

# Statutory Instrument 1995 No. 1412

## The Feeding Stuffs Regulations 1995- *continued*

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The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 66(1), 68(1), (1A) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A and 84 of the Agriculture Act 1970<sup>[1]</sup> and of all other powers enabling them in that behalf, after consultation in accordance with section 84(1) of the said Act with such persons or organisations as appear to them to represent the interests concerned, and the Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>[2]</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>[3]</sup> in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

### **Title and commencement**

1. These Regulations may be cited as the Feeding Stuffs Regulations 1995, and shall come into force on 30th June 1995.

### **Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

"the Act" means the Agriculture Act 1970;

"additive" means any substance, or preparation containing any substance, other than a premixture, which, when incorporated into a feeding stuff, is likely to affect its characteristics or livestock production;

"ash" means the matter which results from the treatment of a feeding stuff in accordance with the appropriate procedure described in method 12 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982<sup>[4]</sup>;

"complementary feeding stuff" means a mixture of feedings stuffs which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other feeding stuffs;

"complete feeding stuff" means a compound feeding stuff which, by reason of its composition, is sufficient to ensure a daily ration;

"compound feeding stuff" means a mixture of products of vegetable or animal origin in their natural state, fresh or preserved, or products derived from the industrial processing thereof, or organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feeding stuffs or complementary feeding stuffs;

"daily ration" means the average total quantity of feeding stuff, expressed on a 12 per cent moisture basis, required daily by an animal of a given kind, age group and level of production in order to satisfy all its nutritional needs;

"energy value" means the energy value of a feeding stuff calculated in accordance with the relevant method described in Schedule 9;

"fat" means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure described in method 3 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982<sup>[5]</sup>;

"feeding stuff", subject to regulation 15(10), has the meaning attributed to it by section 66(1) as modified by regulation 20(1);

"feeding stuff intended for a particular nutritional purpose" means a compound feeding stuff, the composition or method of manufacture of which

distinguishes it from other feeding stuffs and from the type of products defined in Council Directive 90/167/EEC, laying down the conditions governing the preparation, placing on the market and use of medicated feeding stuffs in the Community<sup>[6]</sup>, and in respect of which any indication is given that it is intended for a particular nutritional purpose;

"fibre" means the organic matter calculated following the treatment of a feeding stuff in accordance with the procedure described in method 9 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982<sup>[7]</sup>;

"ingredient" means—

- (a) a product of vegetable or animal origin, in its original state, fresh or preserved;
- (b) any product derived from such a product by industrial processing; or
- (c) any organic or inorganic substance,

whether containing additives or not, which is intended for circulation as a straight feeding stuff or for the preparation of a compound feeding stuff or as a carrier of a premixture;

"medicinal product" and "medicinal purpose" have the meanings assigned to them by section 130(1) and (2) respectively of the Medicines Act 1968<sup>[8]</sup>;

"milk replacer feed" means a compound feeding stuff administered in dry form, or after reconstitution with a given quantity of liquid, for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter;

"mineral feeding stuff" means a complementary feeding stuff which is composed mainly of minerals and which contains at least 40 per cent by weight of ash;

"minimum storage life" means, in relation to a compound feeding stuff, the date until which, under proper storage conditions, that feeding stuff retains its specific properties;

"molassed feeding stuff" means a complementary feeding stuff prepared from molasses and which contains at least 14 per cent by weight of total sugar expressed as sucrose;

"moisture" means water and other volatile material determined in accordance with the procedure described in method 2 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982;

"name", in relation to an additive, means the name used in relation to an additive referred to in paragraph 6(1) of, or specified in the Table to, Schedule 4;

"national list" means the list of manufacturers of compound feeding stuffs published in London by the Ministry of Agriculture, Fisheries and Food for the purposes of Article 3a(2)(a) of Council Directive 74/63/EEC on undesirable substances and products in animal nutrition<sup>[9]</sup>;

"oil" means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure described in method 3 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982;

"particular nutritional purpose" means the purpose of satisfying any nutritional requirement of pet animals or productive livestock, the process of assimilation or absorption of which, or the metabolism of which, may be temporarily impaired, or is temporarily or permanently impaired, and which may therefore benefit from ingestion of a feeding stuff capable of achieving that purpose;

"pet food" means a feeding stuff for pet animals and "compound pet food" shall be construed accordingly;

"premixture" means a mixture of additives, or a mixture of one or more additives with substances used as carriers, intended for the manufacture of

feeding stuffs;  
"protein" means the matter obtained as a result of treatment of a feeding stuff in accordance with the procedure described in method 4 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982<sup>[10]</sup>;  
"protein equivalent of urea, biuret, urea phosphate and diureidoisobutane" means the amount of urea, biuret, urea phosphate and diureidoisobutane nitrogen multiplied by 6.25;  
"starch" means the matter obtained as the result of treatment of the feeding stuff in accordance with method 30a or 30b, as appropriate, of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations 1982;  
"straight feeding stuff" means a vegetable or animal product in its natural state, fresh or preserved, and any product derived from the industrial processing thereof, and any single organic or inorganic substance, whether or not it contains any additive, intended as such for oral animal feeding.

(2) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

(3) Any reference in these Regulations to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in the Act.

**Descriptions of animals prescribed for the purpose of the definition of feeding stuff**

3. For the purposes of the definition of feeding stuff in section 66(1), bulls, cows, steers, heifers, calves, sheep, lambs, goats, kids, swine, piglets, horses, foals, deer, rabbits (other than pet rabbits), mink, partridges, pheasants, poultry, bees and farmed fish are prescribed animals.

**Prescribed descriptions of material**

4. The description of material prescribed for the purposes of sections 68(1) and 69(1) shall be any material usable as a feeding stuff (other than a straight feeding stuff intended for use as a pet food), and any material usable as an ingredient or additive in such a feeding stuff.

**Matters required and permitted to be contained in a statutory statement or otherwise declared**

5. The particulars, information and instructions required, and the particulars, information and instructions permitted, to be contained in a statutory statement or otherwise declared shall comply with the provisions of Schedule 1 and Part I of Schedule 8.

**Forms of statutory statement**

6.—(1) In the case of material of the prescribed description delivered in a package or other container the statutory statement shall either—

- (a) take the form of a label attached to that package or container; or
- (b) be clearly marked directly thereon;

and in the case of such material delivered in bulk, the statutory statement shall take the form of a document relating to each consignment.

(2) The particulars, information and instructions required by section 68(1) and permitted by section 68(1A) to be contained in a statutory statement shall—

- (a) be clearly separate from any other information,
- (b) be in English, and
- (c) be legible and indelible.

(3) For the purposes of section 69 (marking of material prepared for sale),

material of the prescribed description which is contained in a package or other container shall be labelled or marked in the manner prescribed in relation to such material in paragraph (1) of this regulation, and such material in bulk shall be marked by the display in as close proximity to the material as may be practicable of a document relating thereto.

(4) In this regulation "the prescribed description" means the description prescribed by regulation 4.

**Time by which a statutory statement relating to certain material must be given**

7. For the purpose of section 68(3), any statutory statement required to be given on the sale of any straight feeding stuff delivered in bulk may be given as soon as practicable after delivery to the purchaser.

**Register of marks**

8.—(1) As respects any straight feeding stuff, the matters required by section 69(1) to be marked on that material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(2) In the case of any compound feeding stuff, not being of a standard formulation on general sale by the seller concerned, which is specially manufactured or mixed to the order of a particular purchaser, there shall be an indication in a document, label or notice which is readily apparent and unequivocally associated with the material, of the type of feeding stuff and of the name or trade name and of the address or registered office of the manufacturer. The other matters required by section 69(1) to be marked on the material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(3) The register shall show those matters to which the mark relates, being matters required to be contained in a statutory statement relating to the material to which the mark relates, and the date of entry of those particulars in the register, and entries relating to material of a kind mentioned in paragraph (2) of this regulation shall include the name and address of the purchaser, the date of the order and the amount ordered.

(4) The register shall be kept as a separate record in book form marked on the outside "Register of marks under section 69(6) of the Agriculture Act 1970" and shall be kept on the premises where the material is held for the purpose of selling it in the course of trade for use as a feeding stuff, save that if the material is in a public store the register shall be kept on the premises of the person who has the material for sale.

(5) The period for which the register is to be preserved in accordance with section 69(7) shall be a period of six months commencing on the first day on which none of the materials referred to in the register remains on the premises, for sale as aforesaid.

(6) The register shall be made and kept by the seller concerned.

**Control of premixtures**

9.—(1) No person shall sell any premixture in a bag or container which is not labelled or marked in accordance with paragraph (2) of this regulation and Part II of Schedule 8.

(2) Every label or mark required by paragraph (1) of this regulation shall conform to the provisions of regulation 6(1) and (2) as if such label or mark were a statutory statement.

**Limits of variation**

**10.** For the purposes of section 74, the limits of variation in relation to any mis-statement in a statutory statement or mark as to the nature, substance or quality of a feeding stuff, which relates to an analytical constituent or energy value mentioned in the first column of Schedule 3, shall be as set out with respect to that constituent or value in the second column of the said Schedule.

**Assigned meanings**

**11.** For the purposes of section 70, there shall be assigned to the expressions "complementary feeding stuff", "complete feeding stuff", "compound feeding stuff", "feeding stuff", "milk replacer feed", "mineral feeding stuff" and "molassed feeding stuff" in each case the meaning given by regulation 2(1) to the expression concerned.

**Manner of packaging and sealing compound feeding stuffs, additives and premixtures**

**12.—(1)** Subject to paragraphs (2), (3) and (4) below, no person shall sell a compound feeding stuff or any additive or premixture, unless it is in a bag or container and unless that bag or container is sealed in such a way that, when the bag or container is opened, the seal is damaged and cannot be re-used.

(2) Compound feeding stuffs may be sold in bulk, in unsealed bags or in unsealed containers in the case of—

- (a) deliveries between producers or sellers of compound feeding stuffs;
- (b) deliveries from producers of compound feeding stuffs to packaging enterprises;
- (c) compound feeding stuffs obtained by mixing grain or whole fruit;
- (d) blocks or licks;
- (e) small quantities not exceeding 50 kg in weight, which are intended for the final user and are taken directly from a bag or container which, before opening, complied with the sealing provision of paragraph (1) above.

(3) Compound feeding stuffs may be sold in bulk, or in unsealed containers, but not in unsealed bags, in the case of—

- (a) direct deliveries from the producer to the final user;
- (b) molassed feeding stuffs consisting of less than three ingredients;
- (c) pelleted feeding stuffs.

(4) Additives and premixtures may be sold in bulk, in unsealed bags or in unsealed containers in the case of deliveries to manufacturers of premixtures or feeding stuffs.

**Meanings of names and purity of materials**

**13.—(1)** For the purposes of section 70, any name of a material specified in column 2 of Schedule 2 shall have the meaning assigned thereto in column 3 of that Schedule.

(2) No person shall sell, or have in possession with a view to sale, for use as a feeding stuff—

- (a) a vegetable material named in this subparagraph, of which the minimum botanical purity is less than the proportion specified in each case:
  - rapeseed expeller—94%;
  - extracted rapeseed—94%;
  - linseed expeller—93%;
  - extracted linseed—93%;

broken rice—99%;

(b) a vegetable material specified in column 2 of Schedule 2 other than one named in subparagraph (a) above, of which the botanical purity is less than 95%.

**Control of added substances contained in feeding stuffs**

**14.**—(1) No person shall sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive, or sell, or have in possession with a view to sale for incorporation in a feeding stuff, any additive, unless—

(a) where the additive is contained in any material, the additive is referred to in paragraph 6(1) of, or in the Table to, Schedule 4 and the material complies with the relevant provisions of that Schedule;

(b) where the additive is not so contained, it is referred to in paragraph 6(1) of, or in the Table to, Schedule 4; or

(c) the additive, whether or not contained in any material or in a preparation is—

(i) an enzyme (other than of a type referred to in Part X of that Table); or

(ii) a micro-organism.

(2) No person shall—

(a) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation, or

(b) sell, or have in possession with a view to sale, for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(a) of Council Directive 93/113/EC<sup>[10]</sup>, supplementing Council Directive 70/524/EEC concerning additives in feeding stuffs<sup>[11]</sup>, and before 15th October 1994—

an identification note in the form contained in Annex II to that Directive, relating to the enzyme, micro-organism or preparation in question, and prepared by the person responsible for selling or otherwise supplying the same, was received by the Minister of Agriculture, Fisheries and Food; and

(ii) the enzyme or, as the case may be, micro-organism or preparation, is included in the list of authorised products referred to in that Article.

(3) No person shall, on or after 1st December 1995—

(a) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation, or

(b) sell, or have in possession with a view to sale for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(b) of Council Directive 93/113/EC<sup>[10]</sup>, and before that date, a dossier relating to the enzyme, micro-organism or preparation in question, and prepared by the person who requested its inclusion in the list of authorised products referred to in paragraph (2)(b)(ii) above, has been received by the Minister of Agriculture, Fisheries and Food.

(4) Paragraphs (1) to (3) of this regulation shall not apply to any substance which

is—

- (a) for use in accordance with a written direction given by a veterinary surgeon or veterinary practitioner for the treatment of a particular animal or particular animals under his care;
- (b) a medicinal product or for use for a medicinal purpose in a feeding stuff.

(5) No person shall use as a feeding stuff material containing any added substance, not being a substance of a name or description specified in paragraph 6(1) of, or in the Table to, Schedule 4, which is deleterious to animals of any description specified in regulation 3, to pet animals, to human beings or to the environment.

(6) No person shall sell, or have in possession with a view to sale, for use as a feeding stuff, any complementary feeding stuff which, when diluted as specified by the manufacturer for feeding to animals, contains levels of additives which exceed those specified in Schedule 4 in relation to complete feeding stuffs.

**Control of feeding stuffs and ingredients containing undesirable substances**

**15.**—(1) No person shall sell, or have in possession with a view to sale, for use as a feeding stuff, or use as a feeding stuff, any material specified in column 2 of Part I of Schedule 5 which contains any substance specified in column 1 of that Part, in excess of the level specified in relation thereto in column 3 thereof.

(2) No person shall sell, or have in possession with a view to sale, any complementary feeding stuff which contains a substance specified in column 1 of Part I of Schedule 5 unless—

- (a) that feeding stuff is specified in the corresponding entry in column 2 thereof; and
- (b) the instructions for use are so worded as to ensure that—
  - (i) the feeding stuff is used only as part of a daily ration, and
  - (ii) the daily ration contains no more of the specified substance than the level specified in relation thereto for complete feeding stuffs.

(3) No person shall, for use as an ingredient, import into Great Britain from a country other than a Member State of the European Community, sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, any material specified in column 2 of Part II of Schedule 5 which contains any substance specified in column 1 of that Part in excess of the level specified in relation thereto in column 3 thereof.

(4) No person shall, for use as an ingredient, import into Great Britain from a country other than a Member State of the European Community, sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, any material specified in column 2 of Part II of Schedule 5 which contains any substance specified in column 1 of that Part in excess of the level specified in relation to straight feeding stuffs in column 3 of Part I of that Schedule unless—

- (a) the material is intended for use only by manufacturers of compound feeding stuffs who are then listed in the most recently published national list; and
- (b) it is accompanied by a document stating—
  - (i) that the material is intended for use only by the persons specified in sub-paragraph (a) above,
  - (ii) that the material may not be fed unprocessed to livestock, and
  - (iii) the amount of the specified substance contained in the material.

(5) No person shall mix with any feeding stuff or ingredient, any ingredient specified in column 2 of Part II of Schedule 5, if the ingredient so specified contains any substance specified in the corresponding entry in column 1 of that Part in excess of the level specified in relation thereto in column 3 thereof.

(6) No person shall import into Great Britain from a country other than a Member State of the European Community, sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, any ingredient, unless that ingredient is sound, genuine and of merchantable quality.

(7) For the purposes of paragraph (6) above, and without prejudice to the provisions of paragraph (3) above, an ingredient is not sound, genuine and of merchantable quality if, where the ingredient is incorporated into any compound feeding stuff specified in column 2 of Part I of Schedule 5, the level of any substance specified in column 1 of that Part and contained in the ingredient exceeds the level specified for that substance in column 3 of that Part in relation to the compound feeding stuff in question.

(8) Paragraphs (1) to (5) of this regulation shall not apply to any substance which is—

- (a) for use in accordance with a written direction given by a veterinary surgeon or a veterinary practitioner for the treatment of a particular animal or particular animals under his care;
- (b) a medicinal product or for use for a medicinal purpose in a feeding stuff.

(9) Where a person has or has had in his possession or control any feeding stuff or ingredient, for the purposes of a trade or business, and becomes aware—

- (a) in the case of a feeding stuff, that the feeding stuff does not comply with any requirement of paragraph (1) or (2) above, or
  - (b) in the case of an ingredient, that the ingredient does not comply with any requirement of paragraph (3), (4), (6) or (7) above,
- he shall immediately notify the Minister of Agriculture, Fisheries and Food, and an inspector appointed under section 67(3) by the authority which, by virtue of section 67(1), has the duty to enforce Part IV of the Act.

(10) For the purposes of the foregoing provisions of this regulation "feeding stuff" means—

- (a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);
  - (b) a product derived from the industrial processing of such a product; or
  - (c) an organic or inorganic substance, used singly or in a mixture, whether or not containing additives,
- for oral feeding to pet animals, to the descriptions of animals specified in regulation 3 above (being animals which, or kinds of which, are commonly kept for the production of food, wool, skins or fur or for the purpose of their use in the farming of land) or to animals living freely in the wild, and "daily ration" and "ingredient" shall be construed accordingly.

(11) No person shall sell, or have in possession with a view to sale, for use as a compound feeding stuff, or use as a compound feeding stuff, any material which contains—

- (a) faeces, urine or separated digestive tract contents resulting from the



- emptying or removal of the digestive tract, irrespective of any form of treatment or admixture;
- (b) treated hide including leather and its waste;
- (c) seeds or other plant propagating materials which, after harvest, have undergone specific treatment with plant protection products for their intended propagation, or derived by-products;
- (d) wood, sawdust or other materials derived from wood treated with wood protection products;
- (e) sludge from sewage plants treating waste waters;
- (f) solid urban waste, such as household waste;
- (g) untreated waste from eating places, except food stuffs of vegetable origin considered unsuitable for human consumption for reasons of freshness; or
- (h) packaging and parts of packaging from products used in agriculture or the food industry.

(12) For the purposes of paragraph (11) above, except sub-paragraph (e), "waste" shall mean material of any applicable category listed in Annex 1 to Council Directive 75/442/EEC<sup>[12]</sup>, which is discarded or intended or required to be discarded.

**Control of certain protein sources**

- 16.—(1) No person shall sell, or have in possession with a view to sale, for use as a feeding stuff or as a protein source in a feeding stuff, any material belonging to a product group specified in column 1 of Schedule 7, unless that material—
- (a) is named as a permitted product in column 2 of that Schedule; and
  - (b) complies with all the specifications and requirements contained in and imposed in relation thereto by columns 3 to 7 of that Schedule.

(2) No person shall sell, or have in possession with a view to sale, for use as a feeding stuff, or use as a feeding stuff, any product obtained from yeasts of the "Candida" variety cultivated on n-alkanes.

**Control of the iron content of milk replacer feeds**

17. No person shall sell, or have in possession with a view to sale, any milk replacer feed intended for calves of up to 70 kilograms live weight, which has an iron content of less than 30 milligrams per kilogram of the complete feeding stuff at a moisture content of 12%.

**Control of ash insoluble in hydrochloric acid in compound feeding stuffs**

- 18.—(1) Subject to paragraph (2) below, no person shall sell, or have in possession with a view to sale—
- (a) any compound feeding stuff composed mainly of rice by-products in which the level of ash insoluble in hydrochloric acid exceeds 3.3% of its dry matter, or
  - (b) any other compound feeding stuff in which the level of ash insoluble in hydrochloric acid exceeds 2.2% of its dry matter.

(2) Paragraph (1)(b) above shall not apply to any compound feeding stuff which

- (a) contains permitted mineral binders named or described in Part IV of the Table in Schedule 4; or
- (b) is a mineral feeding stuff; or
- (c) contains more than 50% of sugar beet chips or sugar beet pulp; or
- (d) is intended for farmed fish and has a fish meal content of more than

15%,  
if the level of ash insoluble in hydrochloric acid is declared as a percentage of the feeding stuff as such in the statutory statement, or elsewhere on the package, label or container; but in the case of a whole grain mix such a declaration shall not be required but may be made.

**Control of feeding stuffs intended for particular nutritional purposes**

**19.** No person shall sell, or have in possession with a view to sale, any feeding stuff intended for a particular nutritional purpose unless—

- (a) the particular nutritional purpose in question is specified in column 1 of Chapter A of Schedule 10;
- (b) the feeding stuff possesses the essential nutritional characteristics specified opposite that particular nutritional purpose in column 2 of that Chapter;
- (c) the feeding stuff is intended for animals specified opposite that particular nutritional purpose in column 3 of that Chapter;
- (d) it is recommended that the feeding stuff be used for a period of time falling within the range specified opposite that particular nutritional purpose in column 5 of that Chapter;
- (e) in relation to the feeding stuff, the requirements specified in paragraphs 1, 2 and 8 of Chapter B of Schedule 10 are complied with; and
- (f) the composition of the feeding stuff is such that it is capable of achieving the particular nutritional purpose for which it is intended.

**Modification of the Agriculture Act 1970 in relation to all feeding stuffs**

**20.**—(1) For the definition of "feeding stuff" in section 66(1) there shall be substituted the following definition:

- ""feeding stuff" means—
- (a) a product of vegetable or animal origin in its natural state (whether fresh or preserved);
  - (b) a product derived from the industrial processing of such a product; or
  - (c) an organic or inorganic substance, used singly or in a mixture (and whether or not containing additives);

for oral feeding to pet animals and such descriptions of animals as may be prescribed, being animals which, or kinds of which, are commonly kept for the production of food, wool, skins or fur or for the purpose of their use in the farming of land;" .

(2) For subsection (2) of section 66, there shall be substituted the following subsection—

- " (2) For the purposes of this Act—
- (a) material shall be treated as sold for use as a fertiliser whether it is sold to be so used by itself or as an ingredient in something which is to be so used;
  - (b) material shall be treated—
    - (i) as imported or sold for use as a feeding stuff whether it is imported or, as the case may be, sold to be used by itself or as an ingredient or additive in something which is to be so used; and
    - (ii) as used as a feeding stuff whether it is so used by itself or as an ingredient or additive in something which is to be so used." .

(3) In subsection (1) of section 82, for the words "68(4)(b) and (c)" there shall be substituted the words "68(1A), (4)(b) and (c)"<sup>[13]</sup> and for the words "and 73" there shall be substituted the words "73, 73A and 74A"<sup>[14]</sup>.

### **Modification of the Agriculture Act 1970 in relation to imported feeding stuffs**

**21.**—(1) In relation to feeding stuffs which have been imported, section 69(1) shall have effect subject to the modifications provided for in the following paragraph.

(2) The words "and in either case before it is removed from the premises" shall be deleted, and for the words "the material", there shall be substituted the words "any material which has been marked in accordance with this subsection".

### **Inspector's power to enter premises and inspect records**

**22.**—(1) This regulation shall apply for the purpose of ensuring compliance with the following provisions insofar as they relate to compound feedingstuffs:

- (a) sections 68, 69, 70, 73A and 74;
- (b) regulations 5, 15(11), 17, 18 and 19, and Schedules 1, 6, 9 and 10.

(2) An inspector appointed under section 67 may at all reasonable times enter any premises (not being premises used only as a dwelling)—

(a) on which he has reasonable cause to believe any compound feeding stuff is manufactured; or

(b) which he has reasonable cause to believe are occupied by a person engaged in the manufacture of any compound feeding stuff, for purposes related to such manufacture by him, and may on those premises—

(i) require any person engaged in the manufacture of any compound feeding stuff to produce any record, in written or any other form, relating to the manufacture by that person of any compound feeding stuff;

(ii) inspect and take copies of any such record;

(iii) where any such record is kept by means of a computer, have access to any computer and any associated apparatus or material which is or has been in use in connection with the record; and

(iv) where any such record is kept as aforesaid, require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

(3) Where—

(a) a requirement is made under paragraph 2(b)(i) above in relation to any feeding stuff intended for a particular nutritional purpose; and

(b) at the time the requirement is made, the record in respect of which it is made has been published and is available in accessible form for public use, the person of whom the requirement is made shall be deemed to comply with it if, at the time it is made, he supplies the inspector making it with correct and adequate details of the publication concerned and of where a copy of it may be obtained.

(4) An inspector entering any premises by virtue of this regulation may take with him such other persons and such equipment as may appear to him to be necessary.

(5) Section 83 shall apply in relation to the exercise or, as the case may be, the purported exercise, of any powers under this regulation, as it applies in relation to the exercise or purported exercise of any power under Part IV of the Act.

### **Exemptions**

**23.** These Regulations shall not apply to any feeding stuff which is intended for use only for—

- (a) the experimental investigation or testing of substances controlled under regulation 14; or
  - (b) other purposes of scientific research or experiment,
- and which is not generally available for sale, purchase or use as a feeding stuff, and is clearly marked to that effect.

### **Enforcement**

**24.** Insofar as any provision of these Regulations is made under section 2(2) of the European Communities Act 1972, that provision shall be enforced as if it were made under those provisions of the Act under which the other provisions of these Regulations are made, and the provisions of Part IV of the Act shall apply accordingly.

### **Revocation**

**25.** The Feeding Stuffs Regulations 1991<sup>[15]</sup>, the Feeding Stuffs (Amendment) Regulations 1993<sup>[16]</sup>, the Feeding Stuffs (Amendment) Regulations 1994<sup>[17]</sup> and the Feeding Stuffs (Amendment) (No. 2) Regulations 1994<sup>[18]</sup> are hereby revoked.

*Angela Browning*

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

24th May 1995

*Hector Monro*

Parliamentary Under Secretary of State, Scottish Office

23rd May 1995

Signed by authority of the Secretary of State for Wales

*Gwilym Jones*

Parliamentary Under Secretary of State, Welsh Office

26th May 1995

(Schedules omitted)

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*Notes:*

[1] 1970 c. 40; section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6, and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980). 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. back

[2] S.I. 1972/1811. back

[3] 1972 c. 68; section 2 is subject to Schedule 2 to the Act and is to be read, as regards England and Wales, with section 40 of the Criminal Justice Act 1982 (c. 48), and as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), which were inserted by section 54 of the said Act of 1982. back

[4] S.I. 1982/1144, amended by S.I. 1984/52, 1985/1119 and 1994/1610. back

[5] Method 3 was substituted by S.I. 1985/1119 and method 9 was amended by S.I. 1994/1610. [back](#)

[6] OJ No. L92, 7.4.1990, p.42. [back](#)

[7] 1968 c. 67. [back](#)

[8] OJ No. L38, 11.2.74, p.31, amended by Council Directive 86/354/EEC (OJ No. L212, 2.8.86, p.27). [back](#)

[9] Method 4 was substituted by S.I. 1994/1610. [back](#)

[10] OJ No. L334, 31.12.93, p.17. [back](#)

[11] OJ No. L270, 14.12.70, p.1 (OJ/SE Vol. 18, p.4). [back](#)

[12] OJ No. L194, 25.7.75, p.39. [back](#)

[13] Section 68(1A) was inserted by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980), regulation 5. [back](#)

[14] Section 73A was inserted by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980) regulation 7. Section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6. [back](#)

[15] S.I. 1991/2840. [back](#)

[16] S.I. 1993/1442. [back](#)

[17] S.I. 1994/499. [back](#)

[18] S.I. 1994/2510. [back](#)

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