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STATUTORY INSTRUMENTS

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**2022 No. 1351**

**The Food and Feed (Miscellaneous  
Amendments) Regulations 2022**

**PART 2**

Amendment of statutory instruments that apply in England

**Amendment of the Animal Feed (Composition, Marketing and Use) (England) Regulations 2015**

4.—(1) The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015<sup>(1)</sup> are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

- (i) omit the definition of “Directive 82/475”;
- (ii) omit the definition of “Directive 2002/32”;

(b) in paragraph (2), before “EU” insert “retained”;

(c) in paragraph (3), in both places, omit “EU”.

(3) In regulation 12(2), for “the Annex to Directive 82/475” substitute “Schedule 3”.

(4) In Part 6 (immediately before regulation 14), for the heading to that Part substitute “Undesirable substances in products intended for animal feed”.

(5) In regulation 14, omit paragraph (a).

(6) In regulation 15—

(a) in paragraph (1)—

- (i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 4”;
- (ii) in the words after sub-paragraph (b), for “Annex” substitute “table”;

(b) in paragraph (2)—

- (i) in sub-paragraph (a), for “Annex I” substitute “a table in Schedule 4”;
- (ii) in sub-paragraph (b), for “Annex” substitute “table”;

(c) in paragraph (3)—

- (i) for “Annex I” substitute “a table in Schedule 4”;
- (ii) for “Annex”, in the second place it occurs, substitute “table”;

(d) in paragraph (5)—

- (i) for “Annex I” substitute “a table in Schedule 4”;
- (ii) for “Annex”, in the second place it occurs, substitute “table”;

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<sup>(1)</sup> S.I. 2015/255, amended by S.I. 2019/654 and 675 and 2020/1410.

- (e) in paragraph (7)—
- (i) omit the “and” at the end of sub-paragraph (c);
  - (ii) after sub-paragraph (d) insert—
    - “(e) peat;
    - (f) leonardite.”;
- (f) after paragraph (8) insert—
- “(9) In order to reduce or eliminate sources of undesirable substances in products intended for animal feed, feed authorities must, in cooperation with feed business operators<sup>(2)</sup>, carry out investigations to identify the sources of undesirable substances, in cases where the maximum levels are exceeded and in cases where increased levels of such substances are detected, taking into account background levels; for the purpose of ensuring a uniform approach in cases of increased levels, action thresholds to trigger investigations are set out in Schedule 5.
- (10) Feed authorities must transmit to the Agency all relevant information and findings of the source and the measures taken to reduce the level of, or eliminate, undesirable substances.
- (11) Where the Secretary of State has grounds to believe that a level fixed in Schedule 4 or 5, or an undesirable substance not listed in Schedule 4 or 5, presents a danger to animal or human health, or to the environment, the Secretary of State—
- (a) may, pending amendment of Schedule 4 or 5—
    - (i) change an existing level;
    - (ii) introduce a level; or
    - (iii) prohibit the presence,
 of the undesirable substance concerned in products intended for animal feed by issuing a direction; and
  - (b) must decide whether to make an amendment to Schedule 4 or 5 that corresponds with the direction issued under sub-paragraph (a).
- (12) A direction issued under paragraph (11)(a)—
- (a) must be in writing;
  - (b) may specify a period of time during which it has effect;
  - (c) may be revoked by the Secretary of State at any time, by way of a written notice;
  - (d) irrespective of any period of time specified under sub-paragraph (b), ceases to have effect upon the entry into force of any corresponding amendment of Schedule 4 or 5 made pursuant to paragraph (11)(b).
- (13) A direction issued under paragraph (11)(a) and a revocation notice under paragraph (12)(c) must be published by the Secretary of State without delay.”.
- (7) After regulation 15 insert—

### “Regulations

- 15A.**—(1) The Secretary of State may, by regulations, make provision to—
- (a) add, amend or remove an entry in Schedule 4 or 5;

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(2) See Article 3(2)(a) of EUR 2009/767 for the meaning of “feed business operator”.

- (b) amend the acceptability criteria for detoxification processes in Regulation (EU) 2015/786<sup>(3)</sup>.
- (2) Any power to make regulations under this Part is exercisable by statutory instrument.
- (3) A statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Regulations made under this regulation may—
  - (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking retained direct EU legislation);
  - (b) make different provision for different purposes.”.
- (8) Omit regulation 22(2).
- (9) Schedule 3 has effect.

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(3) EUR 2015/786, amended by [S.I. 2019/654](#).