) Except in the circumstances relating to small quantities of feeding stuffs mentioned in Article 5(2) of the Compound Feedingstuffs Directive and subject to paragraph (2), the statutory statement—

- (a) in the case of any prescribed material delivered in a package or other container, shall—
 - (i) take the form of a label attached to that package or container; or
 - (ii) be clearly marked directly on the package or container, and
- (b) in the case of such material delivered in bulk, shall take the form of a document relating to and accompanying each consignment.

(2) In the case of any feed material sold in a quantity not exceeding 10 kg, and supplied directly to the final user, the statutory statement may be provided in the form of a notice in writing.

(3) The particulars, information and instructions required or permitted to be contained in the statutory statement shall—

- (a) be clearly separate from any other information;
- (b) subject to paragraphs (5) and (6), be in English; and
- (c) be legible and indelible.

(4) For the purposes of section 69 (marking of material prepared for sale), prescribed material which is contained in a package or other container shall be labelled or marked in the manner prescribed in relation to such material in paragraph (1)(a) or, where applicable, (2), and such material in bulk shall be marked by the display in as close proximity to the material as may be practicable of a document relating thereto.

(5) In the case of any compound feeding stuff or feed material which is intended for export to a Member State, the statutory statement shall be in one or more official Community languages, as determined by that Member State.

(6) In the case of any feeding stuff, except a feeding stuff containing an additive in category (d) or (e) of Article 6(1) of the Additives Regulation other than those in the functional groups listed in paragraph 4(a), (b) or (c) of Annex 1 to that Regulation, which is intended for export to an EEA State that is not a Member State, the statutory statement shall be in one or more of the official languages of the country of destination.

Limits of variation

10.—(1) Section 74(2) shall have effect in England as if after the words “this Part of this Act” there were inserted the words “or the Feeding Stuffs (England) Regulations 2005”.

(2) For the purposes of section 74, as modified by paragraph (1), the limits of variation in relation to any mis-statement in a statutory statement, document or mark, as to the nature, substance or quality of a feeding stuff where the mis-statement relates to—

- (a) any analytical constituent specified in the first column of—
 - (i) Part A of Schedule 4 (where the feeding stuff is a compound feeding stuff not intended for pet animals),
 - (ii) Part B of Schedule 4 (where the feeding stuff is a compound pet food), or
 - (iii) Part C of Schedule 4 (in the case of a feed material);
- (b) any vitamin or trace element specified in the first column of Part D of that Schedule; or
- (c) the energy value of any feeding stuff specified in the first column of Part E of that Schedule,

shall be as set out with respect to that constituent or vitamin, trace element or feeding stuff, in the corresponding entry in the second Column of the relevant Part of that Schedule.

(3) Particulars with respect to any material which are contained in a statutory statement, or in any document, or which are marked on, or denoted by a mark on, the material, shall not, for the purposes of Part IV of the Act or of these Regulations, be treated as false by reason of any mis-statement therein as to the nature, substance or quality of the material, if—

- (a) the material was first sold, or otherwise put into circulation in an EEA State;
- (b) the mis-statement did not, at the time of putting into circulation, exceed any limits of variation prescribed in relation thereto in the State concerned; and
- (c) any such limits were in accordance with any applicable European Community legislation.

Assigned meanings for statutory statements or marks

11. For the purposes of section 70, there is assigned to the expressions “complementary feeding stuff”, “complete feeding stuff”, “compound feeding stuff”, “milk replacer feed”, “mineral feeding stuff” and “molassed feeding stuff” in each case the meaning given by regulation 2(1) to the expression concerned.

Manner of packaging and sealing compound feeding stuffs

12.—(1) Subject to paragraphs (2) and (3), no person shall put into circulation a compound feeding stuff, unless it is in a bag or container, and that bag or container is sealed in such a way that, when the bag or container is opened, the seal is damaged and cannot be re-used.

(2) Compound feeding stuffs may be put into circulation in bulk, in unsealed bags or in unsealed containers, in the case of—

- (a) deliveries between producers of compound feeding stuffs or those putting them into circulation;
- (b) deliveries from producers of compound feeding stuffs to packaging enterprises;
- (c) compound feeding stuffs obtained by mixing grain or whole fruit;
- (d) blocks or licks;
- (e) small quantities not exceeding 50 kg in weight, which are intended for the final user and are taken directly from a bag or container which, before opening, complied with the sealing provision in paragraph (1).

(3) Compound feeding stuffs may be put into circulation in bulk, or in unsealed containers, but not in unsealed bags, in the case of—

- (a) direct deliveries from the producer to the final user;
- (b) molassed feeding stuffs consisting of less than three feed materials;
- (c) pelleted feeding stuffs.

Control of feed materials

13.—(1) In this regulation any reference to a numbered Part means a Part of Schedule 2.

(2) No person shall put into circulation any feed material of a description specified in column (3) of Part II under a name other than that specified in the corresponding entry in column (2) of that Part.

(3) No person shall put into circulation any feed material not listed in Part II under a name specified in column (2) of that Part or under a name or term which could otherwise mislead a purchaser as to the real identity of the material.

(4) Where the name of a feed material listed in column (2) of Part II includes a common name or term listed in column (4) of Part I no person shall put into circulation any such feed material or any compound feeding stuff containing such feed material unless the feed material was prepared by the process specified in columns (2) and (3) of Part I corresponding to that common name or term.

(5) No person shall put into circulation any feed material or any compound feeding stuff containing any feed material, unless—

- (a) in the case of any feed material of a description specified in column (3) of Part II the botanical purity by weight of the feed material is not less than the percentage (if any) specified in relation to it in column (3) of Part II or, if none is specified, is not less than 95%; or
- (b) in the case of any feed material of a description specified in column (1) of Part III the botanical purity by weight of the feed material is not less than 95%; and

the feed material also complies with the provisions regarding botanical and chemical purity set out in paragraph 1 of Section II of Part A of the Annex to the Feed Materials Directive.

(6) No person shall use any feed material to bind another feed material, if the quantity of the feed material so used exceeds 3% of the total weight of the feed material bound.

(7) Without prejudice to sections 73 and 73A, no person shall import into England from any state which is not an EEA State, supply (otherwise than on sale), have in possession with a view to so supplying or use any feed material which is deleterious or dangerous to farmed creatures, to pet animals or, through consumption of the products of any animal fed with the feed material, to human beings.

(8) No person shall put into circulation or use any feed material which presents a danger to the environment.

(9) No person shall put into circulation any feed material in a manner likely to mislead as to its properties.

(10) In paragraph (5)(a) “description” shall be taken to exclude any botanical purity requirement, and for the purposes of this regulation and of Schedule 2 “botanical purity” shall be construed in accordance with paragraph 2 of Section II of Part A of the Annex to the Feed Materials Directive.

Control of products intended for animal feed containing undesirable substances

14.—(1) No person shall—

- (a) put into circulation any product intended for animal feed which is specified in column 2 of Schedule 5; or
- (b) use any such product for animal feed,

if it contains any undesirable substance specified in column 1 of that Schedule in excess of the level specified for it in column 3 of that Schedule.

(2) No person shall put into circulation, or use as a feeding stuff, any complementary feeding stuff if—

- (a) having regard to the quantity of it recommended for use in a daily ration, it contains any undesirable substance specified in column 1 of Schedule 5 in excess of the level specified for it in column 3 of that Schedule in relation to complete feeding stuffs; and
- (b) there is no provision relating to any complementary feeding stuff in the corresponding entry in column 2 of that Schedule.

(3) No person shall mix any product intended for animal feed which is specified in column 2 of Schedule 5 and which contains any undesirable substance specified in column 1 of that Schedule in excess of the level specified for it in column 3 of that Schedule for the purpose of dilution with any product intended for animal feed.

(4) No person shall put into circulation any product intended for animal feed or use any such product for animal feed unless it is—

- (a) sound and genuine; and
- (b) of merchantable quality.

(5) For the purposes of paragraph (4), a product intended for animal feed which is specified in column 2 of Schedule 5 is not sound, genuine and of merchantable quality if it contains any undesirable substance specified in column 1 of that Schedule in excess of the level specified in relation to it in column 3 of that Schedule.

(6) For the purposes of paragraph (2) “feeding stuff” includes feeding stuffs for oral feeding to animals living freely in the wild, and “complementary feeding stuff” and “complete feeding stuff” shall be construed accordingly.

(7) Paragraph (8) shall apply to any person who has in his possession or control for the purpose of a trade or business any of the following products intended for animal feed—

- (a) palm kernel expeller;
- (b) feeding stuffs obtained from the processing of fish or other marine animals;
- (c) seaweed meal and feed materials derived from seaweed; or
- (d) complete feeding stuffs for fish or for fur producing animals.

(8) Any person referred to in paragraph (7) shall, if requested by an inspector, procure and produce to the inspector an analysis in order to demonstrate that the content of inorganic arsenic in a product intended for animal feed listed in paragraph (7) is within the limit specified in the relevant entry in column 3 of Schedule 5.

(9) Any person who without reasonable excuse fails to comply with a request made under paragraph (8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Control of feeding stuffs containing prohibited materials

15.—(1) No person shall put into circulation for use as a feeding stuff, or use as a feeding stuff, any material which contains—

- (a) faeces, urine or separated digestive tract contents resulting from the emptying or removal of the digestive tract, irrespective of any form of treatment or admixture;
- (b) hide treated with tanning substances, including its waste;
- (c) seeds or other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended propagation, or derived by-products;
- (d) wood, sawdust or other materials derived from wood which has been treated with wood preservatives as defined in Annex V to Directive [98/8/EC](#) of the European Parliament and of the Council concerning the placing of biocidal products on the market⁽¹⁹⁾;
- (e) subject to paragraph (3), waste (whether or not subjected, or to be subjected, to further processing) obtained from the treatment of “urban waste water”, “domestic waste water” or “industrial waste water” (as those terms are defined in Article 2 of Council Directive [91/271/EEC](#) concerning urban waste water treatment), whatever the origin of the waste water concerned⁽²⁰⁾;
- (f) solid urban waste, such as household waste, but excluding catering waste as defined by Regulation [\(EC\) 1774/2002](#) of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽²¹⁾;
- (g) packaging and parts of packaging from products used in agriculture or the food industry.

(2) For the purposes of paragraph (1) “waste” has the meaning given in Article 1 of Council Directive [75/442/EEC](#) on waste⁽²²⁾.

(3) For the purposes of paragraph 1(e), the term “waste water” shall be construed in accordance with the footnote to point 5 of the Annex to Commission Decision [2004/217/EC](#) establishing a list of materials whose circulation or use for animal nutrition purposes is prohibited⁽²³⁾.

⁽¹⁹⁾ OJ No. L123, 24.4.98, p. 1, as amended by Regulation [\(EC\) 1882/2003](#) of the European Parliament and of the Council (OJ No. L284, 31.10.2003, p. 1).

⁽²⁰⁾ OJ No. L135, 30.5.1991, p. 40, as last amended by Regulation [\(EC\) 1882/2003](#) of the European Parliament and of the Council (OJ No. L284, 31.10.2003, p. 1).

⁽²¹⁾ OJ No. L273, 10.10.2002, p. 1, as amended by Commission Regulation [\(EC\) 808/2003](#) (OJ No. L117, 13.5.2003, p. 1).

⁽²²⁾ OJ No. L194, 25.7.95, p. 39, as last amended by Regulation [\(EC\) No. 1882/2003](#) of the European Parliament and of the Council (OJ No. L284, 31.10.2003, p. 1).

⁽²³⁾ OJ No. L67, 5.3.2004, p. 31.

Control of certain protein sources

16.—(1) Subject to paragraphs (3) and (4), no person shall sell or have in possession with a view to sale, for use as a feeding stuff or as a protein source in a feeding stuff, any material belonging to a product group specified in column 1 of Schedule 6, unless that material—

- (a) is named as a permitted product in column 2 of that Schedule; and
- (b) complies with all the specifications and requirements contained in and imposed in relation thereto by columns 3 to 6 of that Schedule.

(2) Subject to paragraph (3), no person shall sell or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any product obtained from yeasts of the “Candida” variety cultivated on n-alkanes.

(3) Paragraphs (1) and (2) do not apply in relation to any material or product excluded from application of the Certain Products Directive by Article 16 thereof concerning exports to third countries.

(4) Paragraph (1) does not apply in the circumstances authorised for derogation by Article 3(2) (concerning scientific or experimental purposes) of the Certain Products Directive.

Control of the iron content of milk replacer feeds

17. No person shall put into circulation any milk replacer feed intended for calves of up to 70 kilograms live weight, which has an iron content of less than 30 milligrams per kilogram of the complete feeding stuff at a moisture content of 12%.

Control of ash insoluble in hydrochloric acid in compound feeding stuffs

18.—(1) No person shall put into circulation—

- (a) any compound feeding stuff composed mainly of rice by-products in which the level of ash insoluble in hydrochloric acid exceeds 3.3% of its dry matter; or
- (b) subject to paragraph (2), any other compound feeding stuff in which the level of ash insoluble in hydrochloric acid exceeds 2.2% of its dry matter.

(2) Paragraph (1)(b) shall not apply to the putting into circulation of any compound feeding stuff which—

- (a) contains permitted mineral binders named or described in the Annex to Commission Directive 2003/57/EC(24);
- (b) is a mineral feeding stuff;
- (c) contains more than 50% of sugar beet chips or sugar beet pulp; or
- (d) is intended for farmed fish and has a fish meal content of more than 15%,

if the level of ash insoluble in hydrochloric acid is declared in the statutory statement as a percentage of the feeding stuff as such.

Control of feeding stuffs intended for particular nutritional purposes, and supplementary provisions relating to statutory statement

19.—(1) No person shall put into circulation any feeding stuff intended for a particular nutritional purpose unless—

(24) OJ No. L151, 19.6.2003, p. 38, amending Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJ No. L140, 30.5.2002, p. 10).

- (a) the particular nutritional purpose in question is specified in column 1 of Chapter A of Schedule 7;
 - (b) the feeding stuff possesses the essential nutritional characteristics specified opposite that particular nutritional purpose in column 2 of that Chapter;
 - (c) the feeding stuff is intended for animals specified opposite that particular nutritional purpose in column 3 of that Chapter;
 - (d) it is recommended that the feeding stuff be used for a period of time falling within the range specified opposite that particular nutritional purpose in column 5 of that Chapter;
 - (e) in relation to the feeding stuff, the requirements specified in paragraphs 1, 2 and 8 of Chapter B of Schedule 7 are complied with; and
 - (f) the composition of the feeding stuff is such that it is capable of achieving the particular nutritional purpose for which it is intended.
- (2) Schedule 7 shall have effect as specified in Schedule 3.

Control of additives and premixtures

20.—(1) No person shall contravene or fail to comply with the provisions of the Additives Regulation specified in paragraph (2).

(2) The provisions referred to in paragraph (1) are—

- (a) Article 3 (placing on the market, processing and use of feed additives), paragraphs (1) to (4), as read with Article 10 (status of existing products);
- (b) Article 12 (supervision);
- (c) Article 16, paragraphs (1) to (5), (labelling and packaging of additives and premixtures).

(3) In any proceedings for an offence under paragraph (2)(a) it shall be a defence to prove that the act giving rise to the offence—

- (a) is one to which Article 10 of the Additives Regulation applies; and
- (b) would not have constituted an offence under the 2000 Regulations as they were immediately before the coming into force of these Regulations.

(4) In any proceedings for an offence under paragraph (2)(c) it shall be a defence to prove that the act giving rise to the offence—

- (a) is one to which Article 25(2) of the Additives Regulation applies; and
- (b) would not have constituted an offence under the 2000 Regulations as they were immediately before the coming into force of these Regulations.

(5) Notwithstanding the revocation referred to in regulation 7, where before the 18th October 2004 initial comments had been forwarded to the Commission in accordance with regulation 11(2) of the 2000 Regulations that application shall be treated as if regulation 11 of those Regulations were still in force.

Saving relating to confidential information relating to additives under the 2000 Regulations

21.—(1) Notwithstanding the revocations in regulation 7, and subject to paragraphs (2) and (3), no person shall publish or disclose any confidential information that was, prior to the coming into force of these Regulations, obtained by him in the performance of functions under regulation 11 of the 2000 Regulations without the previous consent in writing of—

- (a) the person who, in accordance with that regulation, made an application for a Community authorisation of, or as the case may be, for a new use of, the additive concerned; or
- (b) that person's assignee or successor to ownership of the confidential information.

(2) Nothing in paragraph (1) shall restrict the publication or disclosure of such information for the purpose of the exercise of functions under that regulation.

(3) Nothing in paragraph (1) shall prevent the publication or disclosure of confidential information of a type specified in Article 7(2) of the Additives Directive.

(4) In this regulation, “confidential information” means information of the type specified in Article 7(1) of the Additives Directive and “additive” has the meaning given in Article 2 of that Directive.

(5) A publication or disclosure in contravention of paragraph (1) shall be punishable as if it were a disclosure prohibited by section 83.

PART 3

Enforcement

Enforcement of provisions made under section 2(2) of the European Communities Act 1972

22. In so far as any provision of these Regulations is made under section 2(2) of the European Communities Act 1972, that provision shall be enforced as if it were made under those provisions of Part IV of the Act under which the other provisions of these Regulations are made, and the provisions of that Part shall apply accordingly.

Modification of section 74A(3) of the Agriculture Act 1970

23.—(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2), section 74A(3) shall have effect as if for the words “imposed by regulations under subsection (1) above, or fails to comply with any other provision of the regulations,” there were substituted the words “or fails to comply with any requirement imposed by any provision specified in regulation 23(2) of the Feeding Stuffs (England) Regulations 2005”.

(2) The provisions specified for the purposes of paragraph (1) are regulation 12(1), 13(2) to (9), 14(1) to (4), 15(1), 16(1) and (2), 17, 18(1), 19(1) and 20(1).

PART 4

Amendments to other legislation

Amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

24.—(1) The Feeding Stuffs (Sampling and Analysis) Regulations 1999(25) are amended in relation to England in accordance with paragraphs (2) to (4).

(2) In Schedule 2 Part I (general provisions), in sub-paragraph 3(e)(ii) for the words “listed in Schedule 7” to the end of the sub-paragraph substitute the expression “listed in Schedule 5 to the Feeding Stuffs (England) Regulations 2005”.

(3) In Annex 1 to Part II of Schedule 2 for the second entry for Starch (polarimetric method) substitute—

- (a) in column 2 the words “Point 1 of Annex 1 to Directive [72/1999/EEC](#) (as replaced entirely by the Annex to Directive [1999/79/EC](#))”;

(25) S.I. [1999/1663](#). These Regulations are subject to a number of amendments but none is relevant.

- (b) in column 3 the words “OJ No. L123, 29.5.72, p. 6 (OJ/SE 1966-1972 supplement p. 74) OJ No. L209, 7.8.99, p. 23”.
- (4) In Schedule 3 Part II (notes for completion of certificate), in sub-paragraph (a) of note (11)—
 - (a) omit the expression “as amended” through to and including the expression “Feeding Stuffs (Enforcement) (Amendment) (England) (No. 2) Regulations 2003”;
 - (b) for the expression “Feeding Stuffs Regulations 2000” substitute “Feeding Stuffs (England) Regulations 2005”.

Signed by authority of the Secretary of State for Health

28th November 2005

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health