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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 38**

**AGRICULTURE**

**The Animal Feed (Scotland) Amendment Regulations 2017**

*Made* - - - - 21st February 2017  
*Laid before the Scottish Parliament* - - - - 22nd February 2017  
*Coming into force* - - 23rd March 2017

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 74A(1), (2) and (4) and 84 of the Agriculture Act 1970(1), section 2(2) and paragraph 1A of schedule 2 of the European Communities Act 1972(2) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Scottish Ministers that it is expedient for references to the Annexes to Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition(3) to be construed as references to those Annexes as amended from time to time.

There has been consultation 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(4).

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- (1) 1970 c.40. Section 74A was inserted by paragraph 6 of schedule 4 of the European Communities Act 1972 (c.68) and was amended by S.I. 2011/1043. Section 84 was amended by S.I. 2004/3254. Section 66(1) contains definitions of “the Ministers”, “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State, in so far as within devolved competence, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) (“the 1998 Act”). In so far as not transferred and in so far as relating to animal feeding stuffs, which are not veterinary medicinal products or specified feed additives as defined in S.I. 2005/2745, relevant functions were transferred to the Scottish Ministers by S.I. 2006/304.
- (2) 1972 c.68. Section 2(2) was amended by the 1998 Act, schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by the 2006 Act, section 27(1)(a) and the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), Part 1 of the schedule. Paragraph 1A of schedule 2 was inserted by section 28 of the 2006 Act and relevantly amended by Part 1 of the schedule of the 2008 Act. The functions conferred upon the Minister of the Crown under section 2(2), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to animal feeding stuffs, which are not veterinary medicinal products or specified feed additives as defined in S.I. 2005/2745, relevant functions were transferred to the Scottish Ministers by S.I. 2006/304.
- (3) OJ L 268, 18.10.2003, p.29, as last amended by Commission Regulation (EU) 2015/2294 (OJ L 324, 10.12.2015, p.3).
- (4) OJ L 31, 1.2.2002, p.1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ L 189, 27.6.2014, p.1).

## Citation and commencement

1. These Regulations may be cited as the Animal Feed (Scotland) Amendment Regulations 2017 and come into force on 23rd March 2017.

## Amendments to the Animal Feed (Scotland) Regulations 2010

2.—(1) The Animal Feed (Scotland) Regulations 2010<sup>(5)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation and scope)—

(a) in paragraph (1), for the definition of “Regulation 1831/2003” substitute—

““Regulation 1831/2003” means Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition<sup>(6)</sup>”; and

(b) in paragraph (3), after “Directive 2002/32,” insert “Regulation 1831/2003,”.

(3) In regulation 7 (enforcement of requirements of Regulation 1831/2003), for paragraph (1) substitute—

“(1) A person commits an offence if that person contravenes or fails to comply with a provision specified in paragraph (2), as read, in the case of sub-paragraphs (a) and (c), with Article 2 (transitional provision) of Commission Regulation (EU) 2015/327 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations<sup>(7)</sup>.”.

St Andrew’s House, Edinburgh  
21st February 2017

*FERGUS EWING*  
A member of the Scottish Government

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(5) S.S.I. 2010/373.

(6) OJ L 268, 18.10.2003, p.29, as last amended by Commission Regulation (EU) 2015/2294 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards the establishment of a new functional group of feed additives (OJ L 324, 10.12.2015, p.3).

(7) OJ L 58, 3.3.2015, p.46.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the execution and enforcement of Commission Regulation (EU) 2015/327 amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council as regards requirements for the placing on the market and conditions of use of additives consisting of preparations.

These Regulations amend the Animal Feed (Scotland) Regulations 2010.

Regulation 2 re-states the definition of “Regulation 1831/2003” so that it includes all amendments made to it up to and including Commission Regulation (EU) 2015/2294. The definition therefore includes the amendments made by Commission Regulation (EU) 2015/327.