

Compliance and Enforcement Policy

Annex 2: Feed Law Enforcement

1. Introduction

- 1.1 As part of the revised Feed Delivery Programme established by the Food Standards Agency, Shared Regulatory Services (SRS), which covers Bridgend County Borough Council, the City of Cardiff Council and Vale of Glamorgan Council undertakes Feed enforcement work on behalf of these three local authorities, which are classed as feed authorities within the Agriculture Act 1970.

Animal feed forms a key part of the food chain, having implications for the safety and quality of livestock products (meat, eggs and milk) for human consumption. The Service has responsibility for enforcement of the controls on animal feeding stuffs in relation to their hygiene, composition and marketing.

The purpose of this document is to set out our current approach to enforcement in this area. Our approach is based upon the principles detailed in the overarching SRS Compliance and Enforcement Policy. This document is subject to Joint Committee approval.

2. Purpose

- 2.1 This procedure establishes a uniform approach for the enforcement of the law relating to animal feeds. It must be read in conjunction with the overarching SRS Compliance and Enforcement Policy of which this procedure forms an Annex.
- 2.2 This annex aims to assist officers in making enforcement decisions that adequately protect the public, livestock and the environment whilst also taking into account the needs and rights of business.

3. Scope

- 3.1 This annex applies to all action taken by Officers of SRS in respect of any animal feed, whether such requirements are imposed by UK or EU regulation.

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4. Definitions

4.1 For the purpose of this document “Authorised Officer” shall mean an Officer who has delegated powers to operate under the appropriate legislation which has been enacted to meet Regulations (EC) No 183/2005 laying down requirements for feed hygiene, (EC) No 1831/2003 on additives for animal nutrition, (EC) No 767/2009 on the placing on the market and use of feed and (EC) No 852/2004 food hygiene regulations, (EC) No 178/2002 on the principles of food and feed law and includes but is not limited to the following:

- Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016;
- Animal Feed (Hygiene, Sampling, etc. and Enforcement) (Wales) Regulations 2016;
- Official Feed and Food Controls (Wales) (Amendment) Regulations 2011;
- Food Hygiene (Wales) Regulations 2006

and that officer has been authorised by the SRS Head of Service.

5. Responding to breaches

5.1 SRS recognises and affirms the importance of achieving and maintaining consistency in the approach to making all decisions which concern feed law enforcement. To achieve and maintain consistency it is necessary that guidance issued by the Food Standards Agency, including in the Feed Law Code of Practice (Wales) <https://smartercommunications.food.gov.uk/connect/cGLgL9lfVC> is followed together with any other relevant guidance including the EU Code on good labelling practice for pet food, Home Authority / Primary Authority considerations and any Industry / Trade Association Codes as appropriate.

5.2 The Authorised Officers of SRS may obtain, provide and exchange information and evidence in accordance with the exercise of their legal obligations under the relevant regulations and guidance. Primary Authority arrangements will always be recognised.

5.3 If there is evidence that any relevant party is, or is suspected of failing to comply with legal requirements, various courses of action will be considered, the most appropriate selected and implemented in accordance with the relevant current legislation presently the Animal Feed (Hygiene, Sampling, etc. and Enforcement) (Wales) Regulations 2016, the Official Feed and Food Controls (Wales) (Amendment) Regulations 2011, subject to the Feed Law Practice Code and any relevant procedural documents and guidance.

5.4 The courses of action to be considered are those set out in section 9.4 of the SRS Overarching Compliance and Enforcement Policy under the headings:

- Statutory Notices

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- Enforcement Orders
- Simple caution; and
- Prosecution

5.5 Specifically in relation to feed, the use of a **feed business improvement notice** may be considered under the Feed (Hygiene and Enforcement) (Wales) Regulations 2005.

5.6 A feed business improvement notice will:

- State the officer's grounds for believing that the feed business operator is failing to comply with specified feed law;
- Specify the matters which constitute the feed business operator's failure to comply;
- Specify the measures which, in the officer's opinion, the feed business operator must take in order to secure compliance; and
- Require the feed business operator to take those measures within the specified period being not less than 14 days).

5.7 Failure to comply with a feed business improvement notice is an offence, however there is a route of appeal against a notice, and this is through the Magistrates Court. Persons served with a feed business improvement notice will be made aware of their right to appeal.

5.8 The following additional courses of action may also be considered:

5.8.1 **Suspension and / or Revocation of Registration or Approval as a Feed Business**

5.8.1.1 The authority may temporarily suspend the registration or approval of an establishment if it is shown that one or more of the activities carried out no longer complies with the requirements of EC Regulation 183 / 2005.

5.8.1.2 Any such suspension can last up to a maximum of one year after which time the registration or approval will be revoked.

5.8.1.3 In addition, the authority may revoke the registration or approval of an establishment for one or more of its activities if it identifies serious deficiencies or has had to stop production at the establishment repeatedly and the feed business operator is still not able to provide adequate guarantees regarding future production.

5.8.1.4 Those to whom the above applies will be notified of the rights of appeal available to them following the suspension or revocation of registration as a feed business.

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5.8.2 **Inspection, Seizure and Detention of Feed**

5.8.2.1 It is the policy of SRS to use detention or seizure of animal feeds as necessary where it appears to an Authorised Officer that the material fails to comply with the requirements of specified feed law.

5.8.2.2 The Authorised Officer may either:

- Give notice to the person in charge of the material that until the notice is withdrawn it is not to be used as feed and it is not to be removed unless its removal is to a place specified in the notice; or
- Seize the material in order to have it dealt with by a Justice of the Peace who may order its destruction or disposal and the recovery of the costs incurred in such destruction or disposal.

5.8.2.3 Anyone knowingly contravening the requirements of the notice specified above is guilty of an offence.

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