
WELSH STATUTORY INSTRUMENTS

2003 No. 3119 (W.297)

AGRICULTURE, WALES

The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003

Made - - - - *2nd December 2003*

Coming into force - - *3rd December 2003*

The National Assembly for Wales acting in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970 ^{M1} (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 ^{M2} and articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 ^{M3}) and now exercisable by it in relation to Wales ^{M4}, after consultation as required by section 84(1) of that Act and by 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 ^{M5}, and being designated ^{M6} for the purposes of section 2(2) of the European Communities Act 1972 ^{M7} in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that last mentioned section (in so far as these Regulations cannot be made under the powers of the Agriculture Act 1970 specified above), makes the following Regulations:

Marginal Citations

- M1** 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. Section 74A was inserted by the [European Communities Act 1972 \(1972 c. 68\)](#), [Schedule 4](#), paragraph 6.
- M2** S.I. 2000/656.
- M3** S.I. 2002/794.
- M4** Functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by [S.I. 1999/672](#).
- M5** OJ No. L31, 1.2.2002, p.1. Under Article 3 of the EC Regulation “food law” extends to feed produced for, or fed to, food producing animals.
- M6** [S.I. 1999/2788](#).
- M7** 1972 c. 68.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Title, application and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003.

(2) These Regulations shall apply to Wales only and shall come into force on 3rd December 2003.

Amendment of the Feeding Stuffs (Wales) Regulations 2001

2.—(1) The Feeding Stuffs (Wales) Regulations 2001^{M8} shall be amended in accordance with paragraphs (2) and (3).

(2) For Part II of the Table set out in Schedule 3 (permitted additives and provisions relating to their use) there shall be substituted the Part set out in the Schedule to these Regulations.

(3) In Part IX of Schedule 3 —

(a) the following text shall be inserted immediately after the reference to Commission Regulation (EC) No. 688/2003 — “ Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs¹⁷. Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator “Benzoic acid” in feedingstuffs¹⁸. ”; and

(b) the following text is inserted at the end —

“17. OJ No. L125, 21.5.2003, p.3

18. OJ No. L126, 22.5.2005, p.24.”.

Marginal Citations

M8 [S.I. 2001/343](#) (W. 15), amended by [S.I. 2001/1797](#) (W. 172), [S.I. 2003/989](#) (W. 138) and [S.I. 2003/1850](#) (W. 200).

Consequential amendments to the Feeding Stuffs (Wales) Regulations 2001

3.—(1) The Feeding Stuffs (Wales) Regulations 2001 shall be amended, insofar as they apply in relation to Wales, in accordance with paragraphs (2) and (3).

(2) For paragraph (1) of regulation 7 (limits of variation) there shall be substituted the following paragraph —

“(1) Section 74(2) shall have effect as if after the words “this Part of this Act” there were inserted the words “or the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001^{M9}, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001^{M10}, the Feeding Stuffs (Amendment) (Wales) Regulations 2002^{M11}, the Feeding Stuffs (Amendment) (Wales) Regulations 2003^{M12}, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003^{M13} and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003.”.

(3) For paragraph (1) of regulation 24 (modification of section 74A(3) of the Agriculture Act 1970) there shall be substituted the following paragraph —

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“(1) For the purposes of the enforcement and administration of the provisions specified in paragraph (2) below section 74A(3) shall have effect as if for the words “regulations under subsection (1) above, or fails to comply with any other provision of the regulations,” there were substituted the words “any provision specified in regulation 25(2) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003.”.

Marginal Citations

- M9 [S.I. 2001/2253](#) (W. 163).
- M10 [S.I. 2001/3461](#) (W. 280).
- M11 [S.I. 2002/1797](#) (W. 172).
- M12 [S.I. 2003/989](#) (W. 138).
- M13 [S.I. 2003/1850](#) (W. 200).

Consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999

^{F1}4.

F1 [Regs. 4-11 revoked \(1.1.2006\) by The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\), reg. 1, Sch. 2](#)

^{F1}5.

F1 [Regs. 4-11 revoked \(1.1.2006\) by The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\), reg. 1, Sch. 2](#)

^{F1}6.

F1 [Regs. 4-11 revoked \(1.1.2006\) by The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\), reg. 1, Sch. 2](#)

Consequential amendments to the Feeding Stuffs (Enforcement) Regulations 1999

^{F1}7.

F1 [Regs. 4-11 revoked \(1.1.2006\) by The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\), reg. 1, Sch. 2](#)

^{F1}8.

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F1 Regs. 4-11 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**

F19.

F1 Regs. 4-11 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**

F110.

F1 Regs. 4-11 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**

F111.

F1 Regs. 4-11 revoked (1.1.2006) by [The Feed \(Hygiene and Enforcement\) \(Wales\) Regulations 2005 \(S.I. 2005/3368\)](#), reg. 1, **Sch. 2**

^{M14} Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

D.Elis-Thomas
The Presiding Officer of the National Assembly

Marginal Citations

M14 1998 c. 38.

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SCHEDULE

Regulation 2(2)

PART SUBSTITUTED FOR PART II OF THE TABLE SET OUT IN SCHEDULE 3 TO THE FEEDING STUFFS (WALES) REGULATIONS 2001

‘PART II
PERMITTED COLOURANT

| <i>Column 1 EEC No.</i> | <i>Column 2 Name or Description</i> | <i>Column 3 Chemical Formula, description</i> | <i>Column 4 Kind of animal permitted</i> | <i>Column 5 Maximum content (mg/kg in complete) feedingstuffs</i> | <i>Column 6 Conditions</i> |
|---|--|---|--|---|---|
| 1. Carotenoids and xanthophylls: | | | | | |
| E160c | Capsanthin | C ₄₀ H ₅₆ O ₃ | } | } | |
| E160e | Beta-apo-8'- carotenal | C ₃₀ H ₄₀ O | } | }80 | |
| E160f | Ethyl ester of beta-apo-8'- carotenoic acid | C ₃₂ H ₄₄ O ₂ | }Poultry | }(alone or with the other carotenoids and xanthophylls) | |
| E161b | Lutein | C ₄₀ H ₅₆ O ₂ | } | } | |
| E161c | Cryptoxanthin | C ₄₀ H ₅₆ O | } | | |
| E161g | Canthaxanthin | C ₄₀ H ₅₂ O ₂ | Poultry other than laying hens | 25 | The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff |

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| | | | |
|--|--------------------------------|---|---|
| | Laying hens | 8 | The mixture of canthaxanthin with other carotenoids and xanthophylls is allowed provided that the total concentration of the mixture does not exceed 80 mg/kg in the complete feedingstuff |
| | Salmon, trout | 25 | Use permitted from the age of 6 months onwards. The mixture of canthaxanthin with asthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100 mg/kg in the complete feedingstuff |
| Canthaxanthin authorised for colouring foodstuffs by Community rules | Dogs, cats and ornamental fish | All species or categories of animals other than poultry, salmon, trout, dogs and cats | Permitted in animal feedingstuffs only in products processed from: <ul style="list-style-type: none"> (i) waste products of foodstuffs, or (ii) other base |

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substances,
with the
exception
of
cereals
and
manioc
flour,
denatured
by
means
of these
agents or
coloured
during
technical
preparation
to ensure
the
necessary
identification
during
manufacture

Dogs and cats

Poultry other than laying hens, salmon, trout 25

Permitted in animal feedingstuffs only in products processed from:
(i) waste products of foodstuffs, or
(ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured

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| | | | | | |
|-------|------------|--|-------------|---|--|
| | | | | | during technical preparation to ensure the necessary identification during manufacture |
| | | | Laying hens | 8 | Permitted in animal feedingstuffs only in products processed from: <ul style="list-style-type: none"> (i) waste products of foodstuffs, or (ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture |
| E161h | Zeaxanthin | C ₄₀ H ₅₆ O ₂ | Poultry | } 80 (alone or with other carotenoids and xanthophylls) | |

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| | | | | | |
|-------|----------------------------|--|--------------------|--|--|
| E161i | Citranaxanthin | $C_{33}H_{44}O$ | Laying hens | } | |
| E161j | Astaxanthin | $C_{40}H_{52}O_4$ | (Salmon, 100 trout | | Use only permitted from the age of 6 months onwards. The mixture of astaxanthin with canthaxanthin is allowed provided that the total concentration of the mixture does not exceed 100mg/kg in the complete feedingstuff |
| | | | Ornamental fish | | |
| | 2. Other colourants | | | | |
| E102 | Tartrazine | $C_{16}H_9N_4Na_3O_9S_2$ | } | | |
| E110 | Sunset yellow FCF | $C_{16}H_{10}N_2Na_2O_7S_2$ | } | Ornamental | |
| E124 | Ponceau 4R | $C_{20}H_{11}N_2Na_3O_{10}S_3$ | } | fish | |
| E127 | Erythrosine | $C_{20}H_6I_4Na_2O_5H_2O$ | | | |
| E131 | Patent Blue V | Calcium salt of the disulphonic acid of m-hydroxytetra ethyl diamino triphenylcarbinol anhydride | (a) | All species or categories of animals with the exception of dogs and cats | Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, denatured cereals of manioc flour, or |

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| | | | | |
|------|--|--|---|---|
| | | | | (iii) other base substances denatured by means of these agents or coloured during technical preparation to ensure the necessary identification during manufacture |
| | | | (b) Dogs and cats | |
| E132 | Indigotine | $C_{16}H_8N_2$ $Na_2O_8S_2$ | Ornamental fish | |
| E141 | Chlorophyll copper complex | | Ornamental fish | |
| E142 | Acid Brilliant Green BS, (Lissamine Green) | Sodium sale of 4,4'- bis (dimethylamino) diphenylmethylen -2- naphthol-3,6- disulphonic acid | (a) All species or categories of animals with the exception of dogs, cats and ornamental fish | Permitted in animal feedingstuffs only in products processed from: (i) waste products of foodstuffs, (ii) denatured cereals of manioc flour, or (iii) other base substances denatured by means of these agents or coloured |

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during technical preparation to ensure the necessary identification during manufacture

(b) Dogs, cats and ornamental fish

| | | | |
|-------|-----------------|--|-------------------|
| E153 | Carbon black | C | } |
| E160B | Bixin | C ₂₅ H ₃₀ O ₄ | } Ornamental fish |
| E172 | Iron oxide, red | Fe ₂ O ₃ | } |

3. All colourants (other than Patent Blue V and Acid Brilliant Green BS and Canthaxanthin) at present permitted for use in human food by European Community legislation as implemented by Regulations made under the Food Safety Act 1990
M15

(a) All species or categories of animals with the exception of dogs and cats

Permitted in animal feedingstuffs only in products processed from:
(i) waste products of foodstuffs, or
(ii) other base substances, with the exception of cereals and manioc flour, denatured by means of these agents or coloured during technical preparation to ensure

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the
necessary
identification
during
manufacture

(b) Dogs
and
cats”

Marginal Citations

M15 1990 c. 16.

Marginal Citations

M15 1990 c. 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which apply to Wales only, further amend the Feeding Stuffs (Wales) Regulations 2001 (S.I. 2001/343 (W. 15), as already amended).
2. These Regulations implement Commission Directive [2003/7/EC](#) amending the conditions for authorisation of canthaxanthin in feedingstuffs in accordance with Council Directive [70/524/EEC](#) (OJ No. L22, 25.1.2003, p. 28).
3. These Regulations modify the controls in the Feeding Stuffs (Wales) Regulations 2001 regulating the presence of additives in feedingstuffs by specifying new maximum levels in feed for the colourant canthaxanthin (*regulation 2(2) and the Schedule*).
4. They also provide for the enforcement of Commission Regulation (EC) No.871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs (OJ No. L125, 21.5.2003, p.3) and Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator “Benzoic acid” in feedingstuffs (OJ No. L126, 22.5.2003, p.24) (*regulation 2(3)*).
5. These Regulations also make consequential amendments to regulations 7(1) and 25(1) of the Feeding Stuffs (Wales) Regulations 2001 (*regulation 3*) and consequential amendments to the Feeding Stuffs (Sampling and Analysis) Regulations 1999 and the Feeding Stuffs (Enforcement) Regulations 1999 (*regulations 4 to 11*).
6. A regulatory appraisal has been prepared in relation to these Regulations and has been placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of Directive [2003/7/EC](#) are transposed into domestic law by these Regulations.

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Copies may be obtained from the Animal Feed Unit of the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EN.

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Changes and effects yet to be applied to :

- Regulations revoked in part by [S.I. 2006/116 Sch. 9](#)