
WELSH STATUTORY INSTRUMENTS

2009 No. 3376

The Official Feed and Food Controls (Wales) Regulations 2009

PART 1

PRELIMINARY

Title, commencement and application

1. The title of these Regulations is The Official Feed and Food Controls (Wales) Regulations 2009, they come into force on 25 January 2010 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

^{M1}“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990 ;

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“authorised officer” (“*swyddog awdurdodedig*”)—

(a) in relation to a competent authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing for the purposes of regulation 14; and

(b) in relation to a relevant enforcement authority, means any person (whether or not an officer of the authority) who is authorised by the authority in writing, either generally or specially, to act in matters arising under Part 2 of these Regulations in relation to its enforcement responsibilities under regulation 17;

“competent authority” (“*awdurdod cymwys*”) means, other than in regulations 23 and 24, an authority which, by virtue of regulation 3, is designated for the purposes of any of the provisions of [^{F1}Regulation 2017/625];

^{F2}
...

^{M2}“feed authority” (“*awdurdod bwyd anifeiliaid*”) means the authority required by section 67(1A) of the Agriculture Act 1970 to enforce that Act within its area or district as the case may be;

“food authority” (“*awdurdod bwyd*”) has the meaning it bears by virtue of section 5(1A) of the Act;

[^{F3}“the Import Provisions” (“*y Darpariaethau Mewnforio*”) means Part 3 of these Regulations, Chapter 5 of Title 2 of Regulation 2017/625 and the Regulation 2017/625 package insofar as it and they apply to product as defined in regulation 22;]

“the Official Control Regulations” (“*y Rheoliadau Rheolaethau Swyddogol*”) means these Regulations and [^{F4}the Regulation 2017/625 package] ;

“premises” (“*mangre*”) includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

“primary production” (“*cynhyrchu sylfaenol*”) has the meaning it bears in Regulation 852/2004;

[^{F5}“the Regulation 2017/625 package” (“*pecyn Rheoliad 2017/625*”) means Regulation 2017/625 and the other Regulations listed in Schedule 1 below the heading “The Regulation 2017/265 package”];

“relevant enforcement authority” (“*awdurdod gorfodi perthnasol*”) means a body which, by virtue of regulation 17, is made responsible for executing and enforcing any provision of Part 2 of these Regulations;

“relevant feed law” (“*cyfraith bwyd anifeiliaid berthnasol*”) has the meaning given to it in Schedule 2; ^{F6}...

“relevant food law” (“*cyfraith bwyd berthnasol*”) has the meaning given to it in Schedule 3.

[^{F7}“third country” (“*trydedd wlad*”) means any country or territory other than the British Islands.]

[^{F8}(1A) Any reference in these Regulations to Regulation 2017/625 or any other Directive or Regulation referred to in Schedule 1 have the meanings respectively given to them in that Schedule.]

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

[^{F9}(3) Unless the contrary intention appears, any expression used both in these Regulations and in Regulation 178/2002 or in the Regulation 2017/625 package has the meaning it bears in Regulation 178/2002 or in the Regulation 2017/625 package as the case may be.]

(4) Where any functions under the Act are assigned—

- (a) by an order under section 2 ^{F10}... of the Public Health (Control of Disease) Act 1984 ^{M3}, to a port health authority; or
- (b) by an order under section 6 of the Public Health Act 1936 ^{M4}, to a joint board for a united district,

any reference in these Regulations to a food authority is construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

(5) In these Regulations, any reference to an EU instrument defined in Schedule 1 is a reference to that instrument as amended from time to time.

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| F1 | Words in reg. 2(1) substituted (14.12.2019) by The Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1482) , regs. 1(1), 9(a)(i) |
| F2 | Words in reg. 2(1) omitted (31.12.2020) by virtue of The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487) , regs. 1(2), 3(2)(a)(i) |
| F3 | Words in reg. 2(1) substituted (14.12.2019) by The Official Feed and Food Controls (Wales) (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/1482) , regs. 1(1), 9(a)(iii) |
| F4 | Words in reg. 2(1) substituted (31.12.2020) by The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487) , regs. 1(2), 3(2)(a)(ii) |
| F5 | Words in reg. 2(1) substituted (31.12.2020) by The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487) , regs. 1(2), 3(2)(a)(iii) |
| F6 | Word in reg. 2(1) omitted (31.12.2020) by virtue of The Food and Feed Hygiene and Safety (Miscellaneous Amendments and Saving Provision) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1581) , regs. 1(3), 10(2)(a) |
| F7 | Words in reg. 2(1) inserted (31.12.2020) by The Food and Feed Hygiene and Safety (Miscellaneous Amendments and Saving Provision) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1581) , regs. 1(3), 10(2)(b) |

- F8** Reg. 2(1A) inserted (31.12.2020) by The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487), regs. 1(2), **3(2)(b)**
- F9** Reg. 2(3) substituted (31.12.2020) by The Official Feed and Food Controls (Miscellaneous Amendments) (Wales) Regulations 2020 (S.I. 2020/1487), regs. 1(2), **3(2)(c)**
- F10** Words in reg. 2(4)(a) omitted (23.11.2010) by virtue of The Animal Feed (Wales) Regulations 2010 (S.I. 2010/2652), regs. 1, **16(2)**

Marginal Citations

- M1** 1990 c. 16.
- M2** 1970 c. 40.
- M3** 1984 c. 22.
- M4** 1936 c. 49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

Changes to legislation:

There are currently no known outstanding effects for the The Official Feed and Food Controls (Wales) Regulations 2009, PART 1 .