
STATUTORY INSTRUMENTS

2019 No. 1488

The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019

PART 1

General

Citation, extent, application and commencement

1.—(1) These Regulations may be cited as the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019, and come into force on 14th December 2019.

(2) These Regulations extend to England and Wales only, with the exception of Parts 2 to 4 and regulation 30 (and this Part so far as it relates to those provisions), which extend to the United Kingdom as regards Article 1(2)(i) (organic production and labelling of organic products) and Article 1(2)(j) (use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed).

(3) These Regulations apply—

- (a) as regards Parts 2 to 4 and regulation 30 (and this Part so far as it relates to those provisions), in relation to the United Kingdom, but only in so far as those provisions apply in relation to organic production and labelling of organic products and use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed;
- (b) as regards regulation 25 (and this regulation so far as it relates to that regulation), in relation to England and Wales;
- (c) otherwise, in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Agency” means the Food Standards Agency;

“audit” means an audit of a competent authority carried out for the purposes of Article 6 of the EU Regulation in relation to relevant legislation;

“auditor” means a person carrying out an audit on behalf of a competent authority;

“designated authority” means an authority designated by the Secretary of State under regulation 3;

“the EU Official Controls Regulations” means the EU Regulation and the Implementing Regulations and Delegated Regulations made under it;

“the EU Regulation” means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th March 2017 on official controls and other official activities performed to

ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products⁽¹⁾;

“enforcement officer” means an officer authorised by the Secretary of State or a designated authority to enforce the EU Official Controls Regulations and these Regulations;

“the Feed and Food Regulations” means the Official Feed and Food Controls (England) Regulations 2009⁽²⁾;

“food authority”, in relation to any relevant legislation, has the same meaning as it has in that relevant legislation;

“inspector”, in relation to any relevant legislation, means an inspector, veterinary inspector, or other officer authorised by the Secretary of State or other designated authority to act under that relevant legislation;

“local authority” means—

- (a) in England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽³⁾;
- (c) in Northern Ireland, a district council within the meaning of the Interpretation Act (Northern Ireland) 1954⁽⁴⁾; and
- (d) in Wales, a county council or county borough council;

“official auxiliary” means a representative of the Secretary of State appropriately trained and acting under the responsibility or supervision of an official veterinarian to perform certain official controls or certain tasks related to other official activities;

“official controls” means the activities referred to in Article 2(1) other than those listed in Article 1(4);

“official veterinarian” means a veterinarian appointed by the Secretary of State and appropriately qualified to carry out official controls and other official activities for the verification of compliance with the rules referred to in Article 1(2);

“other official activities” means has the meaning given by Article 2(2);

“premises” includes any means of transport;

“relevant legislation” means European and domestic legislation governing the areas listed in sub-paragraphs (a), (c) to (e), (f), (i) and (j) of Article 1(2), with the exception of food and food safety, feed and feed safety legislation in so far as—

- (a) such legislation is defined as “relevant feed law” or “relevant food law” in the Feed and Food Regulations;
- (b) such legislation involves substances the use or presence of which on crops to produce or process food or feed may result in residues of those substances in food or feed; or
- (c) it relates to feed additives or medicated feedingstuffs.

(2) In the definition of “relevant legislation” in paragraph (1)—

- (a) “medicated feedingstuffs” means any mixture of feed with a veterinary medicinal product having properties for treating or preventing disease, restoring, correcting or modifying

(1) OJ No. L 95, 7.4.2017, p.1, amended by Commission Delegated Regulation (EU) 2019/478 (OJ No. L 82, 25.3.2019, p.4).

(2) S.I. 2009/3255, amended by S.I. 2011/136 and 1043, 2013/264 and 2996, 2014/2748, 2015/255 and 454, 2018/731 and 1275, 2019/683 and 1476, and (prospectively) by 2019/665.

(3) 1994 c. 39 – see section 44.

(4) 1954 c. 33.

physiological functions in animals, or products and feed or feeds which are ready-prepared for marketing and intended to be fed to animals without further processing; and

- (b) “zootechnical additives” means feed additives in the categories mentioned in Article 6.1(d) and (e) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition⁽⁵⁾, with the exception of those belonging to the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in the EU Regulation.

(4) Unless the context otherwise requires, any reference in these Regulations to an “Article” or Title is to an Article or Title of the EU Regulation.

Designations for the purposes of Article 4

3.—(1) The Agency is designated as the competent authority for the purposes of Article 4 in relation to welfare requirements of animals, to the extent that it is designated as the competent authority mentioned in regulation 4(1) of the Welfare of Animals at the Time of Killing (England) Regulations 2015⁽⁶⁾.

(2) In any other case, the Secretary of State is designated as the competent authority for the purposes of Article 4 —

- (a) in England, in relation to the areas governed by the relevant legislation;
- (b) in the United Kingdom, in relation to the areas referred to in Article 1(2)(i) (organic production and labelling of organic products) and Article 1(2)(j) (use and labelling of protected designations of origin, protected geographical indications and traditional specialities guaranteed).

(3) Local authorities and local food authorities (including any that are enforcement authorities under any relevant legislation) are designated authorities in relation to functions of enforcement and execution (other than prosecution) which they exercise under relevant legislation.

(4) The Secretary of State may confer on one or more organic control authorities certain responsibilities related to official controls or other official activities.

(5) Any designated authority must draw up written records (on paper or in electronic form) of official controls and other official activities that they perform, and such records must contain—

- (a) a description of the purpose of the relevant official controls and other official activities;
- (b) the control methods applied;
- (c) the outcome; and
- (d) where appropriate, any action required by the designated authority.

(6) Where non-compliance has been identified by any designated authority through the application of official controls, it must promptly inform the business operator of the non-compliance.

Exchange of information

4. The Secretary of State and any other designated authorities may disclose information to each other and to other competent authorities in the United Kingdom and other member States for the purposes of applying these Regulations and the EU Official Controls Regulations.

⁽⁵⁾ OJ No. L 268, 18.10.2003, p.29, last amended by Regulation (EU) 2019/1381 (OJ No. L231, 6.9.2019, p.1).

⁽⁶⁾ S.I. 2015/1782, to which there are amendments not relevant to these Regulations.