

2009 No. 21

AGRICULTURE

The Feeding Stuffs (Scotland) Amendment Regulations 2009

Made - - - - *22nd January 2009*

Laid before the Scottish Parliament *23rd January 2009*

Coming into force - - *20th February 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74A and 84 of the Agriculture Act 1970^(a) and all other powers enabling them to do so.

There has been consultation as required by section 84(1) of the Agriculture Act 1970 with such persons or organisations appearing to represent the interests concerned and as required 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^(b).

Citation and commencement

1. These Regulations may be cited as the Feeding Stuffs (Scotland) Amendment Regulations 2009 and come into force on 20th February 2009.

Amendments to the Feeding Stuffs (Scotland) Regulations 2005

2. The Feeding Stuffs (Scotland) Regulations 2005^(c) are amended in accordance with regulations 3 and 4.

3. In Schedule 5—

(a) in Chapter A, in the entries relating to fluorine—

(i) after the last entry in Column 2 insert—

“— complete feeding stuffs for fish”; and

(ii) after the last entry in Column 3 insert—

“350”;

(a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”; it was relevantly amended by S.I. 2004/3254 and relevantly modified by S.S.I. 2005/605. Section 69(1) was relevantly modified by S.S.I. 2005/605. Section 74A was inserted by the European Communities Act 1972 (c.68), Schedule 4, paragraph 6. The functions of the Secretary of State insofar as exercisable within devolved competence were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Insofar as not so transferred and insofar as relating to animal feeding stuffs, which are not veterinary medicinal products or specified feed additives as defined in the Veterinary Medicines Regulations 2005 (S.I. 2005/2745), the functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).

(b) O.J. No. L 31, 1.2.02, p.1, as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L 245, 29.9.03, p.4), Commission Regulation (EC) No. 575/2006 (O.J. No. L 100, 7.4.06, p.3) and Commission Regulation (EC) No. 202/2008 (O.J. No. L 60, 5.3.08, p.17).

(c) S.S.I. 2005/605 as amended by S.S.I. 2006/16, 516, 530 and 578, 2007/492 and 2008/215.

SCHEDULE

Regulation 4

Entries to be substituted in Schedule 7 to the Feeding Stuffs (Scotland) Regulations 2005

<i>Column 1</i> <i>Particular nutritional purpose</i>	<i>Column 2</i> <i>Essential nutritional characteristics</i>	<i>Column 3</i> <i>Species or category of animal</i>	<i>Column 4</i> <i>Labelling declarations</i>	<i>Column 5</i> <i>Recommended length of time for use</i>	<i>Column 6</i> <i>Other provisions</i>
“Support of renal function in case of chronic renal insufficiency ⁽¹⁾ ”	Low level of phosphorus and restricted level of protein but of high quality	Dogs and cats	<ul style="list-style-type: none"> – Protein source(s) – Calcium – Phosphorus – Potassium – Sodium – Content of essential fatty acids (if added) 	Initially up to 6 months ⁽²⁾	Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use.”
	or Reduced phosphorus absorption by means of incorporation of Lanthanum carbonate octahydrate	Adult cats	<ul style="list-style-type: none"> – Protein source(s) – Calcium – Phosphorus – Potassium – Sodium – Lanthanum carbonate octahydrate – Content of essential fatty acids (if added) 	Initially up to 6 months ⁽²⁾	Indicate on the package, container or label: “It is recommended that a veterinarian’s opinion be sought before use or before extending the period of use.” Indicate in the instructions for use: “Water should be available at all times.”

⁽¹⁾ If appropriate the manufacturer may also recommend use for temporary renal insufficiency.

⁽²⁾ If the feeding stuff is recommended for temporary renal insufficiency the recommended period for use shall be 2 to 4 weeks.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Feeding Stuffs (Scotland) Regulations 2005 (“the Feeding Stuffs Regulations”).

The Regulations provide for the implementation of Commission Directive 2008/76/EC (“Directive 2008/76”) amending Annex I to Directive 2002/32/EC on undesirable substances in animal feed (O.J. No. L 198, 26.7.08, p.37) and Commission Directive 2008/82/EC (“Directive 2008/82”) amending Directive 2008/38/EC as regards feedingstuffs intended for the support of the renal function in case of chronic renal insufficiency (O.J. No. L 202, 31.7.08, p.48).

These Regulations make various amendment to Schedule 5 (prescribed limits for undesirable substances) to the Feeding Stuffs Regulations which correspond to the amendments made by Directive 2008/76 (regulation 3).

These Regulations also amend Schedule 7 (permitted feeding stuffs etc.) to the Feeding Stuffs Regulations which correspond to the amendments made by Directive 2008/82 relating to renal function (regulation 4 and the Schedule).

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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