

2019 No. 675

AGRICULTURE, ENGLAND

**The Animal Feed (Composition, Marketing and Use) (England)
(Amendment) Regulations 2019**

<i>Made</i> - - - -	<i>25th March 2019</i>
<i>Laid before Parliament</i>	<i>26th March 2019</i>
<i>Coming into force</i> - -	<i>17th April 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 66(1), 68(1), 74A(1) and 84 of the Agriculture Act 1970(a), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(b).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for references to the Annexes to Regulation (EC) No. 1831/2003 be construed as references to those Annexes as they may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

Title and commencement

1. These Regulations may be cited as the Animal Feed (Composition, Marketing and Use) (England) (Amendment) Regulations 2019 and come into force on 17th April 2019.

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- (a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”. The definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Those functions, so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c.46). By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland previously exercisable in relation to England ceased to be so exercisable and were transferred to the Minister of Agriculture, Fisheries and Food. Functions of the Minister of Agriculture were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). Section 74A was inserted by the European Communities Act 1972 (1972 c.68), Schedule 4, paragraph 6. Sections 66(1) and 84 were amended by S.I. 2004/3254. Section 66(1) was also amended by S.I. 2010/2280.
- (b) S.I.2000/656.
- (c) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EU) 2017/228 of 9 February 2017 (OJ No. L 35, 10.2.2017, p.10).

Amendments to the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015

2.—(1) The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015(a) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1), for the definition of “Regulation 1831/2003” substitute—

““Regulation 1831/2003” means Regulation (EC) No. 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(b) as last amended by Commission Regulation (EU) 2015/2294 amending Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives(c)”;

(b) in paragraph (3), after “Directive 2008/38” insert “, Regulation 1831/2003”.

(3) In regulation 10, for paragraph (1) substitute—

“(1) A person commits an offence if that person contravenes or fails to comply with a provision specified in paragraph (2) as read, in the case of subparagraph (a) or (e) with Article 2 (transitional provision) of Commission Regulation (EU) 2015/327 amending Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations.”.

(4) In regulation 19 (duties to enforce) for “1829/2002” substitute “1829/2003”.

Review

3.—(1) The Food Standards Agency acting on behalf of the Secretary of State must from time to time —

(a) carry out a review of the operation and effect of regulations 2, 10 and 19 of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 as amended by these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) In carrying out the review the Food Standards Agency acting on behalf of the Secretary of State must have regard to how Commission Regulation (EU) 2015/327 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations and Commission Regulation (EU) 2015/2294 amending Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives are implemented in other Member States.

(3) The report must, in particular—

(a) set out the objectives intended to be achieved by regulations 2,10 and 19 of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 as amended by these Regulations; and

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before the end of the period of 5 years beginning with the day on which these Regulations come into force.

(5) Subsequent reports must be published at intervals not exceeding 5 years.

(a) S.I. 2015/255.

(b) OJ No. L 268, 18.10.2003, p.29.

(c) OJ No. L 324, 10.12.2015, p.3.

Signed by authority of the Secretary of State for Health and Social Care.

25th March 2019

Steve Brine
Parliamentary Under Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the execution and enforcement of Commission Regulation (EU) 2015/327 amending Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations (OJ No. L58, 3.3.2015, p.46) and of Commission Regulation (EU) 2015/2294 amending Regulation (EC) No. 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives (OJ No. L324, 10.12.2015, p.3).

These Regulations amend the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015 (S.I. 2015 No.255) by—

re-stating the definition of Regulation (EC) No 1831/2003 so it includes the amendments made by Commission Regulation (EU) 2015/327 and Commission Regulation (EU) 2015/2294;

providing that any reference in S.I. 2015/255 to an Annex to Regulation (EC) No 1831/2003 is to be construed as a reference to that Annex as it may be amended from time to time;

providing that certain potential offences of contravening Regulation (EC) No 1831/2003 are subject to transitional arrangements set out in Article 2 of Commission Regulation (EU) 2015/327; and

correcting a typographical error in regulation 19 of S.I. 2015/255 in reference to Regulation (EC) No 1829/2003.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Animal Feed, Foodborne Disease Control, Allergy and Intolerance Branch of the Food Standards Agency, Clive House, 70 Petty France, London SW1H 9EX and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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