

Feed Manual of Official Controls

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<u>Acronym</u>	<u>Description</u>
ACTSO	Association of Chief Trading Standards Officers
APHA	Animal and Plant Health Agency
CHED	Common Health Entry Document
CPD	Continuing Professional Development
CPPD	Continuing Personal and Professional Development
CTSI	Chartered Trading Standards Institute
CTSIPCF	Chartered Trading Standards Institute Professional Competency Framework
DAERA	Department of Agriculture, Environment and Rural Affairs
DCA	Diploma in Consumer Affairs
DCATS	Diploma in Consumer Affairs and Trading Standards
DEFRA	Department for Environment, Food & Rural Affairs
DFN	Detention of Feed Notice
DPA	Data Processing Agreement
DPIA	Data Protection and Info Assets
DSLA	Delegated Service Level Agreement
DTS	Diploma in Trading Standards
EC	European Commission
EEC	European Economic Community
EFSA	European Food Safety Authority
ERDM	Electronic Records and Document Management
ETSF	External Temporary Storage Facility
EU	European Union
FAFA	Feed Alerts for Action
FBEPN	Feed Business Emergency Prohibition Notice
FBEPD	Feed Business Emergency Prohibition Order
FBIN	Feed Business Improvement Notice
FBO	Food Business Operator
FBPO	Feed Business Prohibition Order
FDB	Feed Delivery Branch
FeBE	Feed Business Establishment
FeBO	Feed Business Operator
FMIS	Feed Management Information System
FOAO	Food of Animal Origin
FSS	Food Standards Scotland
GDPR	General Data Protection Regulations
GIS	Geographical Information System
GMO	Genetically Modified Organism
HACCP	Hazard Analysis and Critical Control Points
HRFNAO	High Risk Food Not of Animal Origin
IAT	Incidents Assessment Team
INFOSAN	International Food Safety Authorities Network
IMF	Incident Management Framework
IPAFFS	Imports of Products, Animals, Food and Feed System
LA	Local Authority
Non-POAO	Products Not of Animal Origin

POAO	Products of Animal Origin
SFCIU	Scottish Food Crime and Incident Unit
SFSD	Scottish Food Sampling Database
SIT	Strategic Incident Team
TSE	Transmissible Spongiform Encephalopathy
TSPD	Trading Standards Practitioner Diploma
TSQF	Trading Standards Qualification Framework
VMD	Veterinary Medicines Directorate
WDFN	Withdrawal of Detention of Feed Notice

Index

	Index	5
	Introduction, Purpose and Scope	13
	1.1 Purpose	13
	1.2 Scope – Feed	14
1.	1.3 Non-Feed Functions	14
	General Arrangements.....	16
	2.1 Introduction.....	16
2.	2.2 Roles and Responsibilities – overview	16
	2.3 Schedule of Meetings and Reviews	19
	2.4 General Requirements	20
	2.5 Interventions with Feed Businesses	21
	2.6 Liaison between Competent Authorities	21
	2.7 Equipment	21
3.	Qualifications and Competencies.....	22
	3.1 Introduction.....	22
	3.2 Authorisation of Officers	22
	3.3 Primary Production.....	22
	3.4 Qualification and Competency Requirements	23
	3.5 Level 1 Officers: Qualifications	23
	3.6 Level 2 Officers: Qualifications	23
	3.7 Competency	24
	3.8 Training and on-going Continuing Professional Development (CPD).....	26
	3.9 CPD Requirements.....	27
	3.10 Ways of Attaining CPD	27
4.	3.11 Recording CPD and Evidence of CPD attainment.....	28
	3.12 Performance Review and Training Plans	29
	3.13 Newly Appointed Officers	29
	Data and Process Management.....	30
	4.1 Introduction.....	30
	4.2 The Feed Management Information System	30
	4.3 List of Feed Establishments	30
	4.4 Official Control Records.....	31
	4.5 Records of Inspections	31

4.6	Records of Sampling	31
4.7	Other Information	32
4.8	Freedom of Information	32
	Registration and Approval.....	33
5.1	Introduction.....	33
5.2	Responsibilities of the Agent	33
5.2.1	Unregistered or Unapproved Feed Business Establishments	33
5.3	Approval of Establishments	33
5.3.1	Division of Responsibilities for Approved Establishments	34
5.3.2	Applications for Approval: Handling	34
5.3.3	Advisory Visits.....	34
5.3.4	Determination of Applications for Approval	35
5.3.5	Exemption from On-Site Visit prior to Approval	35
5.3.6	Conditional Approval	35
5.3.7	Records of Approval Inspections.....	36
5.3.8	Approval Documentation	36
5.3.9	Outcomes of Approvals Decisions	37
5.3.9.1	Granting of Approval	37
5.3.9.2	Refusal of Approval and Appeals	37
5.3.10	Change of Details of Activities.....	38
5.3.11	Change in Feed Business Operator	39
5.3.12	Change of Trading Name	39
5.3.13	Closure of an Approved Establishment	40
5.3.14	Moving Premises – Retaining Approval Number	41
5.3.15	Enforcement Options in Establishments Subject to Registration or Approval under Regulation (EC) 183/2005.....	42
5.3.15.1	Introduction	42
5.3.15.2	Suspension of Registration or Approval	42
5.3.15.3	Revocation of Registration or Approval.....	42
5.3.15.4	Appeals against Suspension or Revocation of Approval/Registration	43
	Organisation and Delivery of Official Controls.....	44
6.1	Introduction.....	44
6.2	Powers to Carry out Official Controls	44
6.2.1	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005	44
6.2.2	Official Feed and Food Control (Scotland) Regulations 2009.....	45

6.3	Service Delivery Plan	45
6.4	Planning of Interventions	45
6.4.1	Development of Inspection Programme and Risk Rating	45
6.4.2	Amendment of the Inspection Plan	46
6.5	Delivery of Inspections	46
6.5.1	Issues relating to Particular Types of Businesses	47
6.5.1.1	Establishments undertaking activities R1-R9, R10, R11 or R12	47
6.5.1.2	Establishments undertaking activities R13 and R14	47
6.5.1.3	Member of FSS Approved Assurance Scheme	47
6.5.1.4	Scottish Government Inspections.....	47
6.5.1.5	Establishments undertaking more than one activity	48
6.5.2	Planning and Notifications of Inspections	48
	The overriding aim is to ensure compliance with feed legislation can be verified.....	48
6.5.3	Preparation.....	48
6.5.4	Intervention types	49
6.5.4.1	Inspections	49
6.5.4.1.1	Overview.....	49
6.5.4.1.2	Feed Composition.....	51
6.5.4.1.3	Feed Hygiene	51
6.5.4.1.4	Requirement for feed safety management procedures based on HACCP principles	53
6.5.4.2	Sampling	54
6.5.4.3	Approval Visits	55
6.5.5	Remote Assessments	55
6.5.6	Recording of Official Controls and Reports	55
6.5.7	Risk Rating.....	55
6.6	Earned Recognition - Introduction	56
6.6.1	Overview	56
6.6.2	The Role of FSS.....	57
6.6.3	The Role of the Authorised Officer	57
6.6.4	Criteria of the Approval of Assurances for Earned Recognition	57
6.6.5	Continued Monitoring of Approved Assurance Schemes	57
6.6.6	Information from the FSS Approved Assurance Scheme	58
6.7	Applying Earned Recognition.....	58
6.7.1	For Establishments undertaking activities A1 – A11 and R1 – R12	59

6.7.2	For Establishments undertaking activities R13 and R14	60
6.8	Removal of Earned Recognition by FSS	60
6.8.1	Removal of Earned Recognition on Feedback from Assurance Scheme	60
6.8.1.1	Notification of a FeBE 'Withdrawn for non- compliance with scheme standards'	60
6.8.1.2	Notification of a FeBE 'Left scheme for another Reason'	61
6.8.2	Removal of Earned Recognition following an Official Control Inspection	61
6.9	Imports: Introduction.....	63
6.9.1.	Types of Imported Feed	63
6.9.2.	Imported Feed Intervention Programme.....	64
6.9.2.1	Imported Feed Checks	64
6.9.3	Effective information sharing and communication	65
6.9.4	Powers of Entry	66
6.9.5	Imported Feed Premises and Ports.....	67
6.9.6	Deferred Examinations.....	68
6.9.7	Onward Transportation.....	68
6.9.8	Effective monitoring of consignments of feed not subject to mandatory checks at points of entry.....	69
6.9.9	Enforcement Action	69
6.9.10	Records.....	69
6.9.11	Third Country Representatives.....	70
6.10	Sampling	70
6.10.1	Sampling Programme.....	70
6.10.2	Verification Samples during Inspections	71
6.10.3	Sample Surveillance Plan	71
6.10.4	Where to Sample	71
6.10.5	Informal and Formal Sampling	72
7.	6.10.6 Sample Processing	72
	6.10.7 Sample Equipment.....	72
6.11	Feed Trials	72
	Enforcement.....	73
7.1	Introduction and Responsibilities	73
7.2	Proportionality and Consistency	73
7.3	Powers to take Formal Enforcement Action	73
7.3.1	The Feed (Hygiene and Enforcement) (Scotland) Regs 2005, as amended	74

7.3.2	Official Feed and Food Control (Scotland) Regulations 2009	74
7.4	Investigating Offences: Powers of Entry, Search and Seizure	74
7.4.1	Gathering and Preserving Evidence	75
7.4.1.1	Introduction	75
7.4.1.2	Best Evidence Rule	75
7.4.1.3	Official Notebook	75
7.4.1.3	Making Notebook Entries	76
7.4.1.4	Evidence Gathering	76
7.4.1.5	Photographic evidence	76
7.4.2	Application for Warrant of Entry	77
7.4.3	Execution of Warrant of Entry	77
7.4.4	Forced Entry	78
7.5	Enforcement Records	78
7.6	Dealing with non-compliance	78
7.6.1	Introduction	78
7.6.2	The enforcement approach	79
7.6.3	Revisits	79
7.7	Feed Business Improvement Notices (Regulation 17 of the Hygiene Regulations). 80	
7.7.1	Issuing Notices and Proportionate Enforcement	80
7.7.2	When to use Feed Business Improvement Notices	80
7.7.3	When Feed Business Improvement Notices are not appropriate	80
7.7.4	Drafting of Feed Business Improvement Notices	81
7.7.5	Feed Business Improvement Notices – Works of equivalent effect	81
7.7.6	Feed Business Improvement Notices –Time limits	82
7.8	Prohibition Notices and Orders (Regulation 21 and 22 of the Hygiene Regulations) .. 83	
7.8.1	Use of Feed Business Emergency Prohibition Orders and Notices	83
7.8.2	Health Risk Conditions where use of Feed Business Prohibition Orders and Feed Business Emergency Prohibition Orders and Notices may be appropriate	84
7.8.2.1	Health Risk Conditions where Prohibition on use of premises may be appropriate	84
7.8.2.2	Health Risk Conditions where the Prohibition on use of equipment may be appropriate	85
7.8.2.3	Health Risk Conditions where Prohibition on use of a process may be appropriate	85
7.9	Voluntary Procedures	85
7.10	Prohibition Order Procedures	86

7.10.1 Action when a Feed Business Prohibition Order has been made against a person	86
7.11 Service of Notice and Orders	86
7.11.1 Service of Feed Business Improvement Notices served on FeBO outside of Scotland or outside the area for which the officer is authorised	86
7.11.2 Methods of serving a notice	87
7.11.3 Affixing the notice or order on the premises	87
7.11.4 Unauthorised removal or defacement of notices or orders	88
7.12 Appeals	88
7.13 Breach of a notice or order	88
7.14 Lifting Notices and orders	89
7.14.1 Health Risk Condition No Longer Exists: Lifting of feed business prohibition notice of orders	89
7.14.2 Lifting of feed business prohibition order against a person	90
7.15 Detention and Seizure	90
7.15.1 Detention of Feed	90
7.15.2 Seizure of Feed	91
7.15.3 Withdrawal of Detention of Feed Notice	92
7.16 Voluntary Procedures for the Disposal of Feed	92
7.17 Destruction or Disposal Feed	93
7.18 Dealing with Batches, Lots or Consignments of Feed	93
7.19 Reporting to the Procurator Fiscal	94
7.19.1 Court Proceedings – Evidence Required	95
7.19.2 Giving Evidence in Court	95
7.19.3 Use of Notebook When Giving Evidence	95
7.20 Compensation	95
7.20.1 Feed Business Improvement Notices	95
7.20.2 Feed business emergency prohibition notices and orders	96
7.21 Enforcement Options in establishments subject to Registration / Approval under Regulation (EC) 1831/2003	96
7.22 Enforcement Options for Imported Feed	96
7.22.1 Feed consignments which present a risk to human or animal health	97
7.22.2 Feed consignments which do not comply with feed law but do not present a risk to human or animal health	97
7.22.2.1 Special Treatments detailed in Article 71 of Regulation (EU) 2017/625	97
7.22.2.2 Re-dispatch of consignments	97

7.22.3 Appeals against action taken under Articles 66 and 67 Regulation (EU) 2017/625	98
Feed Incidents and Crime	99
8.1 Managing Incidents and Alerts – Introduction and Responsibilities	99
8.2. Food/Feed Incidents	99
8.3. Incident Reporting	100
8. 8.4. Deliberate contamination and malicious tampering	100
8.5 Investigation	100
8.6 Incidents Team Meeting	102
8.7. Out of Hours Service	102
8.8. Feed Alerts / Information Notices	102
8.8.1 Communications	102
8.8.2. Responding to Feed Alerts for Action (FAFA)	103
8.9. Media Relations	103
8.10 Crime and Fraud Relating to Feed	103
8.10.1 Definition	103
8.10.2 Scottish Food Crime and Incident Unit (SFCIU)	103
8.10.3 Emerging Issues, Intelligence and Suspicion of Crime	104
9. Internal Monitoring	105
9.1 Introduction	105
9.2 Purpose of Monitoring	105
9.3 Forms of Monitoring	105
9.3.1 Monitor of performance against the DSLA	105
9.3.2 Monitoring Performance of Officers in the Execution of their Agreed Duties ...	106
Glossary	108
Annex 1	115
Annex 2 Feed Delivery –Equipment List	116
Annex 3.1 Competency Framework	118
Annex 3.2 Qualification Equivalence Criteria	137
Annex 3.3 Competency and Qualification Review Record	138
Annex 4.1 Registration/Approval Form	139
Annex 4.2: Approval and Registration activities	143
148	
Annex 4.3 Declaration for Approval without Prior On-Site Inspection	148
Annex 4.4 Notification of Grant of Full Approval / Conditional Approval	150

Annex 4.5 Notice of Decision to Refuse to Grant Approval	155
158	
Annex 4.6 Notice of Decision to Refuse to Grant Full Approval to an Establishment which was conditionally approved	158
Annex 4.7 Notice of Suspension of Registration/Approval	161
161	
Annex 4.8 Notice of Revocation of Registration/Approval	164
Annex 4.9 Approved Establishments: Notification of Changes to FeBO/FeBE Details or Activities (Authorised Officer referral to FDB).....	164
Annex 4.10 Local Authority Enforcement Referral Form	167
Annex 5.1 Part A: The Animal Feed Law Risk Rating System	171
Annex 5.1 Part B: Inspection Types and Frequencies.....	173
Annex 5.3 Example template to record checks	176
177	
Annex 5.4 Notification of formal sampling (Receipt).....	177
Annex 6.1 Feed Business Improvement Notice.....	178
Annex 6.2 Feed Business Emergency Prohibition.....	181
Annex 6.3 Detention Notice	183
Annex 6.4 Certificate of Withdrawal of Detention Notice.....	185
185	
Annex 6.5 Seizure Notice	187
Annex 6.6 Certification that Health Risk Condition No Longer Exists.....	189
Annex 7.1 Feed Incidents Schematic Diagram.....	191
Annex 7.2 Food/Feed Incident Report Form	192
Annex 8.1 Internal Monitoring Record.....	197
Annex 8.2 Self Audit Checklist	198

Introduction, Purpose and Scope

1.1 Purpose

1. The Feed Manual is a guide for Authorised Officer conducting Official Controls of feed law and Agents in Scotland.

Food Standards Scotland (FSS) is the competent authority for the delivery of feed official controls at all stages in the feed chain in Scotland (from primary production to distribution of final product and feeding to animals). FSS has powers to delegate this function to qualifying third parties, referred to as Agents via a Delegated Service Level Agreement. This manual applies to Agents and their authorised feed officers.

The manual aims to ensure consistent, effective, risk-based and intelligence-led official controls at all stages of production, distribution, use, storage, transport, import and export of feed, as required by [Regulation \(EU\) 2017/625](#). It also describes the approach to be taken in coordinating delivery of official controls with other government agencies, including the Veterinary Medicines Directorate (VMD) and the Animal Plant and Health Agency (APHA). The Department of Food and Rural Affairs (Defra) has designated, for Great Britain:

- VMD as the Competent Authority responsible for the regulation of veterinary medicines in the UK. It is the enforcing authority for approving and inspecting feed business operators manufacturing
 - specified feed additives i.e. coccidiostats and histomonostats, premixtures of such, or feed containing specified feed additives products
 - premixtures and feed containing veterinary medicinal products; and
- APHA as the Competent Authority regulating the use of animal by-products and specified risk materials which includes the ban on feeding animal proteins to ruminants and processed animal proteins to farmed animals.

The outcomes of official control delivery contribute to:

- safeguarding public and animal health, food and feed safety.
- maintaining a level playing field for honest and diligent Feed Business Operators (FeBO's), which is in the interests of industry as a whole; and
- reducing unnecessary burdens on business by focusing feed control activities on priorities identified through intelligence gathering and threat assessment information.

1.2 Scope – Feed

All Feed Business Operators and relevant feed legislation are within scope of this Feed Manual. The relevant legislation covered by this arrangement is as follows:

Specified Feed Law listed in The Feed (Hygiene & Enforcement) Scotland Regulations 2005:

- [Part IV of the Agriculture Act 1970](#), as far as it relates to animal feeding stuffs.
- [The Animal Feed \(Basic Safety Standards\) \(Scotland\) Regulations 2018](#)
- [The Animal Feed \(Scotland\) Regulations 2010](#)
- [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) (also referred to as the “*hygiene regulation*”).
- [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#)
- [Regulation \(EC\) 178/2002](#)
- [Regulation \(EC\) 1831/2003](#)
- [Regulation \(EC\) 1831/2005](#)
- [Regulation \(EC\) 767/2009](#)
- [Regulation \(EU\) 2017/625](#)
- [Regulation \(EU\) 2019/1793](#)

Other feed law

- The [Genetically Modified Animal Feed \(Scotland\) Regulations 2004](#)
- The [Genetically Modified Organisms \(Traceability and Labelling\) \(Scotland\) Regulations 2004](#)
- The [Feed \(Sampling and Analysis and Specified Undesirable Substances\) \(Scotland\) Regulations 2010](#)

References to legislation must be considered a reference to that legislation in its current form (unless otherwise indicated).

1.3 Non-Feed Functions

FSS is not the competent authority for the functions listed below and powers to deal with them sit with other Government bodies. In the event that an issue is identified relating to one of these functions or any other outside the authorisation of the officers, whilst undertaking an intervention under feed law, this must be reported to the Feed Delivery Branch (FDB) as soon as possible by [email](#) to enable FSS to engage the appropriate

competent authority as early as possible. Information relating to the issue must be as clear, accurate and detailed.

- The [Animal By-Products \(Enforcement\) \(Scotland\) Regulations 2013](#);
- [The Pesticides \(Maximum Residue Levels\) \(Scotland\) Regulations 2008](#);
- [The Trade in Animals and Related Products \(Scotland\) Regulations 2012](#); and
- [The Transmissible Spongiform Encephalopathies \(Scotland\) Regulations 2010](#) (TSE Regulations).

General Arrangements

2.1 Introduction

FSS is the competent authority for the delivery of official controls and enforcement of feed
2. at all stages in the feed chain.

2.2 Roles and Responsibilities – overview

The following table lays out roles and responsibilities of the FSS central coordination function (Feed Delivery Branch (FDB)) and the delivery by third parties (referred hereafter as “Agent”)

FSS (FDB)	Delivery Agent (third parties)
1. Administration and management	
Development and delivery of administrative systems for the feed delivery service including development of guidance, monitoring and audit systems. Service planning including annual report against service plan. Develop management reports including monitoring of the Feed Management Information System (FMIS), the Scottish Food Sampling Database (SFSD) and outcomes of meetings with FSS/3rd party feed officers	Audit – cooperation during audit. Provide management information to FSS as required Participate in review of performance against the Delegated Service Level Agreement (DSLA) for each Agent – quarterly. Handle service complaints from FSS Submit invoices
2. Official Control Planning	
Development of inspection and sampling plan (this is to be provided 8 weeks prior to the start of the year, provide plan). Plan to have a fixed list with a small amount of flexibility (e.g. primary production))	Agree Official Control plan 4 weeks prior to the start of year
3. Horizon Scanning	
Process intelligence, horizon scanning to inform risk analysis and prioritisation for intervention planning. Feed into the horizon scanning process from FMIS and any other means (identify trends for horizon scanning every quarter)	Authorised Officers to gather official control information through FMIS Report suspicion of feed crime to FDB
4. Official control delivery	
Interrogation and reports (FMIS).	Deliver a programme of risk-based animal feed interventions, as agreed with FSS, and

Interrogation and reports (SFSD). Save FeBO inspection reports and analysis certificates to the FMIS and eRDM. Decision making – enforcement action. Engagement with Agriculture Analysts to coordinate analysis activity. Develop an annual sampling plan and provide quarterly updates	having full regard to and compliance with FSS guidance and advice, working with businesses to achieve compliance, using informal enforcement action. Refer matters for possible formal enforcement action to FDB
5. Enforcement	
Carry out formal enforcement action, with input from the officer responsible for the official control, as necessary. Referral to Court and preparation of reports to the Procurator Fiscal, with input from the officer responsible for the official control Handle appeals for enforcement action. Arrangements for seizure, detention and destruction. Save FeBO enforcement notices and post-enforcement records to eRDM	Carry out formal enforcement action only in exceptional circumstances and on agreement with FSS (see chapter 7) Input as necessary e.g. witness statement and assist draft construction of formal enforcement notices
6. Registration	
Administer Feed business registration. Update premises lists. Advise 3rd party and FeBO's	Pass on information regarding unregistered businesses to FDB. Refer businesses to the FSS Online Registration Platform
7. Approvals	
Manage the approval of establishments - determination and paperwork	Pass on information regarding unapproved businesses to FDB. Refer businesses to FSS Online Registration Platform In exceptional circumstances and with written agreement from FSS, carry out pre-approval work and approval inspection

8. Incidents and Feed Complaints	
All incidents/ feed complaints are referred to FSS (FDB and Scottish Food Crime and Incident Unit (SFCIU)). Investigation of incidents and feed complaints and discussion with FeBO's as necessary. Referral to FSS officers for investigations and feed complaints and discussion with FeBO's at establishment if necessary. Referral procedure to other parts of FSS or OGD.	Referral of intelligence to FSS In exceptional circumstances and with written agreement from FSS, carry out investigations and feed complaints with FeBO's
9. Imports	
Strategic management of imports. Point of entry registered with FSS	Inspection on FSS' s behalf (either as per the official control plan or ad hoc) Inland imports checks (as part of routine inspection)
10. Equipment	
For FSS delivery, FSS equipment ordering, maintenance and calibration	Ensure equipment is available, maintained and calibrated
11. Advice	
Develop and provide officers with up-to-date technical advice, policy developments and any other guidance which will enable officers to carry their duties effectively. Arrange regular meetings (every quarter), ad hoc online meetings, as necessary, including liaison with other bodies involved in feed e.g. Scottish Government Rural Payments & Inspections Directorate (SGRPID), VMD, industry. Feed manual – update every 3 months, or as necessary. Any other action required by FSS to deliver an improvement in compliance with relevant feed/food law. Where appropriate, promote the feed delivery service and the importance of safe animal feed	Read and understand new advice/guidance Attend FSS/other agency meetings in accordance with Schedule of meetings

12. Training	
Provide training to Authorised Officers based on feedback from regular meetings with FSS officers/ Agents	Enable attendance at FSS courses, maintain minimum 10 hours CPD for each feed officer per year to support evidence of competence. Authorisation of officers. Provide sufficient and appropriately qualified, competent, experienced staff and resources for implementing the feed delivery service within the agreed area of delivery (in accordance with the DSLA and the feed manual)

2.3 Schedule of Meetings and Reviews

When	Subject	How
Quarter 1 July	Review performance against DSLA for each Agent e.g. are inspections being carried out according to plan and other conditions of the DSLA. Include any outcomes of review of inspection and sampling plan	Remotely (1 to 1)
	Liaison meetings with other bodies involved in feed e.g. SGRPID, VMD, industry To include technical meetings Where practical to do so, arrange training at the same location in the preceding or subsequent days	Meeting at agreed location or remotely
Quarter 2 October	Review performance against DSLA for each Agent e.g. are inspections being carried out according to plan and other conditions of the DSLA. Include any outcomes of review of inspection and sampling plan Agent to discuss officer development needs with FSS	Remotely (1 to 1)
Quarter 3 January	Review performance against DSLA for each Agent e.g. are inspections being carried out according to plan and other conditions of the DSLA. Include any outcomes of review of inspection and sampling plan	Remotely (1 to 1)
Quarter 3	Liaison meetings with other bodies involved in feed e.g. SGRPID, VMD, industry	Meeting at agreed location or remotely

Quarter 3 January	To include technical meetings Discuss full review of DSLA to ensure still fit for purpose Where practical to do so, arrange training at the same location in the preceding or subsequent days	
Quarter 4 April	Review performance against DSLA for each Agent e.g. are inspections being carried out according to plan and other conditions of the DSLA. Include any outcomes of review of inspection and sampling plan Agent to discuss officer development needs with FSS	Remotely (1 to 1)

2.4 General Requirements

Authorised feed officers must have regard to this manual when discharging their duties and any appropriate guidance issued by, or supported by, the FSS FDB. If the Authorised Officers consider that public and animal health, food or feed safety is likely to be compromised by complying with this manual, they should discuss the matter with the FDB at the earliest opportunity and before any decision is taken. Authorised Officers should fulfil enforcement duties in accordance with the FSS Feed Enforcement Policy.

The FDB will periodically issue communication to Authorised Officers, and to the management of those Agents, on new and/or revised policies and procedures, information on feed safety matters and other issues connected with the effective delivery of official controls and enforcement of feed law.

Agents must have arrangements to ensure that the information is shared with the Authorised Officers and determine what action is appropriate and or necessary on receipt of such communications.

The DSLA lays out the area of scope for feed law functions.

The Agent must ensure that there are enough competent/qualified officers to undertake official controls at the full range of feed businesses within the area of scope agreed in the DSLA. This may involve employing temporary staff or contractors, who are also required to meet the qualification and competency requirements for the specific functions the officer is required to undertake.

The FDB and the Agent will review the performance against the DSLA to ensure that the specified requirements are met.

2.5 Interventions with Feed Businesses

The core function of Authorised Officers is the delivery of official control and other interventions at Feed Business Establishments (FeBEs). Official controls are activities performed by the competent authorities or by the delegated bodies to verify compliance with regulations and that goods meet the requirements laid down. Official controls include inspections and sampling for analysis. Interventions include official controls and other activities such as education, advice and coaching, information and intelligence gathering.

In Scotland, the official controls carried out by agents shall be inspections and sampling, unless otherwise agreed by FSS.

2.6 Liaison between Competent Authorities

The FDB shall facilitate liaison between and engage in discussion with the Authorised Officers (of Agents and FSS), Agricultural Analyst(s), VMD and APHA. The purpose of the liaison is to help maintain effective and efficient delivery of official controls, registration and approval, co-operation and consistency of enforcement. It shall provide an opportunity to share intelligence and avoid duplication of enforcement by different competent authorities and discuss legal interpretation and consistency. Meetings shall take place on a quarterly basis.

2.7 Equipment

Apart from FSS supplied mobile devices, the Agent shall be responsible for providing equipment listed in Annex 2 to enable them to carry out interventions at Feed Business Establishments (FeBEs), in accordance with this manual.

Authorised Officers shall ensure that equipment is in good working order and, where necessary, calibrated.

It is the responsibility of the Agent to determine what personal protective equipment is required having regard to their own health and safety policies, risk assessments and procedures. The Agent shall also determine the requirements for cleansing and disinfection for the prevention of spread of animal diseases in accordance with their own policies and procedures.

Qualifications and Competencies

3.1 Introduction

3 This Chapter:

- outlines the qualification and competency requirements for officers who are eligible to be authorised to carry out official controls to verify compliance with feed law
- does not apply to those who have only indirect managerial responsibility for the delivery of feed official controls and feed law enforcement or to those employed in a support role such as administrative and legal staff.

3.2 Authorisation of Officers

FSS delegation of feed law functions to Agents, as laid out in the DSLA, enables the Agent to authorise its own officers.

In addition, FSS requires that officers are authorised across Scotland in the event of their participation in a major incident where required by FSS.

Authorisation must only be given where there is evidence of the required qualifications and/or competency to undertake the intended specific official control duties. Agents are required to provide the FDB with a copy of this evidence.

Where in accordance with the DSLA, FSS approves an Agent to carry out additional activity to inspections and sampling e.g. enforcement activity, the Authorised Officer must meet the relevant requirements for qualifications and competencies contained within this chapter.

Authorisations shall be tailored to the role of an individual officer. An officer's authorisation may be extended as the officer gains the necessary competency and qualifications where these are required, and on submission of evidence to the relevant authorities lead feed officer. Paragraph 3.7 provides examples of how evidence can be demonstrated.

Written authorisations for feed official controls as issued by the Agent to their Officers will be reviewed on a 6 monthly basis and should be presented to the FSS as part of the review of Officer CPD and training records in accordance with Section 3.8 of the Feed Manual.

3.3 Primary Production

Where official controls of food and feed hygiene primary production are to be carried out at the same time, they may be carried out by an officer competent in accordance with this Chapter.

3.4 Qualification and Competency Requirements

Officers are required to have both the required qualifications and competency for the authorisation granted and activities they undertake as set out in this Chapter.

3.5 Level 1 Officers: Qualifications

There are no specific qualification requirements for level 1 officers (farm inspections), qualifications may provide evidence of competency in a particular area.

3.6 Level 2 Officers: Qualifications

A range of qualifications are recognised for Level 2 (inspections at premises other than farms):

Currently available qualifications

(a) [CTSI Professional Competency Framework \(CPCF\)](#)

Trading Standards Practitioner Diploma (TSPD) which must include Unit 4 Feed within Stage 2.

(b) [CTSI Professional Competency in Feed](#)

Previously available qualifications

(a) Trading Standards Qualification Framework (TSQF)

(i) Diploma (DCATS) or Higher Diploma (HDCATS) in Consumer Affairs and Trading Standards – must include the Feed Module

(ii) Certificate of Competence - Feed

(iii) Module Certificate in Consumer Affairs and Trading Standards - Feed

(b) Older Qualifications

(i) Diploma in Trading Standards (DTS) or its antecedents

(ii) Diploma in Consumer Affairs (DCA) which includes the Food and Agriculture Paper, or its antecedents

(iii) Diploma in Consumer Affairs (DCA) Certificate of Competence in relation to Food and Agriculture, or its antecedents

3.6.1 Qualification Equivalence

Existing or prospective officers may have other qualifications, additional training and experience that together indicate their competence to undertake specific official control or enforcement activities but who do not hold any of the qualifications listed above. Equivalent qualifications should be considered. FSS has developed qualification

equivalence criteria, and this is provided in Annex 3.2. Please note that training may still be required to meet the competencies provided in Competency Framework (Annex 3.1). Agents must make enquiries with the FDB if there are any doubts about a prospective officer's qualifications.

In addition, Authorised Officers must be able to demonstrate, having undertaken appropriate qualification/training and supervised experience for competence in:

- The inspection of hazard analysis and critical control points (HACCP) based safety management systems; and
- Basic components of quality control systems and auditing techniques to ensure effectiveness and operations of the simple systems.

3.7 Competency

Competency in this manual is a combination of technical and professional skills, knowledge and experience, and may include qualifications, that enable an officer to be appropriately authorised to deliver official controls.

The Competency Framework (Annex 3.1) provides competency requirements for different activities.

Competency 1 - Undertaking official controls, excluding sampling for analysis of feed, and enforcement action at Feed Business Establishments which solely undertake one of the on-farm activities R10, R11, R13 and R14 or, a combination of these activities.

Competency 2 - Undertaking official controls, excluding sampling for analysis of feed, at FeBEs which undertake one of the activities A1-A11, R1-R9, or R12

Competency 3 - Undertaking official controls, excluding sampling for analysis of feed, at points of entry

Competency 4 - Undertaking sampling for analysis of feed

Competency 5 - Using enforcement powers and carrying out reactive investigations

Type of establishment	Activity	Qualification	Competency within Framework (Annex 3.1)	Minimum Officer level
Farms	Official controls (excluding sampling)	Competency approach only	Competency 1	Level 1
All except farms and points of entry	Official controls (excluding sampling)	As detailed in 3.6	Competency 2	Level 2

Points of Entry	Official controls (excluding sampling)	Competency approach only	Competency 3	Level 1
All	Sampling	Competency approach only	Competency 4	Level 1
All	Enforcement	See note below	Competency 5	See note below

Note: Anyone undertaking enforcement action must meet Competency 5. In addition,

- for enforcement of establishments that are farms, they must meet competency 1
- for enforcement of establishments that are not farms or points of entry, they must meet competency 2 (as well as qualification requirements)
- for enforcement of establishments that are points of entry, they must meet competency 3
- for enforcement related to sampling, at any type of feed establishment, they must meet competency 4

Column 4 of the Competency Framework (Annex 3.1) provides examples of what competence might look like. There is no requirement to demonstrate competence with all these examples.

Authorising authorities must satisfy themselves that an officer can provide demonstrable evidence that the officer meets the competency (knowledge and skills) requirements relevant to the role the officer is required to undertake and for the scope of their authorisation.

The following are ways in which an officer would be able to demonstrate they meet the competency requirements provided in the Competency Framework:

- qualifications – both academic & professional
- post qualification courses that lead to an additional relevant qualification
- successful completion of training courses, including short courses and e-learning, e.g. on matters related to official controls, HACCP
- employment history detailing functions undertaken, responsibility exercised, and experience gained
- official controls carried out under supervision by an appropriately Authorised Officer
- assessed practical training that requires application of academic and professional knowledge
- completion of a specific piece of work, e.g. drafting of notices, production of witness statements, gathering evidence, building elements of a prosecution file, carrying out sampling in the prescribed manner etc.

Officers are required to maintain a record of evidence containing details of qualifications, training, and details of specific feed law experience which helps to demonstrate that they have met the relevant competencies laid down in this manual.

If an officer does not have the necessary competencies, there should be consideration about how the development needs can be addressed if the scope of the authorisation is intended to be extended. Until such gaps have been filled, the officer's authorisation to deliver official controls should be appropriately restricted.

3.8 Training and on-going Continuing Professional Development (CPD)

CPD can involve any relevant learning activity, whether formal and structured or informal and self-directed, to develop the personal qualities and practical experience to undertake their feed law role.

Training needs and development requirements must be assessed formally for each officer on, at least, a six-monthly basis. This information shall be used to inform an officer's personal development plan and their CPD priorities. This information shall be shared with the FDB every six months to allow ongoing development of the FSS feed training plan.

FSS is responsible for providing appropriate training each year to Authorised Officers and, where identified in the officer training plan or otherwise required to meet regulatory standards, officers must make themselves available to attend this training. If the officer has already met the relevant competencies that the training is intended to provide, there is no need for the officer to attend the training. In addition, Agents shall ensure that any other essential training not specifically feed related, necessary for officers to adequately fulfil their duties, e.g. Information Technology, data protection, Health and Safety, is provided.

To maintain competence, officers are also required to keep up to date with relevant information and technical developments to enable them to carry out their duties competently and to enable consistent interpretation and application of feed law. Updated information shall be provided to Authorised Officers and Agents when available and as required by FSS, and may include:

- relevant legislation
- FSS guidance
- guidance documents from other countries (e.g. advice for export requirements)
- UK Guides to Good Practice where appropriate
- guidance and relevant correspondence issued by, jointly with, or on behalf the FSS or FSA
- relevant industry codes of practice; and
- appropriate technical literature.

Agents must ensure that Authorised Officers are provided with the up-to-date information necessary for them to carry out their duties effectively.

3.9 CPD Requirements

Officers must ensure that they receive a minimum of 10 hours CPD per year, relevant to feed and to their level of authorisation and the type and frequency with which they undertake official controls.

Chapter I, Annex II of [Regulation \(EU\) 2017/625](#) outlines the subject matters for the training of staff performing official controls. Examples may include but are not limited to:

- different control techniques, such as auditing, sampling and inspection
- control procedures
- feed and food law, where relevant to feed controls
- different stages of production, processing and distribution and the possible risks associated with feed law
- assessment of non-compliance
- hazards in animal, feed and food production, where relevant to feed controls
- the evaluation of the application of HACCP procedures
- management systems such as quality assurance programmes that feed businesses operate and their assessment insofar as these are relevant for feed law requirements
- official certification systems
- contingency arrangements for emergencies, including communication between the UK and third countries
- legal proceedings and the implication of official controls
- examination of written, documentary material and other records, including those related to inter-laboratory comparative testing, accreditation and risk assessment, which may be relevant to the assessment of compliance with feed or food law; this may include financial and commercial aspect
- control procedures and requirements for entry into Scotland of goods arriving from third countries and
- any other area necessary to ensure that official controls are carried out in accordance with [Regulation \(EU\) 2017/625](#).

3.10 Ways of Attaining CPD

FSS shall deliver a programme of annual training for Authorised Officers. In addition, there are several ways in which officers can undertake and attain CPD. Please see below a non- exhaustive list of ways to achieve CPD around animal feed. These include:

- relevant training courses including distance learning or e-learning activities

- coaching from other experienced Authorised Officers
- review of case studies and literature
- conferences or meetings which involve an element of new knowledge and learning
- reading to understand the legal, regulatory framework for professional work
- maintaining or developing specialist skills
- shadowing of an Authorised Officer who meets the competency requirements
- attending training courses / conferences not linked to official controls but supporting professional development
- taking part in a third country audit or fact-finding mission
- shadowing experienced (internal or external) colleagues to develop knowledge of a feed establishment e.g. manufacturer of additives etc.
- participation in scenario-based case studies (e.g. notice drafting, risk-rating, etc.)
- writing relevant articles for peer-reviewed journals / papers
- writing guidance on feed law or other legislative requirements
- making presentations to colleagues or businesses on legislative requirements, particularly new changes to legislation and
- discussions with colleagues and / or FeBO's on legal requirements / enforcement action which involve an element of learning.

3.11 Recording CPD and Evidence of CPD attainment

Individual officers shall maintain a record of their CPD, which should include the following information as a minimum:

- dates of activity
- type of activity
- hours spent on activity and
- copy of certification or countersignature from a manager or colleague that the stated activity took place.

Most CPD is likely to be evidenced by the established practice of certification from a training provider.

If shadowing, experience or participation in scenario-based case studies includes reflective practice that should be documented by the officer and countersigned by the manager.

A Competency and Qualification Review Record for officers is provided at Annex 3.3 as an example of a record for the officer's personal development plan and CPD priorities.

Professional bodies such as the CTSI operate their own Continuing Personal and Professional Development (CPPD) requirements for their respective membership, which includes providing CPPD evidence as part of membership or Chartered Status. Records maintained for professional bodies may be used to demonstrate feed CPD requirements.

3.12 Performance Review and Training Plans

Every 6 months, officers shall undergo a review of completed CPD to identify and assess benefits or otherwise and identify further development needs to inform an officer's personal development plan and their CPD priorities. Future development needs shall be collated and shared with the FDB at the quarterly review meetings. This information will be used to develop the annual FSS training plan.

3.13 Newly Appointed Officers

Newly appointed officers must be assessed to ensure that the officer meets the necessary qualification and competency requirements, for their proposed authorisation. This includes newly qualified officers, officers moving to a new authority and officers returning to feed law enforcement after an absence of one year.

The officer and their manager should work together to identify any gaps in knowledge and consider how this can be addressed (see Chapter 3.7 for examples). A structured training and development programme should be produced to assist the officer to build up experience and develop the necessary competencies.

Ongoing assessment of developing competence allows the authorising authorities to monitor progress and determine suitability for authorisation.

A newly qualified level 2 officer would need to gain sufficient experience and be able to demonstrate understanding and competency before they are authorised to inspect complex processes (e.g. approved premises). It is the authorising authorities' responsibility (using an experienced and competent officer) to determine when this is appropriate on a case-by-case basis.

Data and Process Management

4.1 Introduction

FSS is responsible for the maintenance of the list of registered and approved feed businesses establishments, and records of official controls and enforcement activity.

In all instances FSS is considered the Data Controller for data collected via FMIS.

Agents are considered Data Processors when collecting, transferring or otherwise using data collected under the terms of the DSLA from 1 April 2021.

Agents must refer to and follow the conditions at clause 8 (Security/ Data Protection) within the DSLA and the signed Data Processing Agreement.

Agents are to assist the FSS in maintaining the accuracy of source data within FMIS by the accurate completion of all data fields and the submission of updated or missing information into FMIS where it is obtained at the time of visit.

4.2 The Feed Management Information System

FSS uses a Feed Management Information System (FMIS) for holding all feed establishment records.

Use of FMIS captures information in a centralised system to allow FSS to accumulate a national picture of feed activity and compliance.

Following account set up Authorised Officers can access FMIS via FSS supplied mobile devices, or any other capable and approved device.

The FMIS allows direct uploading of inspection information or, where no internet connectivity is available, will store the information locally until upload is possible.

Agents will be provided training on the use of the device and FMIS through videoconferencing or through in person meetings. Training materials and user guides are online within [ArcGIS](#).

Should further assistance in the access to and use of the FMIS be required, contact feed@fss.scot in the first instance. Where assistance is required relating to the performance of the software the Agent may be directed to ArcGIS support.

4.3 List of Feed Establishments

The list will be maintained on the database supporting the FMIS and shall be updated in accordance with information received from FeBO's, other government departments and agencies and Authorised Officers.

The online registration and approvals function on the [FSS website](#) allows unregistered businesses to submit requests for review by FSS.

The Agent is expected to support the maintenance of information and data within FMIS to help maintain an accurate list of feed establishments in accordance with paragraph 4.1.

4.4 Official Control Records

Official control reports shall be generated from the information gathered by officers in the conduct of their duties and saved on the FMIS using the feed inspection form templates.

Information must be gathered and processed in a manner consistent with GDPR and the provisions at paragraphs 4.7 and 4.8. All forms include a privacy statement, and officers should make the data subject aware of this provision.

Reports and other records relating to the business, for example, registration and approval forms and approval documentation (see Paragraph 5.3.8 of this manual), shall be stored in the FMIS or ERDM systems managed by FSS.

FSS shall ensure that records are maintained and processed, in line with the General Data Protection Regulations (GDPR) requirements or as required in any successor legislation. Registration and approval forms shall be kept for the duration of the existence of the feed business, and for 6 years after the closure of the business.

4.5 Records of Inspections

The mobile devices have been pre-loaded with the feed inspection form templates provided in FMIS. The system further provides the facility to take notes, capture photographic images and amend premises location detail.

The officer may either complete the form directly onto the mobile device whilst on site or record on a paper copy, completing the form on the mobile device within 5 working days of inspection. Further information on the recording of interventions is detailed in Chapter 5.

Documentation collected during, and because of, interventions shall be attached to the relevant premises file within the FMIS. Paper based information may be transcribed or scanned for inclusion within the FMIS system in accordance with the [Scottish Government's Transcription Framework Agreement](#) or the use of BS10008 compliant scanning devices and subject to the provisions at paragraph 4.7.

4.6 Records of Sampling

Agents shall use the Scottish Food Sampling Database (SFSD) for the submission and recording of samples. When a targeted sample is taken during an inspection visit the officer should also record on the inspection record within FMIS that a sample has been taken.

Agents should refer to the FSS Sampling Guidance held within the FMIS information library which sets out the clear steps and stages to follow when taking and recording samples.

4.7 Other Information

The FSS and Agents have agreed on a Data Processing Agreement (DPA) for the management of data under the new model.

In all instances FSS shall be considered the Data Controller for data collected, held, or processed under this agreement. Agents shall be Data Controllers for pre-existing data and data transferred to FSS during transition. Where data is collected while delivering Feed Official Controls under the new model, Agents shall function as Data Processors.

4.8 Freedom of Information

Agents shall refer to and follow the conditions at clause 9 within the DSLA in relation to Freedom of Information provision.

Registration and Approval

5.1 Introduction

5. The FDB is responsible for duties relating to the handling of applications for registration and approval and maintenance of the Feed Establishment Register. Although the default position is that FSS shall carry out approval of businesses, officers from Agents may be authorised to undertake this work in exceptional circumstances and with written agreement from FSS. FSS will manage any timeframes for approval and liaise with the relevant Authorised Officer of the Agent to assign any agreed visits or inspections. The necessary requirements are laid out in this Chapter, should they be required.

5.2 Responsibilities of the Agent

5.2.1 Unregistered or Unapproved Feed Business Establishments

If an Authorised Officer becomes aware of an unregistered feed business establishment during a visit, and where time permits within the visit, the Authorised Officer should assist the FeBO to submit the on-line registration using the [FSS Online Registration Platform](#). If time does not allow, they shall notify FDB by email at feed@fss.scot, providing the name and address of the FeBO, and advise the business to complete the form on the [FSS Online Registration Platform](#) (also provided as Annex 4.1 and 4.2 in this Manual).

If an Authorised Officer becomes aware of a feed business establishment that should be approved but is not, they shall notify FDB by emailing Annex 4.9 to feed@fss.scot, and advise the business to complete the form on the [FSS Online Registration Platform](#) (also provided as Annex 4.1 and 4.2 in this Manual). FSS shall consider reporting to the incidents team and/or appropriate enforcement action if necessary.

Details of the approval and registration activity codes are available on the [FSS Online Registration Platform](#) with further details at Annex 4.2 in this Manual.

5.3 Approval of Establishments

All feed businesses are required to register, unless they require to be approved by the competent authority. Business activities that require to be approved are detailed in Article 10(1)(a) and (b) and Annex II (point 10 Facilities and Equipment) of [Regulation \(EC\) 1831/2005](#):

- manufacturing and/or placing on the market of feed additives covered by [Regulation \(EC\) 1831/2003](#) or products covered by Directive 82/471/EEC and referred to in Chapter 1 of Annex IV to [Regulation \(EC\) 1831/2005](#)
- manufacturing and/or placing on the market of premixtures prepared using nutritional feed additives referred to in Chapter 2 of Annex IV to [Regulation \(EC\) 1831/2005](#)

- establishments carrying out one or more of the following activities to place on the market products for use in feed:
 - processing of crude vegetable oil except those under the scope of Regulation (EC) No 852/2004.
 - oleochemical manufacturing of fatty acids.
 - manufacturing of biodiesel.
 - fat blending

5.3.1 Division of Responsibilities for Approved Establishments

Responsibility for approval at an establishment relating to the activity of the manufacture of a premixture and feeding stuffs containing a medicinal substance or a specified feed additive e.g. coccidiostats, histomonostats and growth promoters as listed in [Regulation \(EC\) 183/2005](#) Article 10(1) (b) and (c) falls to the Veterinary Medicines Directorate (VMD) in Great Britain. This is regardless of whether vitamin A or D, or the trace elements, copper or selenium have been incorporated in the feed or other activities are carried out at the establishment where FSS has responsibility for approval or official controls.

5.3.2 Applications for Approval: Handling

Applications for approval received from a FeBO are dealt with by the FDB. Applications for approval of establishments shall only be accepted from FeBO's that intend to engage in activities for which approval is required, in accordance with [Regulation \(EC\) 183/2005](#) **and on receipt of the relevant fee** set out in Schedule 2 of [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#). FSS requires the FeBO to supply all relevant information as listed in 5.3.8 before an application for approval is determined. Once all the relevant information has been received, the FDB shall pass this information to the Authorised Officer in order that they can undertake the inspection process. If the FeBO has not been able to provide all the necessary documentation, the FDB shall consider whether the inspection is to go ahead. If the inspection does go ahead, the Authorised Officer will be asked to collect all outstanding documentation at this time.

5.3.3 Advisory Visits

In consultation with the Authorised Officer, the FDB will determine whether it is appropriate to undertake an advisory visit to an establishment that has applied for approval, prior to an approval visit. The aim of the advisory visit is to help FeBO's identify any problems in the areas of structure and maintenance and feed safety management, to avoid any potential difficulties when the establishment is formally assessed for approval. The Authorised Officer will contact the FeBO to arrange the visit and will make the FeBO aware of the differences between an advisory and an approval visit. This shall be reiterated by the officer at the time of the inspection.

5.3.4 Determination of Applications for Approval

Before reaching a decision on an application for approval, the FDB will require the Authorised Officer to carry out an on-site visit made in accordance with Article 13 of [Regulation \(EC\) 183/2005](#), unless the exemption from an on-site visit, in accordance with Article 17 of [Regulation \(EC\) 183/2005](#), applies (see 5.3.5). The on-site visit should take the form of an inspection of the establishment. The inspection should be conducted in accordance with, and cover, all aspects of the relevant inspection form for the business concerned (Annex 5) and consider all issues required by [Regulation \(EC\) 183/2005](#).

Clear concise records must be kept of the inspection and the completed inspection form uploaded onto FMIS.

The Authorised Officer is responsible for making recommendations to the FDB on the granting of approval. This can be shared with the FeBO, but the officer must be clear that it is their recommendation and not provide it as a guarantee that approval shall be granted. The decision to grant approval is the responsibility of the FDB and shall be determined once all evidence has been considered.

5.3.5 Exemption from On-Site Visit prior to Approval

An exemption from an on-site approval visit applies to feed businesses that solely trade feed products and never hold the product on their premises (including modes of transport such as lorries or ships). To qualify for this exemption, feed businesses must make a declaration to the FDB in accordance with Article 17 of [Regulation \(EC\) 183/2005](#). A model declaration form is provided on the [FSS Online Registration Platform](#).

5.3.6 Conditional Approval

Article 13(2) of [Regulation \(EC\) 183/2005](#) permits the granting of conditional approval following an on-site visit to an establishment which does not fully comply with the requirements of feed law, but only if the establishment meets all the infrastructure and equipment requirements.

Full approval should not be recommended unless all relevant requirements of the legislation have been met and the FeBO demonstrates that the operational controls are in place, and they are fully compliant. For a new establishment, in all circumstances, conditional approval should be recommended prior to full approval being granted. This is because it will be impossible for the FeBO to demonstrate that the feed safety management system is valid and to verify its effectiveness until it is operational.

The Authorised Officer will make a recommendation to the FDB as to whether conditional approval may be granted to an establishment where they do not fully comply with the requirements. However, conditional approval should not be recommended if the non-compliance could lead to feed adversely affecting the health of animals, or to humans through the consumption of animal products. If conditional approval is granted by the FDB, a further visit must be carried out within three months of the conditional approval being granted in accordance with Article 13(2) of [Regulation \(EC\) 183/2005](#).

In appropriate circumstances as set out in Article 13(2) of [Regulation \(EC\) 183/2005](#), conditional approval may be extended, but this is restricted to a maximum of six months

from the date of the initial granting of conditional approval. The FDB, in discussion with the Authorised Officer, shall determine whether it would be appropriate to extend conditional approval.

5.3.7 Records of Approval Inspections

An amended version of the inspection form in FMIS is to be used in connection with approval status determination.

5.3.8 Approval Documentation

The FDB shall maintain a properly structured file, held electronically on FMIS/eRDM, containing all the relevant information submitted and produced for establishments which require formal approval. It provides a history of the establishment concerned and how it has developed and provides continuity for new officers.

The following information shall be available from the FeBO and if not, it shall be requested at the time of inspection:

- the application form
- declaration for exemption from on-site visit, where applicable
- a plan or plans of the establishment indicating:
 - the layout of the establishment
 - the location of equipment
 - workflows for each product line and
 - pest control - baiting and/or trapping points within the establishment and external areas.
- a synopsis of the establishment which briefly describes what type of establishment it is, products produced, volume of product, type of trade, number of employees, and, if already approved, approval number and what it is approved for. This synopsis should be no more than one side of an A4 sheet
- planned programme of works to achieve approval, where applicable
- approval notification document specifying:
 - details of activities to which the approval relates
 - approval number
 - any special direction(s) or conditions specified by FSS; and
 - labels and commercial documents bearing the identification mark.
- copy of company's emergency withdrawal plan and traceability system including names, telephone numbers, etc., of key personnel within the company
- location of any off-site facilities

- copy of any other documents that have been provided by, or copied at, the approved premises, including:
 - HACCP documentation
 - product list
 - raw material, product sampling plans and test results
 - process records
 - management and key contact names and contact details
 - photographs and digital images and
 - product recall procedures.

The following information shall be available from the officer and/or FDB:

- pre-approval visit report
- intervention reports on premises in chronological order
- correspondence with establishment in chronological order
- copies of notices or other formal action taken in chronological order
- results of all samples taken by the Authorised Officer.

5.3.9 Outcomes of Approvals Decisions

Subject to the outcome of the approval inspection and review of the approval documentation, the Authorised Officer shall make a recommendation for approval or otherwise to FDB. The FDB shall make the final decision informing the FeBO and the officer that conducted the inspection.

5.3.9.1 Granting of Approval

If the outcome of the inspection and review of documentation are satisfactory, the FDB shall notify the FeBO that approval has been granted and issue an approval number using Annex 4.4. The approval number shall be formatted in accordance with Article 19(5) of [Regulation \(EC\) 183/2005](#).

5.3.9.2 Refusal of Approval and Appeals

An approval can be refused at any time in the approval assessment process.

Approval can be refused if there are structural or equipment deficiencies at the initial approval visit or if the prospective FeBO has no proposed HACCP based feed safety management system, or it is deemed inappropriate to protect public and/or animal health, food or feed safety.

Full approval after conditional approval can be refused if:

- within the three months of conditional approval, insufficient progress has been made to meet the legal requirements in full, and, in the judgement of the officer, there is insufficient evidence to demonstrate that the necessary work will be completed if a further period of conditional approval is granted; and
- at the end of the six-month period there is insufficient compliance with structural, equipment and/or operational requirements and/or other relevant requirements of feed law, including the implementation of an effective feed safety management system based on HACCP principles.

The approval process will be discontinued if, following conditional approval and before consideration can be given to recommend full approval or prolong conditional approval, the establishment ceases operations, or a visit cannot be undertaken because of the relevant activities not being in operation. In such cases, conditional approval will cease to have effect and the FDB shall notify the FeBO accordingly.

If the premises are refused approval, the FeBO has a right to appeal to a Sheriff against the FSS decision. This is in accordance with [Regulation 13 of The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulation 2005](#). The time limit for lodging an appeal is one month from the date notice of the decision was served.

If the Authorised Officer considers that any activities undertaken in an establishment, pending the result of an appeal, may present a risk to public and/or animal health, food or feed safety, it should consider the use or recommendation of use of relevant enforcement powers, appropriate to the circumstances involved. The recommendation to use enforcement action must be referred to FSS by [email](#), providing information of the FeBO, circumstances, recommended enforcement action and reasons for this course of action, taking the FSS Feed Delivery Enforcement Policy into consideration. The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

The appropriate form (Annex 4.5 or 4.6) shall be used to confirm refusal of approval.

5.3.10 Change of Details of Activities

Article 16 of [Regulation \(EC\) 183/2005](#) requires the Competent Authority to amend details of the approval of an establishment, where the business has demonstrated its capacity to develop activities which are additional to those for which it was first approved, or which replace them.

If a FeBO of an approved establishment wishes to undertake additional activities subject to approval, they must apply to FSS for approval before commencing the operation of that additional activity. The FeBE's ability to undertake additional activities should be assessed following the same procedures as a new establishment. The FDB shall consider whether an inspection should be made to inspect the alterations and whether an amended HACCP based feed safety management system is required. This will depend on the extent of the changes.

If an inspection is required, professional judgement should be used by the Authorised Officer, in the case of approving additional activities, to determine whether to recommend

full approval in the first instance. This is only appropriate when the officer is satisfied with infrastructure, equipment and FeBO controls. The FDB shall issue a revised confirmation of approval document (Annex 4.4) to the FeBO to reflect the changes in the approval.

5.3.11 Change in Feed Business Operator

Article 9(b) of [Regulation \(EC\) 1831/2003](#) requires FeBO's to provide the Competent Authority with up-to-date information on any establishments under their control, including changes in ownership.

An approved establishment cannot change ownership and retain the existing approval. If premises used for an approved establishment changes ownership, an inspection and re-approval is required. The FDB will instruct the Authorised Officer to do so as appropriate.

What would be regarded as a change of FeBO may vary in different business arrangements. For example, when a member of a partnership leaves, it does not necessarily trigger a new approval if the remaining members of the partnership continue the business. However, if the partners sold the business to a sole trader who was not in the partnership, then this would constitute a change of FeBO.

If, during an inspection or revisit, the Authorised Officer becomes aware of a change to an approved FeBO, they must advise the FDB by using the Notification of Changes to FeBO Details form (Approved Premises) at Annex 4.9. The FDB shall then contact the FeBO to request a new feed business approval form.

When the FDB or the Authorised Officer becomes aware of a change of FeBO for a FeBE that continues placing feed on the market without seeking a new approval after the change of operator, FDB shall initiate action to withdraw/recall feed if it is risk based and proportionate (see Chapter 7). However, feed not yet placed on the market should be detained until the new FeBO has been able to gain approval.

Where an establishment has been re-assessed for approval, due to a change of ownership and approval is granted, generally a new approval number will be allocated by FSS. However, having regard to issues of risk, cost and proportionality, a business may be able to retain its approval number where, other than for the change of FeBO, the business is to continue to operate from the same premises and in essentially the same way i.e. the type of feed production by the business and the feed safety control arrangements of the business remain essentially the same.

5.3.12 Change of Trading Name

Unlike a change of ownership, which would warrant a re-assessment for approval, a change of name for either the establishment or the FeBO, the approval document needs to reflect this. The change of name alone does not affect any existing matters arising in relation to the establishment. If the Authorised Officer becomes aware of one or both changes, they must advise the FDB using Annex 4.9.

5.3.13 Closure of an Approved Establishment

Where an approved establishment has a break in operation or closure, the FeBO is obliged to keep FSS informed. Such breaks in operation can be categorised as follows:

Type of Closure	Action Required
Seasonal closure	An establishment may operate to a seasonal pattern with routine breaks in operation. Notification of this pattern must be provided by the FeBO as part of the application process by identifying the months when the FeBO intends to operate the establishment. The FeBO is then required to keep the FDB informed on any significant changes to those details including any establishment moving to or from a seasonal pattern. When a FeBO intends to re-commence operation, the FDB needs to be notified at least two weeks before operations are intended to re-commence.
Temporary closure	When a FeBO needs to temporarily halt operations due to renovation / development work at an establishment or due to a temporary downturn in trade, the FeBO is required to keep FSS informed about these significant changes to the operational pattern. In these cases, the FeBO must notify the FDB at least two weeks before operations re-commence.
Long-term closure	When a FeBO stops operations with no immediate intention to recommence for at least 6 months, the closure is classed as long-term. The FeBO is required to keep FSS informed about this significant change to the operational pattern and must notify the FDB at least two weeks before operations re-commence. Long-term closures should not be confused with seasonal closures. Seasonal closures are pre-notified routine breaks in operation to a seasonal pattern.

If the Authorised Officer becomes aware of the closure (seasonal, temporary or long-term) of an approved establishment, they must advise the FDB using Annex 4.9.

Following a period of closure of more than 4 months, the FeBO must not start operations until the FDB has been notified. The Authorised Officer may be asked to carry out a pre-opening visit. The purpose of the visit is to assess that the establishment meets all structural and equipment requirements and other relevant requirements of feed law, including the existence of a feed safety management system based on HACCP principles.

The FeBO's feed safety management system must be available at the pre-opening visit but as the establishment will not be operational, it will not be possible to assess how effectively this works in practice. The effectiveness of the FeBO's feed safety management system will be assessed at the first scheduled visit after opening.

The process of pre-opening assessments is described below:

- where the pre-opening assessment results in the Authorised Officer being confident that the requirements of relevant feed law are met, the FeBO will be notified by the FDB that operations at the establishment can recommence
- where the pre-opening assessment identifies serious deficiencies in meeting the requirements of relevant feed law, the FeBO is required to provide the FDB with reassurance on how the deficiencies will be resolved on a permanent basis and within a reasonable time
- where the FeBO provides adequate guarantees that the deficiencies will be resolved on a permanent basis and within a reasonable time, the approval will remain and
- where the FeBO does not provide adequate guarantees or the timescale suggested for the deficiencies to be resolved is not reasonable, the establishment. The approval will be reviewed by the FDB, in collaboration with the Authorised Officer. The FeBO will be notified of the deficiencies by FSS who will take appropriate enforcement action until the deficiencies are resolved on a permanent basis, or a formal review of approval has been undertaken.

Following the pre-opening assessment visit, and when the FDB and the Authorised Officer are content that the establishment meets all the relevant requirements of feed law, the FeBO will be notified that operations can re-commence by FSS.

FeBO's should be reminded by the Authorised Officer of the requirement to notify FSS of any changes that could affect the scope of approval during all programmed inspections.

5.3.14 Moving Premises – Retaining Approval Number

An approval number is not generally transferrable. However, if a FeBO of an approved establishment moves from their existing premises to a new one, FSS may allow the FeBO to retain the same approval number which was provided to them for the establishment which they are vacating. Reallocation of an approval number would only be permissible when the establishment moves to a new location, where the FeBO of the business remains the same, and the activities remain substantially the same.

To ensure that the approval numbers remain unique to a single establishment, the approval must first be surrendered by the FeBO to FSS and operations at the existing premises must cease. The same number may then be re-issued by FSS to the FeBO at the new premises, if approval at the new premises is deemed to be appropriate.

The operation at the new premises will be subject to new approval, including an application for approval, a site visit and an assessment of compliance with the requirements of the legislation. The FeBO must be granted approval prior to operations commencing in the new location.

5.3.15 Enforcement Options in Establishments Subject to Registration or Approval under Regulation (EC) 183/2005

5.3.15.1 Introduction

FSS is responsible for enforcement action and generally will take enforcement action based on advice and recommendations from Authorised Officers from Agents. However, there may be occasions when it is necessary and/or appropriate for enforcement action to be taken by Agents and in such cases, this shall be agreed in writing (by email) between FSS and the Agent.

Powers to revoke or suspend the registration or approval of an establishment in accordance with [Regulation \(EC\) 183/2005 are in The Feed \(Hygiene & Enforcement\) \(Scotland\) Regulations 2005](#). Decisions to revoke or suspend approval will be based on recommendations by the Authorised Officer to the FDB because of outcomes of official controls and enforcement activity. The recommendation to use enforcement action must be referred to FSS by [email](#), providing information of the FeBO, circumstances, recommended enforcement action and reasons for this course of action, taking the FSS [Feed Delivery Enforcement Policy](#) into consideration. The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

The immediate effect of the suspension or withdrawal of an establishment's approval is such that the establishment may not be used for those relevant activities. The Authorised Officer should, before recommending to the FDB, a suspension or revocation, explore other enforcement options to control the feed hazards presented by the establishment having regard to FSS [Feed Delivery Enforcement Policy](#) (see Chapter 7).

Non-compliance should not necessarily be considered sufficient to justify the immediate suspension or withdrawal of an establishment's approval or conditional approval, and a reasonable opportunity to achieve compliance should be allowed, where this is appropriate.

5.3.15.2 Suspension of Registration or Approval

The FDB will only initiate procedures to suspend an establishment's registration or approval where in accordance with Article 14 of [Regulation \(EC\) 183/2005](#), the establishment no longer fulfils the conditions applicable to the activities for which it is registered or approved.

The FDB shall notify the FeBO of suspension using Annex 4.7.

5.3.15.3 Revocation of Registration or Approval

The FDB will only initiate procedures to revoke an establishment's registration or approval if other enforcement options have been considered and discussed with the Authorised Officer, including suspension of the registration or approval, and if circumstances exist, in accordance with Article 15 (b) or (c) of [Regulation \(EC\) 183/2005](#).

- it is shown that the establishment has not fulfilled the conditions applicable to its activities, for a period of one year; or
- it identifies 'serious deficiencies' or has had to stop production at an establishment repeatedly and the feed business operator is still not able to provide adequate assurance regarding future production.

Revocation will only be initiated where other enforcement options have been considered by the Authorised Officer in conjunction with the FDB.

The FeBO must provide the FDB with written assurance that it will resolve the deficiencies within a reasonable time ("reasonable" would be relative to the nature and magnitude of the deficiencies present although FSS considers 'a reasonable time' as being within 14 calendar days from the date of issue of notification of revocation (Annex 4.8) to the FeBO). The process for consideration of assurance is described below:

- where FSS, in consultation with the Authorised Officer, accepts that the FeBO's assurance that serious deficiencies will be permanently resolved immediately and that there will be no foreseeable future stoppages of production, approval will continue
- where FSS accepts assurance that the serious deficiencies will be permanently resolved within a reasonable time and the situation will be such that, once the serious deficiencies have been resolved, there will be no foreseeable future deficiencies serious enough to warrant stoppages of production, the approval will be suspended. Where this is not the case, approval will be revoked
- where the FeBO's assurance regarding future production is not accepted, the approval will be revoked and
- where the FeBO does not provide assurance, approval will be revoked.

5.3.15.4 Appeals against Suspension or Revocation of Approval/Registration

Regulation 13(5) of [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) stipulates that following an appeal against a decision of a Competent Authority (FSS) to suspend or revoke an approval/registration, the feed business operator who, immediately before such suspension or revocation, had been using the establishment concerned, may continue to use it, pending the results of the appeal, subject to any conditions imposed by the Competent Authority for the protection of public health.

If the Authorised Officer considers that any activities undertaken in an establishment pending the result of an appeal may present a risk to animal or public health, it should notify the FDB which shall consider the use of other relevant enforcement powers appropriate to the circumstances involved (see Chapter 7).

Organisation and Delivery of Official Controls

6.1 Introduction

6. This Chapter deals with:

- General obligations with regards to organisation of official controls and
- Delivery of official control activities, methods and techniques, including implementation of earned recognition, where businesses may benefit from a reduced inspection frequency because of membership of a FSS approved assurance scheme.

6.2 Powers to Carry out Official Controls

[The Feed \(Transfer of Functions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020](#) provide for FSS to delegate powers to Agents for delivering feed functions in the areas detailed within the DSLA for:

- [Agriculture Act 1970](#), Part IV in so far as it relates to animal feeding stuffs

[The Genetically Modified Animal Feed \(Scotland\) Regulations 2004](#) [The Genetically Modified Organisms \(Traceability and Labelling\) \(Scotland\) Regulations 2004](#) [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) [The Official Feed and Food Controls \(Scotland\) Regulations 2009](#) [The Animal Feed \(Scotland\) Regulations 2010](#)

6.2.1 The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005

Regulation 24 of the [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits an Authorised Officer to enter premises for executing and enforcing specified feed law at all reasonable times, producing if requested the officer's authority. Entry is to any premises on which the officer has reasonable cause to believe feed has been, or is being manufactured or produced, or is being kept for the purpose of placing on the market, incorporated in another product or used; or any premises (not being used only as a dwelling), on which the officer has reasonable cause to believe that there is any feed which is in the possession, or under the control of the occupier of the premises.

Regulation 24 of [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) also provides the powers to inspect:

- any material appearing to the officer to be fed.
- An article appearing to the officer to be a container or package used or intended to be used to store, wrap or package any feed, or to be a label or advertisement used or intended to be used in connection with feed and
- any vehicle, plant or equipment appearing to the officer to be used, or intended to be used, in connection with the manufacture, production, storage, transport or use

of feed, and any process of manufacture, production, storage, transport or use of feed.

Further powers in Regulation 24 provide to produce records relating to a feed business including those held by a computer.

Regulation 24(4) of [The Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits an Authorised Officer to take with them such other persons as they consider necessary. This would include, for example, any suitably qualified or skilled person or an expert in a particular field whose presence is needed to help accurately identify the material sought or to advise where certain evidence is most likely to be found and how it should be dealt with. These provisions do not confer on the accompanying person any of the powers of an Authorised Officer, but they do give that person the right to be on the premises during the Authorised Officer's search, without the occupier's permission.

The right to privacy and respect for personal property are key principles of the Human Rights Act 1998. Powers of entry, search and seizure must be fully and clearly justified before use because they may significantly interfere with the occupier's privacy. Officers must consider if the necessary objectives can be met by less intrusive means.

Powers of entry are also given to Authorised Officers under Regulation 24A for carrying out investigations in accordance with Article 4.2 of Directive (EC) 2002/32 to determine the source of undesirable substances.

6.2.2 Official Feed and Food Control (Scotland) Regulations 2009

Regulation 31 permits appropriately Authorised Officers of Competent Authorities to use the powers set out in Articles 65 to 67, 72 and 46 of [Regulation \(EU\) 2017/625](#) in relation to imported feed i.e. detention, destruction, special treatment, re-dispatch and other appropriate measures, to be borne at the business's expense.

6.3 Service Delivery Plan

FSS shall produce an annual service delivery plan which shall be shared with Agents.

6.4 Planning of Interventions

Unless otherwise instructed, interventions undertaken under the delegated feed model, as laid out in the DSLA and this Feed Manual, will be inspections and sampling visits only.

6.4.1 Development of Inspection Programme and Risk Rating

FSS develops the inspection programme based on the risk rating of businesses. The risk rating scheme (Annex 5.1) determines frequency of interventions.

The draft programme shall be shared with the Agent eight weeks in advance of the start of the year. The Agent and FSS shall agree the inspection programme 4 weeks before the start of the financial year.

The draft plan, developed by FSS for each LA area, has two elements.

- For those businesses that have an existing risk rating and therefore a due date for inspection, these details shall be specified.
- For those businesses that have not been previously inspected nor have received an inspection in several years, there will be some flexibility for the Agent to schedule each inspection.

On an ongoing basis, FSS shall make use of the following information to determine each annual inspection plan and make any adjustments to the plan during the year, when required according to risk:

- risk rating scores applied by the Authorised Officer, after the inspection
- intelligence gathered which impacts on risk and compliance
- known feed safety issues
- attaining membership of an approved FSS assurance scheme (“Earned Recognition”) and/or
- notification that an approved FSS assurance scheme has lost its approval (Earned Recognition”)

6.4.2 Amendment of the Inspection Plan

The Inspection Plan shall be reviewed by both FSS and the Agents on a quarterly basis.

Circumstances might arise where it is necessary to defer or bring forward programmed inspections, for example in response to an emerging incident, new legislation etc.

FSS will, before determining that it is necessary to defer or bring forward an official control, consider whether urgent action is necessary to safeguard public or animal health, food or feed safety, or the legitimate interests of consumers or businesses.

Should the inspection programme require to change during the year, the number of inspections shall be adjusted accordingly with lower risk businesses deferred from the inspection programme to accommodate these changes where necessary.

During the year, circumstances beyond the control of the FSS or Agents may arise that prevent the planned programme being delivered (e.g. incident, animal health issue). In this case, FSS shall aim to divert Authorised Officers to other feed related work.

6.5 Delivery of Inspections

The inspection process includes

- notification of intended inspection to the FeBO, where appropriate

- preparation
- inspection at feed business
- discussion with FeBO
- post inspection report writing and upload to FMIS
- follow up action where required.

6.5.1 Issues relating to Particular Types of Businesses

6.5.1.1 Establishments undertaking activities R1-R9, R10, R11 or R12

The FDB will, on notification of a new registration, request that the Authorised Officer carries out an inspection within a timeframe appropriate to the information provided in the registration form, the output of which will be a risk-rating for the establishment, determined in accordance with Annex 5.1.

If necessary, the inspection programme may be amended, deferring lower risk businesses from the programme to accommodate higher risk businesses and newly registered businesses as necessary.

6.5.1.2 Establishments undertaking activities R13 and R14

Based on a significant body of evidence collected across the UK over several years, a FeBE, which solely undertakes one of the activities R13 and R14 or a combination of these, does not need to be inspected to determine their level of current compliance. On notification of a new registration, they are automatically regarded as achieving satisfactory levels of compliance but will be included in the inspection programme as a 2% sample of the number of premises of these types.

6.5.1.3 Member of FSS Approved Assurance Scheme

If the FeBO is a member of a FSS approved assurance scheme, 'Earned Recognition' may apply (Paragraph 6.6).

6.5.1.4 Scottish Government Inspections

An arrangement exists between FSS and the Scottish Government Directorate for Agriculture and Rural Economy (ARE), Rural Payments and Inspections Division (RPID) where RPID officers carry out food and feed hygiene inspections on farm, on behalf of FSS, when they are already present on farm to undertake cross compliance and egg

marketing inspections. The authorisation of RPID officers extends only to primary production. However, during their primary production inspections, they may identify non-primary production activities.

If, during RPID's inspections, the RPID officer identifies that a business is undertaking non-primary production feed activities to the FDB, this shall be recorded on the inspection form, a copy of which is sent to the FDB. The FDB shall amend the feed business establishment's details on the Feed MIS which will generate an inspection date.

6.5.1.5 Establishments undertaking more than one activity

Feed businesses may carry out more than one activity (see Annex 4.2.) Generally, the risk rating is based on the activity that poses the greater risk (potential risk score). In the case of farms which may also be carrying out non-primary production activities, the risk rating should reflect that of the higher risk activities, however, the primary production activities need not be inspected every time.

6.5.2 Planning and Notifications of Inspections

“Official controls shall be performed without prior notice, except where such notice is necessary and duly justified for the official control to be carried out” (Article 9 of Regulation (EU) 2017/625. The following circumstances are examples of justification for the Authorised Officer to provide prior notification of official controls, although the notification should be as short as practicably possible:

- where it is advantageous to enable a key member of the FeBO's staff to be present
- making efficient use of resources (avoiding unnecessary journeys)
- when the purpose of an inspection is to see a particular process in operation or
- examine records which are only available if the proprietor of the feed business is present.

The overriding aim is to ensure compliance with feed legislation can be verified.

6.5.3 Preparation

In advance of each inspection, the officer shall familiarise themselves with the history of intervention, enforcement action and any other pertinent issues that may inform compliance where they exist, for example, intelligence on feed compliance and feed crime issues, warning markers against a business such as threatening behaviour. Such information may be available from the FSS Intelligence Management system and colleagues in the FSS SFCIU. The FDB will facilitate Authorised Officers employed by Agents in obtaining this information.

6.5.4 Intervention types

As previously, unless otherwise stated, interventions required under the DSLA are inspections and sampling visits.

6.5.4.1 Inspections

An inspection is an examination of any aspect of feed to verify that such aspect(s) comply with the legal requirements of feed law. This includes partial or full inspections:

- a 'full inspection', is a check on compliance with legal requirements and will consider all aspects of a FeBE's operations; or
- a 'partial inspection', which is an inspection that covers only certain elements of a FeBE's operations. A partial inspection may take place because of a feed complaint investigation, for example.

Generally, a full inspection is required for each planned inspection. However, certain circumstances may warrant a partial inspection, and these include (but are not limited to):

- partial inspection of a large/complex establishment, where the inspection would look in detail at a particular process or operational area within the business
- partial inspection of a business previously inspected and found to have satisfactory or better compliance, where the inspection would focus on certain parts of the business' operation and
- partial inspection as part of a focused feed hygiene or feed standards campaign or in response to Intelligence.

Feed businesses that fail to comply with significant statutory requirements must be considered for appropriate enforcement action (Chapter 7).

6.5.4.1.1 Overview

Officers must:

- base inspections on the relevant inspection form on FMIS. The form is intended to assist officers and businesses by introducing a structured approach to the inspection process consistent with quality assurance practice
- discuss with the FeBO or representative the purpose and scope of the inspection, and what the officer intends to do

- establish the scope of the business's activities and the relevant feed law that applies to the operations taking place, including any relevant changes since the last official control including checking the accuracy of existing approval and registration codes
- identify all the feed related activities undertaken by the business, the areas of the establishment used for the preparation, production and storage of feedstuffs, any processes used, and the staff involved
- officers may ask questions of staff of feed businesses who have been given specific responsibilities for ensuring compliance with relevant legal requirements to verify that they understand their duties and are carrying them out effectively
- thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on Hazard Analysis and Critical Control Points (HACCP) principles, and discussion with FeBO's, feed industry contractors and their employees
- record sufficient information of the officer's findings to indicate what was examined/inspected, how compliance with a feed requirement is achieved at the FeBE, and any deficiencies identified. Officers must thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on HACCP principles, and discussion with FeBO's and managers. Section 6.8.2 provides some examples of minor and more serious non-compliances.
- assess whether to take samples, and if so what to sample (e.g. raw materials, ingredients, additives, intermediates, finished products). This consideration must be an integral part of every full inspection, but particularly in feed manufacturing businesses and on-farm mixers. If a sample is taken, this is to be recorded against the premises on FMIS, and sample details are to be input into the SFSD. (also see 6.10)
- identify possible sources of contamination with undesirable substances and whether analysis reveals maximum permitted levels or action thresholds have been exceeded
- identify any actual or potential breaches of feed law and, if appropriate, gather and preserve evidence
- assess the risk of the FeBO failing to meet feed law (see 6.5.7)
- offer advice where it is appropriate or is requested, and encourage FeBO's through an educative approach
- recommend good practice in accordance with relevant industry codes and other relevant technical standards (see 6.5.4.1.3)
- at the conclusions of every inspection, the officer must discuss any contravention of feed law discovered, any corrective action necessary, the timescale for corrective action, any further action the officer intends to take and any recommendations of best/good practice that the officer considers appropriate.

- In the closing discussion, and in subsequent reports or correspondence, officers must clearly differentiate between action required to comply with legal requirements and recommendations of good practice
- On request the Authorised Officer must advise and discuss with the FeBO the inspection frequency or risk rating applied to the business
- If an officer considers, after consulting with FSS Feed Delivery Enforcement Policy that formal enforcement action is the most appropriate route to compliance, they should consult FSS as described in Chapter 7.

6.5.4.1.2 Feed Composition

An Authorised Officer carrying out an inspection must, as appropriate, pay particular attention to relevant key control points, mixing stages when ingredients are added, monitoring and verification procedures, corrective actions and documentation.

An officer conducting a feed composition inspection must:

- consider the existence and effectiveness of management systems designed to ensure that feed compositional requirements are met and, where they exist, test their effectiveness
- assess compliance with composition, presentation and labelling requirements by examining labels, descriptions, specifications, formulae, internal monitoring results, sample results and other records
- check for the presence of unauthorised additives or use of additives outside compliance with the authorisation e.g. excessive levels of additives, non-permitted species or growth stage and for undesirable substances (particularly those subject to a maximum permitted level), prohibited materials or other contaminants
- consider taking samples to verify feed compositional requirements
- assess compliance with the traceability requirements of Article 18 of [Regulation \(EC\) 178/2002](#).

6.5.4.1.3 Feed Hygiene

[Regulation \(EC\) 183/2005](#) on Feed Hygiene defines 'Feed Hygiene' as 'the measures and conditions necessary to control hazards and to ensure fitness for animal consumption of a feed, taking into account its intended use'.

Feed Hygiene inspections must include checks that the feed business is meeting the provisions of requirements of [Regulation \(EC\) 183/2005](#) relating to the safety for consumption of animal feed, in particular that safety requirements in relation to animal health, human health through the consumption of animal products, and to the environment are being met.

The approach to inspection will depend on the legal requirements that apply to a particular feed business as outlined in Annexes I, II and III of [Regulation \(EC\) 183/2005](#) and the extent to which the business has to apply the principles of a HACCP based feed safety management system.

In general, an officer conducting a feed hygiene inspection must:

- assess the risk to the business of failing to meet hygiene standards as laid down e.g. Annex I, II and III and HACCP as applicable
- assess the hazards posed by the activities of the business, the feed business operator's understanding of those hazards, and the application of appropriate controls, having regard to the nature and size of the business
- assess and verify appropriate procedures based on HACCP principles appropriate to the nature and size of the business, confirming that controls are in place and operating effectively and that appropriate corrective action is taken when necessary
- establish whether HACCP based procedures are reviewed and kept up to date
- examine records required to be kept by feed businesses in the Annexes to [Regulation \(EC\) 183/2005](#) and that this requirement is being observed
- establish whether feed is being handled and produced hygienically, is safe, and that relevant storage conditions are being observed.

In addition to the general requirements detailed above, a feed hygiene inspection must include, if appropriate:

- a discussion with any staff responsible for monitoring and corrective action at critical control points to confirm that controls are effective
- a physical inspection to determine whether critical control points have been identified and whether the controls are operating effectively
- assess the hazards posed by the activities of the business, the understanding of those hazards and the application of appropriate controls, having regard to the nature and size of the business
- assess and verify that the feed safety management procedures based on HACCP principles are appropriate and proportionate to the nature and size of the business
- taking samples to verify controls are in place
- discuss with the FeBO any hazards identified that have not been covered by the business, or though identified are not covered by effective controls
- inspection of records of purchases to establish that all feeds or additives have been sourced from feed businesses that are either approved or registered to supply such material in accordance with the [Regulation \(EC\) 183/2005](#).

6.5.4.1.4 Requirement for feed safety management procedures based on HACCP principles

Article 7 of the [Regulation \(EC\) 183/2005](#) requires all FeBO's (except primary producers) to put in place and to maintain a permanent procedure, or procedure(s), based on the principles of HACCP, including the keeping of relevant records. The procedures can be applied flexibly and proportionately according to the size and nature of the feed business.

Whilst larger, more complex businesses and businesses that have a high level of understanding of feed safety management may choose to demonstrate compliance with the legislation by putting in place a traditional HACCP system, others may do so with simpler approaches that take account of this flexibility.

In practice, compliance means:

- obtaining assurance that the person responsible for feed safety understands significant hazards and has them under control by questioning, for example
- seeing that there are written procedures that demonstrate how the business always controls these hazards and
- seeing evidence that these procedures are followed, and that they are reviewed and kept up to date.

6.5.4.1.5 Guides to Good Practice

Officers should refer to good practice in determining compliance and may draw these to the attention of the FeBO's in appropriate circumstances:

- EU Community [guides](#) to good practice developed in accordance with Article 22 of [Regulation \(EC\) 183/2005](#) laying down requirements for feed hygiene:
 - European Feed Manufacturers (EMFC) [guide published by the European Feed Manufacturers' Federation \(FEFAC\)](#) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals
 - EU community [guide](#) to good practice for feed additive and premixture operators
 - EU [guide](#) to good practice for the industrial manufacture of safe feed materials
 - EU [guide](#) to good practice on the manufacturing of safe feed materials from starch processing
 - EU [guide](#) to good practice on the manufacturing of safe feed materials from oilseed crushing and vegetable oil refining
 - EU [guide](#) to good practice on the manufacturing of safe feed materials from biodiesel processing

- EU [guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof
- EU [guide](#) to good practice for the manufacture of safe pet foods.
- [Codex Alimentarius Standards](#) relevant to feed
- PD ISO/TS 22002-6:2016 Prerequisite programmes on food safety - Feed and animal feed production
- Guidance on [mixing additives and premixtures directly in feeds and mixing compound feed with additives](#) and [HACCP-related requirements of the Feed Hygiene Regulation for farmers](#)
- Guidance on [the requirements for food and drink businesses that supply material for animal feed use](#)
- Defra [Code of Practice](#) for the control of salmonella during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives
- Advisory Committee on Animal Feeding stuffs ([ACAF](#)) review of on-farm feeding practices - updated [recommendations](#) on identifying hazards and minimising risks
- Industry [Code of Practice for on-farm feeding](#), which applies to farmers and covers all aspects of on-farm feeding, including on-farm mixing and
- [Guide](#) for the feed industry – implementing the Codex Alimentarius Code of Practice on good animal feeding.

6.5.4.2 Sampling

Most samples shall be informal and taken when on site to carry out an inspection. There may be occasions, however, when it is necessary to undertake a specific sampling visit.

A visit to an establishment for the purpose of obtaining a sample may be considered an inspection only when the sampling activity forms a component part of a wider-reaching official control that provides sufficient information to allow the officer to determine the level of compliance. For example, sampling may be used to validate the FeBO's HACCP, in relation to cross contamination or hygiene controls. Such a visit shall be considered an inspection and not a sampling visit.

Further information on sampling is found in Paragraph 6.10.

6.5.4.3 Approval Visits

As stated in 5.1, an Authorised Officer may be asked to carry out pre-inspection approval work and inspections at feed businesses subject to approval, subject to agreement by FSS.

In addition, approval feed business establishments will be subject to routine inspections, and these will be included in the inspection plan for the Agent.

6.5.5 Remote Assessments

If official control inspections cannot take place or require to be reduced (for example, continuing Covid restrictions or force majeure), remote assessments may be considered as an alternative. These can include documentary audits, followed up by a physical inspection (if it can be carried out safely), if public health concerns are identified. Should such a situation arise, further guidance will be made available by FSS.

6.5.6 Recording of Official Controls and Reports

Template inspection forms are pre-loaded on the mobile devices to populate whilst on-site as a record of the inspection i.e. what was examined whether it complies with legislative requirements and remedial actions which are required to rectify non-compliances.

The FMIS will automatically update on full and partial completion of the forms, when there is adequate connectivity. The officer must aim to ensure that internet access is available within 5 working days to enable automatic upload. If this is not possible, FSS should be notified at feed@fss.scot.

The outcomes must always be reported in writing to the FeBO. The system will generate a template letter. Regardless of the outcome of the inspection, the letter shall be emailed or posted to the FeBO within 2 working days of completion of the inspection form. FMIS will generate a “next inspection date” based on the outcome of the inspection, except for approval status determination visits.

SFSD shall be used for the recording of samples. The officer must provide the SFSD sample reference number on the Annex 5.4 form if a formal sample is taken. Any related documentation collected during the intervention shall be scanned and saved into the FSS information storage system (eRDM).

6.5.7 Risk Rating

After every inspection the officer must risk rate the establishment, even if there is follow up work to do.

Officers shall use the full range of current levels of compliance scores available (Annex 5.1), to prevent the risk-rating system being frustrated by cautious marking or by a reluctance to recognise effective management/control systems. The officer must also

confirm the highest potential risk business activity being undertaken at the premises and ensure that is recorded on the inspection form. The risk rating and inspection frequency are automatically calculated based on the business activity and compliance.

The “ACTSO guidance on applying compliance score for the purpose of risk rating feed businesses” can be found on the [Knowledge Hub \(National Agriculture Community\)](#) and although it refers to different risk rating schemes, the examples given for the different compliance levels (poor, varying, satisfactory and broad) apply equally to the FSS risk rating scheme.

6.6 Earned Recognition - Introduction

6.6.1 Overview

FeBO's, who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by FSS when determining the frequency of their official controls and therefore earn recognition.

Article 9 of [Regulation \(EU\) 2017/625](#) on Official Controls performed to perform official controls regularly, on a risk basis and with an appropriate frequency. Account should be taken of several factors including

(c) operators past record as regards the outcome of official controls performed on them and their compliance with feed law.

(d) the reliability and results of own controls that have already been performed by the operators, or by a third party at their request, including, where appropriate, private quality assurance schemes, for the purposes of ascertaining compliance with feed law carried out.

Earned Recognition is an element of the [FSS' s Regulatory Strategy](#) approach to rewarding responsible businesses and encouraging industry to promote the positive role of regulatory standards. It aims to reduce the burden on compliant businesses whilst concentrating enforcement activity at those businesses which are less compliant.

A feed business may qualify for Earned Recognition if it a member of a FSS approved assurance scheme and demonstrates at least a 'satisfactory' level of current compliance with feed law. Feed establishments that are subject to on-going formal enforcement or are known not to have satisfactory levels of compliance cannot qualify for earned recognition.

The Agricultural Industries Confederation schemes currently have FSS approved status:

- Universal Feed Assurance Scheme (UFAS)
- Feed Materials Assurance Scheme (FEMAS)
- Trade Assurance Scheme for Combinable Crops (TASCC)

The arrangements for Earned Recognition in feed are available at [Earned Recognition Practice Guidance \(Scotland\) | Food Standards Scotland](#) which details:

- the relevant scheme standard for which Earned Recognition has been awarded

- general principles of collaboration
- the Governance arrangements
- roles and responsibilities of the parties involved
- criteria for earned recognition
- data management

6.6.2 The Role of FSS

FSS is a signatory to the Memorandum of Understanding for Earned Recognition and collaborates with the Food Standards Agency and the Veterinary Medicines Directorate to assess assurance schemes for approved status and monitoring to retain approval.

FSS will update FMIS to reflect the list of approved assurance schemes

6.6.3 The Role of the Authorised Officer

It is the officer's role to assess compliance of FeBO's with feed law. In doing this, the officer will be able to:

- assess whether individual feed businesses which have Earned Recognition, as a member of an approved assured scheme, is satisfactory or broadly compliant and can retain its reduced level of inspection; and
- ensure that any non-compliance is rectified in a timely way (subject to agreement with FSS on the approach to any formal enforcement action).

6.6.4 Criteria of the Approval of Assurances for Earned Recognition

To be approved, an industry scheme must meet FSS key requirements and criteria which may be found in the [Earned Recognition Practice Guidance \(Scotland\) | Food Standards Scotland](#)

6.6.5 Continued Monitoring of Approved Assurance Schemes

Once FSS has approved an assurance scheme, steps will be taken to ensure continuing confidence in the scheme through verification. The verification process will enable FSS to be assured that the scheme continues to deliver high standards, good governance and impartiality that lead to approved status. The inspections of feed business establishments

which are members of these approved assurance schemes will form an essential element in this process, and enforcement data and other intelligence from official controls carried out will be key sources of information.

Verification will also allow FSS to intervene should the scheme fail to meet the criteria laid out in Memorandum of Understanding for Earned Recognition. FSS will work with the assurance scheme to ensure FSS criteria for approval are met. FSS can remove approved status. Should FSS take this step, it will adjust the risk rating / visit frequency for those businesses concerned and adjust the inspection programme accordingly.

6.6.6 Information from the FSS Approved Assurance Scheme

FSS receives regular notifications from assurance schemes detailing participants whose certification has been withdrawn, the reason and details of any new certifications. FSS shall update the feed establishment register accordingly.

6.7 Applying Earned Recognition

The table below details the action required by FSS in applying Earned Recognition to:

- new FeBEs that come to the attention of FSS for the first time
- FeBEs which are registered but have never been inspected
- change of FeBO for the FeBE to which Earned Recognition applies or
- previously inspected FeBEs who are, or become, a member of an FSS approved assurance scheme.

6.7.1 For Establishments undertaking activities A1 – A11 and R1 – R12

Inspection Status of the FeBE	Action required	Action necessary on database (FSS)
New FeBEs that come to the attention FSS for the first time. FeBEs which are registered but have never been inspected; or The FeBO changes at the FeBE to which Earned Recognition applies.	The FDB will request that the Authorised Officer carries out an inspection within a timeframe appropriate to the information provided in the registration form. The inspection will determine their current level of compliance before Earned Recognition (ER) is applied following which the risk-rating for the FeBE must be determined in accordance with the feed law risk-rating system at Annex 5.1.	• Register FeBO and update FeBO details, if appropriate • Update database to show scheme member. • Record inspection on database. • FeBO entitled to be awarded ER when found to have at least satisfactory current levels of compliance which will decrease the frequency of inspection as per Annex 5.1. • Withhold ER until satisfactory levels of current compliance are being achieved by the FeBO and FSS to notify FeBO of decision to withhold ER
Previously inspected FeBEs who are, or become, a member of a FSS approved assurance scheme and are achieving at least satisfactory levels of current compliance.	FSS must automatically apply ER to these FeBEs by making the adjustments, only if their current level of compliance is satisfactory, to the frequency of inspection, appropriate to the FeBE in accordance with Annex 5.1. Arrange for inspection as Regulation (EC) 1831/2003, Annex II applies to the FeBE within 3 months.	• Update database to show scheme member • Record inspection on database. • FeBE entitled to be awarded ER when found to have at least satisfactory current levels of compliance which will decrease the frequency of inspection as per Annex 5.1. • Withhold ER until satisfactory levels of current compliance are being achieved by the FeBE and FSS should notify FeBO of decision to withhold ER

6.7.2 For Establishments undertaking activities R13 and R14

No initial inspection is required.

Unless there is information available that indicates the establishment has poor or varying levels of compliance, it will be assigned a 2% inspection frequency. If the compliance levels are known to be poor or varying, then the establishment will be assigned an inspection frequency of 25%.

6.8 Removal of Earned Recognition by FSS

For businesses that are subject to earned recognition, the frequency and type of inspection will apply, as set out in Annex 5.1, until such time as:

- the FeBO, after an inspection, is assessed as having less than a 'satisfactory' level of current compliance with relevant feed law
- the FeBO is no longer a member of a FSS approved assurance scheme or
- the assurance scheme is no longer approved by FSS.

6.8.1 Removal of Earned Recognition on Feedback from Assurance Scheme

6.8.1.1 Notification of a FeBE 'Withdrawn for non-compliance with scheme standards'

Examples include: -

- major non-conformances are identified against 'key' standards
- an excessive number of non-conformances are found during an assessment
- the same non-conformance being found on successive assessment visits
- the FeBO fails to rectify the non-conformances within the specified timescales
- receipt of reliable evidence from a third party, demonstrating the FeBO is not maintaining the standards to a material extent
- circumstances prevented the assessor from completing the assessment to establish compliance or
- unreasonable delay in allowing or refusal of routine assessments by the FeBO, revisits or spot checks.

FSS will arrange for the Authorised Officer to inspect the FeBE as soon as practicable and re-risk rate, having regard to the planning and notification of inspections.

6.8.1.2 Notification of a FeBE 'Left scheme for another Reason'

Where a FeBO has left the scheme for any reason other than non-compliance of scheme standards, FSS will take a risk-based approach to assessing the FeBE level of current compliance as an alternative to re-inspecting the business.

FSS must contact the FeBO to:

- confirm the reason for leaving the assurance scheme and the activities currently taking place
- request a copy of the last assurance scheme audit report, if necessary
- risk-assess accordingly based on discussions, information received, non-conformances identified and/or other assessment process.

Examples of other reasons for leaving a scheme include

- non-payment of membership
- no longer trading
- choosing to leave a FSS approved assurance scheme as participation no longer benefits the feed business.

Based on the outcome of these enquiries, FSS may, as appropriate, request that the Authorised Officer carries out an inspection where there are concerns.

FSS does not act on notifications of 'suspension' from a FSS approved assurance scheme. The status of suspended members will depend on decisions by the Assurance Scheme and will either return to membership or will be withdrawn from membership, in which case actions described above will apply.

6.8.2 Removal of Earned Recognition following an Official Control Inspection

Where the Authorised Officer determines, because of an official control, that a FeBE is not achieving at least a satisfactory level of current compliance, they must contact FSS to advise that Earned Recognition is removed.

This must be notified to FSS as soon as possible using the Earned Recognition Exception Report Form (Annex 5.2) sent to feed@fss.scot or by submitting the form on the Feed Hub or mobile device

FSS will liaise with the relevant assurance scheme sharing the details provided in the Exception Report Form and request feedback.

Officers should complete the exception report to accompany details of the specific breaches of feed law recorded in the inspection form Photographic and/or video images to support removal should be included in the inspection form where possible.

From time to time, officers may find minor non compliances when inspecting a feed business that qualifies for Earned Recognition. Providing the matter is not subject to formal

enforcement sanctions, and it can be rectified immediately or within a reasonable timescale of being identified and the level of compliance is not less than satisfactory, Earned Recognition should not be removed. The Authorised Officer will need to check that the matter has been resolved. Examples of minor non-compliance could include:

- failure to complete records in full on occasion
- minor hygiene breaches such as unclean hopper, water trough, etc. but evident that it is cleaned from time to time
- minor pest control matters (in view of the environment, e.g. birds in shed), but there is a pest control system in place and action has been taken to minimise or eliminate contamination and
- chemicals stored in feed areas (but in sealed/closed containers).

Examples of a serious non-compliance, which would lead to an increase in the establishment's risk-rating score and therefore a loss of satisfactory compliance and Earned Recognition include:

- non-compliances requiring the use of formal enforcement powers e.g. improvement notice
- an imminent risk to public health through the consumption of food from animals which have received contaminated feed
- the welfare of food producing animals is threatened using contaminated feed
- serious infestation of pests (one which affects the welfare of animals or the safety of feed/food stocks) with no pest control system in place
- serious breaches of hygiene such as unclean equipment which indicates no cleaning for some considerable time
- controls to prevent cross contamination (e.g. segregation of medicated and non-medicated feed) are inadequate
- lack of feed traceability and
- a significant change of activity, e.g. which is outside of the scope of the assurance scheme standard or involves a farmer who begins manufacture of compound feed for supply to other feed business operators.

6.9 Imports: Introduction

Imported feed controls apply based on the nature of the feed and its inherent risk, and/or its country of origin.

- a) Products of animal origin (POAO) e.g. fish meal
- b) Products not of Animal Origin
- c) High Risk Feed Not of Animal Origin (HRFNAO)

FSS is responsible for the strategic oversight of imported feed, communication with port operators and organisation of interventions at points of entry, except in relation to feed of animal origin.

6.9.1. Types of Imported Feed

6.9.1.1. Products not of animal origin (non-POAO)

Feed not of animal origin (non-POAO) does not contain any ingredients derived from animals or animal products.

Unless the non-POAO is subject to enhanced controls (see below), it is not subject to official controls at BCPs and may enter through any port, subject to the necessary facilities being in place to handle the products. In general terms, official controls on such products will be carried out regularly, on a risk assessed basis and when carried out will include documentary check as well as identity and physical checks, as appropriate (see 6.9.2.1).

6.9.1.2. Products of animal origin (POAO)

Products of animal origin (POAO) present a high level of risk as they can transmit serious animal diseases.

The Animal and Plant Health Agency (APHA), an executive agency of the Department for Environment, Food and Rural Affairs (Defra), is responsible for imports of products of animal origin. More information can be found on the [APHA pages](#) of the government website. [Contact details are available on APHA website](#), or telephone [03000 200 301](#).

6.9.1.3. High Risk Feed Not of Animal Origin (HRFNAO)

HRFNAO is feed that is listed in the Annexes to [Regulation \(EU\) 2019/1793](#) and is subject therefore to a temporary increase of official controls. The regulation specifies the commodity and the country of origin and the frequency of checks to be applied. HRFNAO is usually required to enter GB via a Border Control Post designated for the relevant commodity and be pre-notified through IPAFFS.

In addition, feed may be subject to emergency controls measures at point of entry into Great Britain. A list of products to which emergency control measures apply is listed on the [FSS website](#), in addition to [rice products from China](#).

Products and countries of origin designated as HFNAO or under emergency measures are subject to change and the listings are amended accordingly.

6.9.2. Imported Feed Intervention Programme

Authorised Officers shall carry out official controls at the points of entry and importers' establishments and checks of the imported feed as requested by FSS. Imported feed at inland destinations shall be monitored by Authorised Officers as part of the routine inspection of other types of feed businesses. Imported feed is included in the template inspection form and includes:

- facilities and conditions at importers and points of entry
- monitoring of consignments of materials entering Scotland intended for use in animal feed and
- checking of imported feed at routine inland inspections.

The intervention programme includes points of entry into Scotland which may be a seaport or an airport.

Notification of the imports of feed subject to mandatory checks is via [IPAFFS](#).

FSS will also liaise with port operators to ensure there is sufficient advance notice of incoming consignments, to plan interventions, although, it is possible that such interventions could take place at short notice. FSS shall share relevant imports information with Authorised Officers when issues become known: data, information, intelligence and findings on imported feed and sampling results.

6.9.2.1 Imported Feed Checks

Official controls for goods subject to mandatory checks are detailed in the relevant legislation but may comprise the following

Documentary Checks

- examination of the official certificates, official attestations and other documents, which are required to accompany the consignment
- This includes an assessment of the official certificate, analytical results (where required) and accompanying commercial documentation, verifying that the documentation matches up and is in accordance with requirements
- Commercial documentation may include a bill of lading, invoice, and packing list

The official certificate is transmitted to the BCP through [IPAFFS](#).

Identity checks

- a visual inspection to verify that the content and the labelling of a consignment, including the seals and means of transport, correspond to the information provided in the official certificates, official attestations and other documents accompanying it
- may require opening the container and inspecting the goods to ensure they tally with the documentation e.g. description, quantity and batch number(s)

Physical checks

- a check on goods and, as appropriate, checks on packaging, the means of transport, labelling and temperature, the sampling for analysis, testing or diagnosis and any other check necessary to verify compliance with the rules
- a percentage of consignments specified in the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) , selected at random must be physically checked
- may require a sample to be taken for analysis with results to be received before the consignment can be placed on the market.
- should be carried out under appropriate hygiene conditions and at a place with access to appropriate control facilities allowing investigations to be conducted properly. The [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) allow an officer to require that physical checks and identity checks take place at a specified place, where necessary, for proper examination. Where an officer reasonably requires facilities and assistance to carry out checks on a product, the importer may be asked to provide these.

Additional checks may be carried out on suspicion of non-compliance

Inland checks of imported feed may involve checking the Common Health Entry Document (CHEDs) and clarifying that the consignment was imported by the correct means.

6.9.3 Effective information sharing and communication

Effective information sharing is necessary to ensure the integrity of the consignments and that the necessary checks are carried out. This information sharing shall be facilitated by FSS. This would include situations where inland supervision of consignments is required and where checks at the point of entry reveal feed safety concerns that are most appropriately dealt with inland. Similarly, whenever inland checks of imported feed reveal problems and where the point of entry for the goods can be ascertained and similar problems are likely to be found in other imported consignments, the officer should inform

FDB to ensure that the information is evaluated and shared in order that all Authorised Officers can be alerted.

Examples, but not limited to, include where:

- a consignment of FNAO, which is subject to emergency controls or other restrictions, has been illegally imported e.g. without being presented to the Competent Authority at the point of entry for the required checks to be carried out
- the officer at the point of entry is aware that illegal imports of POAO might have been distributed
- checks on imported feed reveal labelling issues which cannot be enforced at time of import
- examination under the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) (as amended) has been deferred
- unsatisfactory test results are received for samples taken for routine surveillance but meanwhile the consignment has been released from the port or
- analysis indicates, for example, that nuts are not suitable for human consumption but are referred for feed use.

6.9.4 Powers of Entry

Officers are authorised to enforce import controls on feed of non-animal origin in accordance with Regulation 23 of the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#). They also have powers under Regulation 29 to require the person responsible for introducing feed into the UK to facilitate checks on products pursuant to Article 45 and 49 of [Regulation \(EU\) 2017/625](#) i.e. a systematic documentary check, a random identity check and, as appropriate, a physical check.

Schedule 5 of the Official Feed and Food Control (Miscellaneous Amendments) (Scotland) Regulations 2019 specifies the competent authority for Article 15 of the [Regulation \(EC\) 2017/625](#):

“To the extent that this is necessary for the performance of official controls or of other official activities, operators shall, where required by the competent authorities, give staff of the competent authorities access to:

- (a) the equipment, means of transport, premises and other places under their control and their surroundings
- (b) their computerised information management systems
- (c) the animals and goods under their control
- (d) their documents and any other relevant information

Where a port operator is in control of premises where feed is being kept/stored or there is “reasonable cause to believe that feed has been, or is being manufactured or produced, or is being kept for the purpose of being placed on the market, incorporated in another product or used”, Regulation 24 of [The \(Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) gives enforcement authorities power to access the premises of port operators to examine records relating to consignments of feed.

Whilst the person introducing consignments of feed into the UK is usually not the port operator, experience to date would suggest that port operators are keen to facilitate this process on behalf of their customers, importers of animal feed.

6.9.5 Imported Feed Premises and Ports

The Authorised Officer is required to undertake interventions at importer businesses but may also be required to undertake interventions at ports to carry out, documentary, identity and physical checks of consignments.

Officers may identify issues at the point of entry which require a referral for inland checks out with the area for which they are authorised. Officers must report their concerns to FSS by [email](#) who will arrange referral.

Officers who receive a referral for investigation at an inland destination must respond to FSS concerning the original referral to confirm action taken by [email](#).

An example template at Annex 5.3 is available to record imported feed checks.

Checks should be informed by:

- statutory requirements for documentary checks and associated sampling laid down in regulations for imported feed
- the risk associated with different types of feed safety issues
- knowledge of the product e.g. new or unusual
- any requirements following a Feed Alert or International Food Safety Authorities Network (INFOSAN) notification
- information from the Early Warning System (EWS) for Imported food and feed
- the history of compliance for the product, country of origin and exporter/importer
- the controls that the FeBO importing the feed has carried out
- any guarantees that the competent authority of the third country of origin has given under the third country pre-export checks provisions in [Regulation \(EU\) 2017/625](#) to the UK)
- any existing co-ordinated sampling programmes

- adequacy or sufficiency of documentation e.g. discrepancies which need further investigation
- suspicion of non-compliance; and/or
- by information received from inland checks regarding non-compliant feed or from the port operator who may have concerns about a consignment.

Inspection of consignments at points of entry must also be reported to the FeBO responsible for the consignment unless the check is of a monitoring nature designed to decide if further controls are required e.g. manifest checks.

6.9.6 Deferred Examinations

Deferred examinations may be considered at the point of entry where there may be a valid reason why an examination needs to be deferred, but it is anticipated this is likely to be in exceptional circumstances only. The officer at the point of entry or the importer can request deferred examination, but the final decision to defer examination rests with FSS. The officer must contact FSS. In coming to any decision, consideration must be given to whether the appropriate checks can take place on deferral.

Deferred examination is unlikely to be appropriate but there might be exceptional circumstances where there are overriding health and safety considerations. In all cases, where feed is of a known or emerging risk, it should be subject to relevant documentary and identity checks before being deferred for physical checks.

When any examination is deferred, the [Official Feed and Food Controls \(Scotland\) Regulations 2009](#) require that the importer provide a written undertaking that the consignment has been sealed and will not be opened until it reaches its specified destination and opening the container has been authorised by the officer carrying out the inland check. FSS shall ensure that the receiving officer (at the inland destination) is advised that the feed has not been examined and shall forward to the receiving officer a copy of any written undertaking given by the importer and any other relevant documents

6.9.7 Onward Transportation

Products that are controlled at Border Control Posts may be permitted to move inland pending the results of laboratory tests. However, FSS may put in arrangements to ensure that the consignment remains under the continuous control of FSS and cannot be tampered with in any manner pending the results of analysis.

Until the results of the analysis are known, the consignment must be stored at a Customs-controlled warehouse or a [UK External Temporary Storage Facility \(ETSF\)](#).

6.9.8 Effective monitoring of consignments of feed not subject to mandatory checks at points of entry

Imported feed makes up 65% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring of imported feed not subject to mandatory checks at point of entry, FSS shall ensure:

- monitoring of consignments of feed to understand the trade through ports in Scotland
- application of official controls to imported feed at an appropriate frequency based on risk
- Import controls at [smaller seaport and airports](#)

6.9.9 Enforcement Action

Details of enforcement action in relation to imported feed materials is found in Paragraph 7.22.

The importer is liable for any costs incurred.

Feed labelling is generally enforced inland, not at the point of entry.

6.9.10 Records

The Agent must maintain accurate records in retrievable form, on all relevant checks on imported feed.

- ensure records of sampling checks, results and action taken are kept. Samples are to be recorded on SFSD with a record kept on the FMIS
- retain the CHED (after completion and stamping) and scan and save into FMIS
- retain the original of each official certificate or any document required to accompany a consignment and, subject to checking e.g. results of analysis, scan and [email](#) to FSS and
- ensure the information on checks includes:
 - the number and type of feed consignments
 - the checks made to determine compliance with legal requirements
 - any identifying reference for the consignment examined and

- country of origin.

The model form in Annex 5.3 should be used for this purpose.

In the case of Emergency Control Measures, it is necessary to keep records relating to checks carried out and action taken. FSS shall develop template records where necessary for relevant Emergency Control Measures. Completed forms shall be scanned and saved into the FSS FMIS or eRDM.

6.9.11 Third Country Representatives

Feed businesses from outside the UK which export certain feed products to GB must have a representative established in GB.

[Third country representation for animal feed businesses | Food Standards Agency](#)

A GB list of Third Country Representatives is held on the [FSA website](#)

Third country representatives in Scotland are required to apply to the Food Standards Scotland. If the Agent receives any queries relating to third country representation, these shall be directed to the [FDB](#).

6.10 Sampling

Sampling for analysis by an official laboratory e.g. the Agricultural Analyst is an official control.

6.10.1 Sampling Programme

The Sampling Programme is developed by FSS at the start of each year. The programme has two elements:

- verification samples during routine and approval inspections
- sample surveillance plan to gather information

The programme will consider local concerns as well as wider issues, which may occur during the year, and this shall be considered at the quarterly FDB-officer meetings. If it is necessary to make urgent changes to the plan, the Agent will be provided with as much notice as possible, and if appropriate, the existing plan shall be adjusted to accommodate the changes.

6.10.2 Verification Samples during Inspections

Officers shall take samples during inspections where they consider it necessary depending on what the officer finds at the intervention. Sampling shall be prioritised according to the risk associated with the type of FeBO's, the risk rating of the establishment and consideration of higher risk products which may be found at otherwise lower risk premises e.g. feed additives used in animal feed at stores or distribution facilities.

Sampling may be used to validate that controls are in place in accordance with the Feed Safety Management Plan e.g. to confirm contamination of feed with veterinary medicines is controlled, unauthorised additives are not present etc. The officer must use professional judgment in determining at what point in the chain the feed should be sampled.

As imported feed makes up 40% of the feed used in the UK, sampling of imported feed becomes a key mechanism to ensure the safety and quality of feed entering the UK. Feed sampling should be considered during inspections at feed importers or points of entry and during imported feed checks to assess its compliance with feed safety requirements.

6.10.3 Sample Surveillance Plan

FSS will develop a sample surveillance plan annually but will review and, where necessary, update the programme on a quarterly basis because of any new information received on emerging risks and compliance issues that arise during the year.

6.10.4 Where to Sample

Choosing where to sample is closely linked with the risk associated with a feed business and the product. In general, feed must be sampled as far back along the supply chain as possible. FSS will provide advice in developing the sampling plan:

- In the case of feed materials and feed additives, this will enable an assessment to take place of manufacture/origin
- normally, a compound feed must be sampled at premises where it was manufactured, unless there is reason to do otherwise e.g. the feed is the subject of a feed complaint or incident investigation
- most imported feed will be sampled inland, particularly loose, bulk materials due to difficulties with sampling them at points of entry. Samples of imported feed may therefore be taken at importers, manufacturers, distributors and stores.

6.10.5 Informal and Formal Sampling

Samples taken should be “informal” unless otherwise advised or required for enforcement purposes. Informal samples are generally taken for the purposes of surveillance, monitoring and providing advice to FeBO’s.

Formal sampling is typically conducted to ensure the samples are representative of the batch should the analytical results lead to enforcement action. Formal samples must therefore be taken in accordance with [Regulation \(EU\) 152/2009](#) on laying down methods of sampling and analysis for the official control of feed and The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.

When a formal sample is taken, officers should give the owner, importer or importer’s agent a receipt for, or a record of, all samples taken and a copy of the results in the case of non-compliance. A model receipt is provided in Annex 5.4.

6.10.6 Sample Processing

All samples must be packed and sealed to preserve the chain of evidence.

FSS uses the SFSD for the logging of samples and recording of sample results. Prior to sending samples to the laboratory, details of the samples must be entered into the SFSD database. The officer must enter if a sample has been taken and how many in FMIS. Information about SFSD can be found in Annex 3.4 and at:

<http://www.foodstandards.gov.scot/business-and-industry/scientists-and-researchers/food-surveillance-system>

After entering sample details on to SFSD, samples must be dispatched to the laboratory within 2 working days, ensuring that the temperature chain, if necessary, and sample and packaging integrity is maintained. As the samples are considered official control samples, they must be they must be submitted to the Agricultural Analyst as an official laboratory.

6.10.7 Sample Equipment

The officers must ensure they have access to the equipment necessary to take samples of different types of material likely to be present at FeBEs in the area in which they carry out feed law functions and to sample materials which may be the subject of a feed complaint or incident investigation (on request from FSS).

6.11 Feed Trials

On request by FSS, officers may be asked to attend a feed business carrying out a feed additive trial to collect information on the trial and ensure that the feed additives, subject to the trial, do not enter the feed chain outside of the trial parameters, that products of animal origin (from the animals subject to the feed trial) do not reach the food chain unless the authorisation permits this.

7. Enforcement

7.1 Introduction and Responsibilities

This chapter includes two approaches to enforcement:

- **Informal enforcement action** – advice and letters to FeBO's following interventions and investigations that may be carried out by the Authorised Officer.
- **Formal enforcement action** – statutory notices and reports to the Procurator Fiscal. Generally, formal enforcement action shall be carried out by FSS. However, Authorised Officers from Agents may be asked to undertake this work, in exceptional circumstances and with written agreement from FSS. The necessary requirements are laid out in this Chapter, should they be required. At all times, FSS is fully responsible and accountable for all decisions made.

If the officer considers that formal enforcement action is necessary, they should email the Feed Delivery Branch [FDB](#) using the template in Annex 4.10 with relevant details (FeBO, circumstances, recommended enforcement action and reasons for this course of action) and supporting evidence from previous interventions. The email should have the following text in the subject line: ***“Third party referral - enforcement action to FSS”***.

The FDB will advise in writing whether FSS officers shall do this work or request that the Agent's officer take this action.

Reports to the Procurator Fiscal shall only be prepared by FSS.

This Chapter deals with how Authorised Officers must use the powers available to them to ensure non-compliances are rectified in an efficient and timely manner.

7.2 Proportionality and Consistency

The Authorised Officer and FDB will agree the necessary and appropriate enforcement action which must be:

- in accordance with the [FSS Feed Delivery Enforcement Policy](#)
- consistent with Codes of Good Practice
- supported by sufficient evidence of non-compliance to justify the actions taken.

7.3 Powers to take Formal Enforcement Action

Competence for feed law functions, including enforcement, is provided to FSS by [The Feed \(Transfer of Functions\) \(Miscellaneous Amendments\) Scotland Regulations 2020](#). These Regulations provide FSS with powers to delegate this function to qualifying third parties and the scope of the delegation is provided in the Delegated Service Level Agreement.

Formal enforcement action must only be taken having had regard to the FSS Feed Delivery Enforcement Policy and must be considered as part of the escalation of enforcement action in line with the hierarchy of enforcement.

7.3.1 The Feed (Hygiene and Enforcement) (Scotland) Regs 2005, as amended

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 provide for enforcement notices and orders, detailed in this Chapter i.e.

- Feed business improvement notices (Article 17)
- Feed business emergency prohibition notices and orders (Article 22)
- Feed business prohibition orders (Article 21)
- Definition of feed (Article 25)
- Seizure of feed (Article 25)
- Suspension of registration or approval (Article 9)
- Revocation of registration or approval (Article 11)

7.3.2 Official Feed and Food Control (Scotland) Regulations 2009

Regulation 31 permits appropriately Authorised Officers of Competent Authorities to use the powers set out in 65 to 67, 72 and 46 of [Regulation \(EU\) 2017/625](#) on the official controls performed to ensure the verification of compliance with feed (detention, destruction, special treatment, re-dispatch and other appropriate measures and costs). Further details are at 7.22.

7.4 Investigating Offences: Powers of Entry, Search and Seizure

The right to privacy and respect for personal property are key principles of the Human Rights Act 1998. Powers of entry, search and seizure must be fully and clearly justified before use because they may significantly interfere with the occupier's privacy. Officers must consider if the necessary objectives can be met by less intrusive means.

Regulation 24(4) of the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#) permits an Authorised Officer to take with them such other persons as they consider necessary. This would include, for example, any suitably qualified or skilled person or an expert in a particular field whose presence is needed to help accurately identify the material sought or to advise where certain evidence is most likely to be found and how it should be dealt with. These provisions do not confer on the accompanying person any of the powers of an Authorised Officer, but they do give that person the right to be on the premises during the Authorised Officer's search, without the occupier's permission.

Regulation 30(12) states that an officer has the right to 'seize and detain any record which the officer has reasonable cause to believe to be a record which may be required as evidence in proceedings under specified feed law'.

In all cases Authorised Officers must:

- exercise their powers courteously and with respect for persons and property; and
- in circumstances where a warrant has been obtained and is appropriate, only use reasonable force when this is considered necessary and proportionate to the circumstances.

7.4.1 Gathering and Preserving Evidence

7.4.1.1 Introduction

In Scotland, a crime is defined by Scots Law or an offence under statute and common law. Where an AO may suspect a crime or offence has been committed, it is essential that evidence is properly gathered and preserved pending potential investigation by the Scottish Food Crime and Incidents Unit (SFCIU) or referral to another law enforcement agency. The AO must gather evidence at the time the crime/offence is discovered, as it may be impossible to gather evidence retrospectively. It is always advisable and useful to obtain corroboration and assistance from other members of the Inspection Team.

Under Scots law, before conviction of a criminal offence, there must be corroborated evidence to prove two essential facts:

- a crime was committed,
- it was committed by the accused

Corroboration simply means evidence from two sources. It can be in the form of eyewitnesses, admissions or surrounding facts and circumstances, but does not require that every piece of evidence has to be spoken to by two witnesses.

Note: Look after evidence – keep it secure. It is fundamental to proving the offence should formal action be pursued.

7.4.1.2 Best Evidence Rule

A fundamental rule of Scots law is that best evidence be presented to courts in relation to criminal proceedings. Whenever possible, any original items of evidence should be preserved, e.g. the original form of a document, rather than a photocopy. If the evidence is a part of a feed sample, it should be preserved by the AO (for example by freezing).

A portion of the sample should be left with the FeBO to allow them the opportunity to have it examined by an expert.

7.4.1.3 Official Notebook

All AOs are allocated an official notebook for recording significant events and findings. The notebook is essential for recording evidence and details of incidents where detailed facts need to be recorded immediately.

The use of the notebook is not to replace FMIS for recording day-to-day inspections, but should supplement this.

7.4.1.3 Making Notebook Entries

An Authorised Officer should make full use of their notebook to record factual, contemporaneous notes, including during formal sampling. Official notebooks are used to accurately record an incident and provide an account of the evidence of the AO's own recollection. The information in the notebook will be used when noting a statement from an AO and may be referred to when giving evidence in court.

It is therefore incumbent upon AOs to make their own notes as they may not refer to notes made by others in court proceedings. Where the AO and FeBO have had a conversation regarding action to be taken to achieve compliance, it may be beneficial to ask the FeBO to sign the notes taken by the AO as an accurate account of what was agreed.

7.4.1.4 Evidence Gathering

An AO should not attempt to conduct a full investigation into matters which are likely to be referred for formal investigation (see 8.5) as specific training is needed to ensure that evidence is gathered in accordance with Scottish Criminal Law. An AO may continue to gather evidence towards the FeBO achieving compliance, including the issuing of Remedial Action Notice (RAN) or other sanction, where appropriate.

SFCIU have trained investigators, who are responsible for noting statements, questioning suspects etc. AOs should not be cautioning or interviewing suspects, or taking formal statements from potential witnesses, but should take a note of any explanations offered. AOs should otherwise confine the extent of their evidence gathering to:

- noting observations made at the time
- securing physical evidence such as samples, etc.
- taking photographs where appropriate; and
- seizing relevant documents which come into their possession

7.4.1.5 Photographic evidence

Taking photographs in approved or registered premises is a fundamental part of the evidence gathering process and should be taken using a tablet provided by FSS or the camera of an official work phone.

The AO shall inform the FeBO of the intention to take photographs to gather evidence as a matter of courtesy, however the FeBO should be reminded that it is an offence of obstruction if they attempt to prevent the AO from doing so.

The use of video to record high speed operations, operational practises, animal welfare issues etc., is recommended. Verbal comments made during recordings will require to be transcribed and admitted in evidence.

Photographs and video recordings of an incident are likely to provide a more complete record than an officer's recollection and subsequent notes or statement. However, details should still be recorded in official notebooks to supplement this evidence, notwithstanding that digital photographs and recordings may be corrupted and lost during download or image transfer. Although all AOs have powers to take photographs for the purpose of evidence gathering, they must always seek the permission of the FeBO if they are taking photographs for any other reason.

7.4.2 Application for Warrant of Entry

AOs should contact the Scottish Government Legal Directorate and provide sufficient information and/or intelligence on the conditions that prevent entry onto FSS registered or approved premises to enable an application for a warrant of entry to be made to the Procurator Fiscal within the Sheriffdom where the premises is located. The Procurator Fiscal will then draft a warrant for authorisation by a Sheriff. (The Crown Office offer 24-hour coverage for emergency cases).

Note: The AO may be required to attend court to swear the information on oath to satisfy the Sheriff there are reasonable grounds to grant the warrant of entry.

A warrant of entry authorises the applicant (i.e. AO), accompanied by other persons considered necessary by the applicant to enter the premises on one occasion within a month of the date the warrant was granted, by force if necessary, until the purpose for which entry is required is satisfied.

7.4.3 Execution of Warrant of Entry

An Authorised Officer should always consult with an FSS Investigator for advice prior to executing a warrant of entry.

The execution of the warrant should not be delayed unnecessarily. FCIB requires to be consulted in advance to establish if there is any intelligence to suggest potential risk to staff from the FBO or other party associated with the premises.

On attending the premises, the AO will show the warrant to the occupier and read over the terms in full. DO NOT hand the warrant to the occupier or other party or allow them to be in a position take possession of it as it risks being destroyed. Although this would constitute an offence, a replacement may have to be applied for from the court. It is always good practise to have the warrant contained in a thick plastic sleeve so it can still be read but protected from interference. The FBO is not entitled to receive a copy of the warrant as it is an official court document.

If an occupier refuses to allow entry onto the premises, obstructs the AO from fulfilling the terms of the warrant, or the premises are otherwise secured and unoccupied, the police should be called to assist gain entry and until the terms of the warrant are fully satisfied.

Any obstruction to the execution of the terms of the warrant is an offence and any person doing so should be advised of this.

The AO should make contemporaneous notes on the execution of the warrant, including any obstruction encountered and findings from the inspection.

7.4.4 Forced Entry

Whilst a warrant of entry authorises use of force onto secure premises, AOs should never attempt to do so by themselves, and advice should at first be sought from an FSS Investigator.

7.5 Enforcement Records

Records of enforcement action and formal decision making and any other relevant information relating to the FeBE shall be saved on FMIS or eRDM.

7.6 Dealing with non-compliance

7.6.1 Introduction

Failure to comply with significant statutory requirements may include:

- a single requirement that compromises feed safety, compromises public or animal health, or prejudices the purchaser or user of the feed
- several requirements that, taken together, indicate ineffective management; and
- the requirements of a statutory Notice or Order.

The Authorised Officer must:

- in collaboration with the FDB, having regard to the FSS Feed Delivery Enforcement Policy ensure that where feed businesses fail to comply with significant statutory requirements, they are subject to appropriate enforcement action and revisit(s) where compliance cannot be assessed by other means
- ensure revisits focus on the contraventions identified at the last planned programmed inspection and ensure they have been remedied before deciding that no further action is required. The revisit inspection form will be standard inspection form for that business. The officer should cross reference to the original inspection report. More than one revisit may take place as necessary and

- in all cases of non-compliance, explain to the FeBO what action is needed to secure compliance and record in writing.

7.6.2 The enforcement approach

The primary objective of any enforcement action must be to achieve compliance in the most effective way and the approach should be in line with the “hierarchy of enforcement” explained in the [FSS Feed Delivery Enforcement Policy](#).

The practice of giving advice, and communicating by letter about enforcement issues, are well- established informal approaches to enforcement that are understood by feed businesses.

7.6.3 Revisits

Generally, any feed business assessed as having less than ‘satisfactory compliance’ with feed hygiene legislation or poses a risk to animal or human health will be subject to a revisit(s), when compliance cannot be assessed by other means e.g. by submission of evidence of resolution such as new or revised documents, photographs or training records. A revisit should, where practicable, be undertaken by the officer that undertook the original or inspection.

Revisits must focus on the contraventions identified at the last planned programmed inspection and ensure that they have been remedied before deciding that no further action is required.

The timing of the revisit will be determined by the action taken because of the earlier inspection and will depend on the nature of the feed safety concern and the works required. The revisit inspection form will be the standard inspection form for that business. More than one revisit may take place as necessary. If an officer considers, after consulting the FSS Feed Delivery Enforcement Policy that formal enforcement action is the most appropriate route to compliance, they should consult FSS as described in Chapter 7. Follow-up actions to verify compliance may be remote assessments (see 6.5.5)

Inspection ratings should not be re-assessed at visits other than inspections. A revisit would not constitute an inspection.

For enforcement revisits i.e. following the service of a notice, the timing for the revisit will be determined by the notice requirements and time. Enforcement revisits should consider the inspection report/schedule of works/notices produced because of the initial inspection. The outcome of the enforcement revisit should be communicated to the FeBO. If the revisit is to check compliance with a statutory notice, then the officer should write to the feed business operator confirming whether compliance has been achieved and whether any further action may be taken such as a further revisit or enforcement action. A record of the revisit and subsequent actions should be made on the relevant inspection form and uploaded to the FMIS.

7.7 Feed Business Improvement Notices (Regulation 17 of the Hygiene Regulations)

7.7.1 Issuing Notices and Proportionate Enforcement

Feed Business Improvement Notices (FBINs) should be used in line with the FSS Feed Delivery Enforcement Policy and must be considered as part of the escalation of enforcement action in line with the hierarchy of enforcement. If the Authorised Officer has reason to believe that an informal approach will not result in a successful outcome, then a more formal approach should be considered.

Since a breach of a FBIN is a criminal offence, officers should carefully consider whether they are appropriate in the circumstances and in line with the FSS Feed Delivery Enforcement Policy. A FBIN, once served, may be appealed if the business does not agree with the conditions of the FBIN. Care should be taken to make sure that evidence of the non-compliance is obtained, its continuity maintained and that the relevant procedures have been followed when issuing a FBIN.

7.7.2 When to use Feed Business Improvement Notices

FBINs may be appropriate in any of the following circumstances or a combination thereof:

- where formal action is proportionate to the risk to animal or human health
- where there is a record of non-compliance with breaches of specified feed law listed in the Hygiene Regulations
- where the Authorised Officer has reason to believe that an informal approach will not be successful.

The Feed Business Improvement Notice can be found at Annex 7.1.

7.7.3 When Feed Business Improvement Notices are not appropriate

FBINs would not be appropriate in the following circumstances:

- in transient situations, and where it is considered that swift enforcement action is needed. A Feed Business Emergency Prohibition Notice (FBEPN) would be the only formal remedy which would have immediate effect
- where there is a breach of good hygiene practice but no failure to comply with an appropriate regulation.

Generally, FBIN should not be used to require withdrawal of product in circumstances where the FeBO would have no obligation to do so under Article 20 of [Regulation \(EC\) 178/2002](#)

7.7.4 Drafting of Feed Business Improvement Notices

It should be clear from the FBIN, the grounds for failure to comply with a relevant provision of specified feed law, the matters which constitute the failure to comply, and the measures (or equivalent measures) the recipient is required to take to address. Notices should be clear and easy to understand. To avoid confused drafting, ensure the notice is understandable to the FeBO and any time frames for compliance fit with the escalation of each issue.

It may be possible to cite more than one non-compliance in a notice provided:

- the issues are of the same theme
- the action required of the FeBO can rectify all the failures cited on the notice and
- the timeframes for compliance are all the same. Note: as failure to comply with the requirements of a FBIN within the specified period is an offence, an officer should consider whether a single notice with a single time limit is appropriate.

Using multiple notices, each with a different time limit, may be more appropriate where multiple contraventions are concerned. Separate notices with separate time limits may also be easier to handle if there is an appeal. An appeal against a single notice concerning multiple contraventions would result in the suspension of the whole notice until the appeal had been dealt with.

In respect of a FBIN requiring structural work to be carried out, ideally the officer will discuss the detail of any such work with the FeBO, or with a person acting on the FeBO's behalf who is in a position to authorise the work, before a notice is issued, and reach agreement with them on what should be done, and timing. However, the issue of a notice should not be unduly delayed if agreement cannot be reached or a responsible person cannot be contacted.

It is the FeBO's responsibility to obtain any necessary planning permission required to undertake any building works to improve the structure of the establishment.

7.7.5 Feed Business Improvement Notices – Works of equivalent effect

FBINs should make it clear that Regulation 17(1)(d) of the [Hygiene Regulations](#) allows a FeBO to carry out measures of at least equivalent effect to those specified in a FBIN. Although it is for the FeBO to decide how they will comply with the objectives of the legislation, it is recommended that alternative measures are discussed with the officer who served the notice before starting work to avoid unnecessary expenditure or inappropriate work.

The officer should respond in writing to any request from a FeBO to vary the work, and any agreed alternative measures should be confirmed in writing.

Disputes between the officer and FeBO should be referred to FDB, as necessary. If the officer has any concerns about enforcement action they are to take, they should

discuss with the FDB.

7.7.6 Feed Business Improvement Notices –Time limits

A FBIN should clearly state the time limit by which the measures required by the notice must be completed. The Hygiene Regulations specify a minimum period of 14 days. An appeal may be lodged against the time limit, so it must be realistic, justifiable and have regard to the extent and complexity of the measures required.

Where circumstances allow, it is good practice to discuss and agree the time limit with the FeBO or a person acting on the FeBO's behalf, who can agree a time limit before a notice is issued. The officer may, however, set a reasonable time limit without such agreement, if agreement cannot be reached or a responsible person cannot be contacted.

The following factors should be taken into consideration in setting a time limit:

- the risk to public and/or animal health
- the nature of the problem and
- the availability of solutions.

Although FBINs are to be complied with by the stipulated time limit, Authorised Officers should give due regard to any genuine difficulties that may occur in achieving compliance by that deadline. There is no specific provision in the Regulations to extend the time limit for compliance with a notice, but it may be unreasonable not to allow an extension if the FeBO has a genuine reason for needing more time. If the FeBO requests an extension to the time limit specified in the Notice, the request should be made in writing and received by the Authorised Officer or FDB prior to the expiry of the Notice.

Before issuing a new Notice, the officer must consider again whether the conditions prevailing at the premises still warrant the issuing of another notice. If the officer is satisfied that there is a genuine reason for such an extension, the existing notice should be withdrawn and a new notice issued reflecting the new time limit by which compliance must be achieved. The Officer should make a note of the reasons for their decision on the withdrawn notice.

However, the officer should never issue such a notice automatically. When deliberating a request for an extension of the time limit, the officer should always consider whether the facts at that time justify such an extension, taking account of:

- the reason for the request
- the remedy involved
- the risk to public health associated with the fault if an extension was granted
- past record of co-operation of the operator / proprietor
- any temporary action which the operator / proprietor proposes to take to rectify the non-compliance and

- demonstrable evidence of steps taken to address the requirements contained in the Notice.

7.8 Prohibition Notices and Orders (Regulation 21 and 22 of the [Hygiene Regulations](#))

This section deals first with the use of:

- Feed Business *Emergency* Prohibition Procedures and Notices under Regulation 22 of the [Hygiene Regulation](#);
- Feed Business Prohibition Orders under Regulation 21.

7.8.1 Use of Feed Business Emergency Prohibition Orders and Notices

Unless voluntary procedures, as described in this document in Paragraph 7.10, are more appropriate in the circumstances, Feed Business Emergency Prohibition procedures (under Regulation 22 of the [Hygiene Regulation](#)) should be used if an Authorised Officer has evidence that the 'health risk condition' is fulfilled and that this risk is imminent. If the appropriate evidence is found, a Feed Business Emergency Prohibition Notice (FBEPN) may be served on the feed business operator, followed by an application to a Sheriff for a Feed Business Emergency Prohibition Order (FBEPO).

The Feed Business Emergency Prohibition Notice can be found at Annex 7.2.

The effect of the notice is to immediately close the premises or part of the premises or prevent the use of equipment or a process.

The Authorised Officer must apply to a Sheriff for a FBEPO within three days of a FBEPN being served, the day of service of the Notice being Day 1. The Authorised Officer must serve notice on the FeBO at least one complete day (24 hours) before the day upon which the Authorised Officer intends to make the application to the court.

Although there is no legal requirement for the application to be heard within the three days, the Court should be asked to list the application for hearing at the earliest opportunity.

Where a delay occurs between the inspection / service of the FBEPN and the hearing of the FBEPO application by the Sheriff, a further inspection should take place prior to the hearing to ensure evidence of any current risk to health is available. Failure to gather such evidence may prevent the Sheriff in making an informed decision on whether the health risk condition still exists.

If an officer conducts a further inspection before the Sheriff hearing and they are satisfied that the health risk condition no longer exists, they must lift the FBEPN (Paragraph 7.15.1). FSS may still wish to continue with the application to request the FBEPO as the granting of the order effectively endorses the issue of the notice which may lessen the possibilities of a claim for compensation by the FeBO. The FDB will ensure that the court is informed in this situation.

Once made, a FBEPO supersedes a FBEPN.

7.8.2 Health Risk Conditions where use of Feed Business Prohibition Orders and Feed Business Emergency Prohibition Orders and Notices may be appropriate

There must always be an imminent risk of injury to health before a FBEPN can be served. The injury itself may occur sometime in the future, but it is essential to show that it could occur for the action to succeed. Not every animal exposed to the risk of injury to health would need to suffer the injury for there to be considered an imminent risk. It is the exposure to the risk of injury that enables action to be taken.

The application is made by the Authorised Officer and therefore the burden of proof lies with the authority applying for the order. The circumstances must be discussed with the FDB, who will decide whether the premises, process, treatment or piece of equipment or its use involves an imminent risk of injury to health and application for an order is appropriate.

The following paragraphs provide examples of circumstances that may show that the health risk condition exists as defined by regulation 21(2) of the [Hygiene Regulation](#) i.e. there is an imminent risk of injury to health, and where an Authorised Officer may therefore consider the use of such prohibition powers. These examples are in no way prescriptive or exhaustive and are for illustrative purposes only.

7.8.2.1 Health Risk Conditions where Prohibition on use of premises may be appropriate

Examples include:

- infestation by rats, mice, cockroaches or other vermin, serious enough to result in the actual contamination of feed or a significant risk of contamination
- very poor structural condition and poor equipment and/or poor maintenance or routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in the actual contamination of feed or a significant risk of feed contamination
- drainage defects or flooding of the establishment, serious enough to result in the actual contamination of feed or a significant risk of feed contamination
- inadequate storage conditions or poor cleaning procedures which create a significant risk of contamination or cross contamination of the feed posing an actual risk to the health of animals, or through the products of such animals, to human health or
- any combination of the above, or the cumulative effect of contraventions which, taken together, represent the fulfilment of the health risk condition.

7.8.2.2 Health Risk Conditions where the Prohibition on use of equipment may be appropriate

Examples include:

- use of defective equipment, e.g. a mixer which is incapable of achieving the required blend of ration or
- use of equipment for the processing of high-risk feeds that has been inadequately cleaned or disinfected, or which is grossly contaminated and can no longer be properly cleaned

7.8.2.3 Health Risk Conditions where Prohibition on use of a process may be appropriate

Examples include:

- serious risk of cross contamination with undesirable substances; or
- the use of a process for a product for which it is inappropriate.

7.9 Voluntary Procedures

Voluntary procedures to remove a health risk condition may be used, at the instigation of the proprietor or a manager of the business, when the feed business operator agrees that a health risk condition exists. An officer may suggest this option to the feed business operator but only when they are able to use emergency prohibition powers in the [Hygiene Regulation](#). If in doubt, the FeBO should be advised to take legal advice.

Any voluntary closure agreement should be confirmed in writing by the feed business operator and the Authorised Officer, with an undertaking by the feed business operator or manager not to re-open without the officer's (and FDBs) prior approval.

If the manager of a feed business offers to close the business voluntarily, the Authorised Officer should obtain written confirmation from the manager that he or she has the authority to agree to such action. The officer should ensure that frequent checks are made on the establishment to ensure that it is not re-opened.

If the feed business operator offers to close voluntarily, the Authorised Officer must:

- consider whether there is a risk of the establishment being re-opened without the officer's or FDB's knowledge and/or agreement
- recognise that there is no legal sanction against a feed business operator who re-opens for business after offering to close, although enforcement action for the actual breaches e.g. unsafe feed, similar processing as before, etc. remains available and
- explain to the feed business operator that, by making the offer to close, any compensation if a court subsequently declines to make a feed business emergency prohibition order may be less likely to be awarded.

7.10 Prohibition Order Procedures

It should be noted that Prohibition Order Procedures under the [Hygiene Regulation](#) are rarely used.

A Sheriff can make a Feed Business Prohibition Order (FBPO) under Regulation 21 of the [Hygiene Regulation](#) after a FeBO has been convicted of an offence under specified feed law to:

- close feed premises
- prohibit premises from being used for kinds of feed business
- prevent the use of equipment for any feed business, or a particular feed business
- prohibit a particular process or
- prohibit the proprietor from managing any feed business.

The Court can also make a FBPO prohibiting a proprietor or manager from managing a feed business. In Scotland, it is essential for Authorised Officers to attend court to advise the Procurator Fiscal and to provide any further evidence or opinion the court may require.

7.10.1 Action when a Feed Business Prohibition Order has been made against a person

A FBPO, served under Regulation 21(4) of the [Hygiene Regulation](#) can only be fully effective if other Competent Authorities are notified, as the individual concerned may try to start a feed business in another area. FSS shall notify FSA as soon as possible after an Order is made against a person prohibiting them from running a feed business, provided the order is not the subject of an appeal and the period allowed for appeal has expired.

7.11 Service of Notice and Orders

7.11.1 Service of Feed Business Improvement Notices served on FeBO outside of Scotland or outside the area for which the officer is authorised

A FBIN can be served on a FeBO outside of Scotland or outside the area for which the officer is authorised, provided there is contravention inside the area covered by the officer. Such circumstances shall be discussed with FSS.

Depending on the circumstances, feed businesses may choose to act with their competent authority (if outside of Scotland), the Authorised Officer or FSS, to avoid reputational damage associated with non-compliant feed.

7.11.2 Methods of serving a notice

Every effort should be made to serve FBIN, FBEPN, FBPO or a FBEPO by delivering it by hand to the FeBO, or each of the operators/proprietors in the case of a partnership etc. If a notice or order cannot be handed to the FeBO in person, a copy of the document should be handed to a responsible person at the feed business establishment e.g. the manager.

The service of the notice or order on several partners can present difficulties, particularly where a partner is not in the United Kingdom at the time. As soon as the notice or order is properly served on any one of the partners, it takes effect.

If it is not possible to serve the document by hand then the officer should serve the document by a postal or courier service that includes proof of posting or despatch and, ideally, proof of delivery. The document can be emailed to the operator / proprietor for information in advance of its formal service, but a hard copy must follow for it to be properly served. The date and time of the service must be recorded, even when the postal or a courier service is used.

Notices and orders need not necessarily be served by the Authorised Officer who initiated the action. It should, however, be served by an Authorised Officer who is competent to explain the purpose of the notice, the necessary steps to be taken by the FeBO and be able to deal with obstruction. The Authorised Officer should ensure that the FeBO is aware of the matters that constitute an imminent risk. Although the model FBEPN requires these details, the FeBO may not understand what steps need to be taken to remove the imminent risk and further explanation may be necessary.

In the case of a FBEPO or FBPO, the Authorised Officer can, if necessary, consult with the Sheriff's Clerk to request the service of the Order before the operator/proprietor leaves the Court, where they are present.

Immediately after the document has been legally served by one of the methods mentioned in Regulation 26 of the [Hygiene Regulation](#), the prohibition on the use of the premises, or equipment for the purposes of any feed business, or a particular type of feed business, or prohibition on a process or treatment, becomes effective under the Order and the FBEPN ceases to have effect.

7.11.3 Affixing the notice or order on the premises

Regulations 21(5) and 22(5) of the [Hygiene Regulation](#) directs, as soon as practicable after the making of an order or the service of a notice, a copy of the order or notice should be affixed in a conspicuous position on the premises by the officer.

The purpose of this is to inform the public, which includes anyone who may use the premises or equipment, that the premises have been closed or a process or piece of equipment prohibited from being used. An officer, who is competent to explain the meaning and importance of the notice, should take the action to affix a copy of the order or notice on the premises. The Authorised Officer who initiated the action need not necessarily be involved.

The Authorised Officer must firmly affix the document inside the premises, but in a position where it can clearly be seen and read from the outside, and which is preferably

on the inside of the glass of a front display window. If such a position is unavailable, the officer should use professional judgement as to the best place available and if necessary, affix a second copy of the document to the outside of the premises, making sure, as far as possible, that it is protected from the weather and possible vandalism. It may be appropriate to attach a notice to any equipment to which the order or notice applies.

The Authorised Officer should arrange for periodic checks to be made on the document(s) to establish that it is still there.

7.11.4 Unauthorised removal or defacement of notices or orders

The [Hygiene Regulation](#) does not make any reference to defacing or removing a prohibition order or a FBEPN. Such action should be considered as obstruction under Regulation 27 of the [Hygiene Regulation](#), as removing or defacing a notice or order can be considered an act that "wilfully obstructs an Authorised Officer in the exercise of the officer's powers under these Regulations...".

The defacement of the notice or order is an offence under Section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995.

7.12 Appeals

It should be clear to the recipient of a notice that there is a right of appeal against a notice. The notice templates (Annex 7) include details of the right of appeal. Court proceedings against a FeBO, including appeals, are brought in the sheriffdom in which the FeBO is resident. Therefore the Authorised Officer shall provide the appropriate contact information for the [Sheriff](#) local to the business.

The FeBO should also be asked to notify the FDB if an appeal is lodged. The Authorised Officer should be prepared to discuss the:

- notice and its requirements informally with the FeBO if they wish to do so; and
- requirements of any letter or other enforcement action.

In the event of an appeal, the Authorised Officer is required to discuss with the FDB who will arrange legal representation through FSS Legal for the appeal hearing.

7.13 Breach of a notice or order

Where a notice or order is breached, the following offences may apply:

- A person who fails to comply with a FBIN is guilty of an offence under Regulation 17(2) of the [Hygiene Regulation](#);
- A person who knowingly contravenes a FEPO is guilty of an offence under Regulation 21(5) of the [Hygiene Regulation](#); or
- A person who knowingly contravenes a FBEPN or FBEPO is guilty of an offence under Regulation 22(5) and 22(6) of the [Hygiene Regulation](#), respectively.

Where a Notice is breached, the offences relate to the breach of the Regulations and the breach of the notice requiring the non-compliance to be addressed. The officer should submit details of any contravention to FDB in order that FDB can prepare a report to the Procurator Fiscal.

If the Authorised Officer believes that there is sufficient evidence to show that the proprietor is unlikely to respond to a summons, application should be made for a warrant rather than a summons. The Court will decide if the circumstances justify this action and may ask the Authorised Officer for their view as to whether to endorse the warrant with bail. The Authorised Officer should discuss with the FDB and consider all relevant circumstances in the decision making.

FSS has contingency arrangements in place with Scottish Government lawyers so that in the event of the breach of a notice or order, there is no delay in making a report to the Procurator Fiscal.

7.14 Lifting Notices and orders

7.14.1 Health Risk Condition No Longer Exists: Lifting of feed business prohibition notice of orders

In respect of FEPO, FBEPN and FBEPO, by virtue of Regulations 21(7) and 22(9) of the [Hygiene Regulation](#) respectively, the Authorised Officer must issue a certificate to the feed business operator within three days of being satisfied that the health risk condition no longer exists (Annex 7.6). If the feed business operator applies for such a certificate, the Authorised Officer must determine the position as soon as is reasonably practicable and in any event within a period of no longer than fourteen days.

The FeBO is required to apply in writing to the competent authority for a certificate lifting a FBPO, a FBEPN or FBEPO (Regulations 21(7) and 22(9) of the [Hygiene Regulation](#) respectively). This shall be sent to the officer that issued the notice.

On receiving such a request, the officer should re-inspect the premises as soon as possible and determine as soon as is reasonably practicable, or in any event within 14 days, whether the health risk condition no longer exists, and the notice or order can be lifted.

The recommendation on whether to issue the certificate to lift the notice or order should be made by the officer who initiated the action if this is possible or, if it is not, by another Authorised Officer with the relevant qualifications and experience. Such recommendation should be made to the FDB.

If the opinion of the FDB is that the health risk condition no longer exists, arrangements should be made for a certificate (Annex 7.6) to be issued as quickly as possible, and within 3 days. The certificate can be sent by email, although the proprietor may also be informed of the decision verbally, thus allowing the premises to re-open immediately.

If the opinion of the FDB is that the health risk condition still exists, arrangements should be made for the Authorised Officer to issue a notification of continuing risk to health as

quickly as possible. The Authorised Officer must give reasons why they are not satisfied that the health risk condition has been removed.

Although a certificate lifting a FBEPN can be issued before the application for a FBEPO can be heard, the operator / proprietor can still be prosecuted for offence(s) against the Hygiene Regulation. The FDB will ensure that the court is informed in this situation.

7.14.2 Lifting of feed business prohibition order against a person

A FBPO against a person imposed under regulation 21(4) of the [Hygiene Regulation](#) will only cease to have effect if, on an application by the feed business operator,:

- the court gives a direction to that effect; or
- the Authorised Officer has lifted a FBPO, because of evidence that the health risk condition has been removed, at a re-inspection of premises.

An application to the court can only be heard where 6 months has passed since the making of the FBPO.

The Authorised Officer should discuss with FSS at the earliest opportunity after they learn that a FBPO against a person in their area ceases to have effect. FSS shall notify FSA.

Although a certificate lifting a FBEPN can be issued before the application for a FBEPO can be heard, the operator / proprietor can still be prosecuted for offence(s) against the Hygiene Regulation.

The FDB will ensure that the court is informed in this situation.

A FBPO on a person can only be lifted on application by the person to the Court that made the order.

7.15 Detention and Seizure

When an officer has inspected or sampled any feed material and where it appears from such inspection or analysis of the sample taken that the material fails to comply with the requirements of a specified feed, the officer may detain or seize the feed under Regulation 25 of the [Hygiene Regulation](#).

7.15.1 Detention of Feed

The purpose of detention is to ensure feed is not used or supplied whilst it is being determined if the material complies with specified feed law. Feed can only be detained for 21 days, after which the notice must be withdrawn or the matter referred to the sheriff for destruction or disposal. In all cases, but especially with highly perishable feed, the officer should act expeditiously at every stage and provide full information to the Agricultural Analyst to carry out analysis or examination of samples of the feed in a suitable timeframe.

Unless the circumstances require immediate action, a decision to detain feed should only normally be taken if it has been discussed with the owner or person in charge of the feed and, if appropriate, with the manufacturer.

When the officer in consultation with FDB determines it is appropriate to serve a detention of feed notice, professional judgement shall be used to determine whether feed should be detained where it is or moved elsewhere. If the officer has any doubts about the security or physical care of the feed, this should be discussed with the FDB as soon as possible to determine whether the feed should be moved and agree a site to be specified in the notice. Regard should be had to the nature of the feed, the quantity, any health hazard that it represents and the ownership of the establishment where it is located. The risk of leaving feed in the charge of, or in an establishment owned by, any person who may be prosecuted for an offence under feed law needs to be considered. FDB will decide for its uplift and transport to this location.

In all cases, but especially with highly perishable feed, the officer should act expeditiously at every stage and provide full information to the Analyst to carry out analysis or examination of samples of the feed.

The FDB will organise periodic monitoring of the feed throughout the period of detention.

The decision to detain a whole batch, lot, or consignment needs careful consideration before a notice is served (see Paragraph 7.19).

A Detention of Feed Notice (DFN) must be signed by the officer who takes the decision to detain the feed. A model notice can be found at Annex 7.3.

7.15.2 Seizure of Feed

If there is evidence that feed fails to comply with specified feed law, it may be seized to be dealt with by the sheriff. The sheriff can condemn the feed and order that it be destroyed or disposed of, so it is not used as food or feed.

When considering whether to seize feed, Authorised Officers should consider whether the feed in question can be treated or processed to enable it to satisfy feed safety requirements. The blending down of feed to reduce high levels of undesirable substances is not permitted by Regulation 9(3) of Article 5 of the Animal Feed (Scotland) Regulations 2010.

Arrangements for the treatment or processing of feed in these circumstances should be agreed by the officer and the owner or the person in control of the feed and are subject to a signed, written undertaking.

FDB shall put in place arrangements for feed being moved elsewhere. They shall notify FSA where feed is to be moved to another part of the UK for treatment or processing. This should be accepted by FSA and arrangements agreed for the FSA or enforcement authorities in England, Wales or Northern Ireland to ensure the processing or treatment has been carried out appropriately. Such arrangements must be finalised before agreement to the undertaking is concluded. If the receiving LA/DAERA or FSA is unable to accept responsibility for ensuring that the feed is properly processed or treated, the arrangement should not proceed unless there is no other way of rectifying the problem with the feed product.

If within Scotland, FSS shall ensure that steps are taken to ensure the processing or treatment is carried out appropriately, including the service of a detention of feed notice, where necessary.

Unless the preceding paragraphs of this section apply, or the use of voluntary procedures is more appropriate, feed should be seized if an Authorised Officer has evidence that the material fails to comply with the requirements of specified feed law. If evidence or information indicates that feed has already been detained or seized, the officer should serve a feed condemnation notification, warning of the intention to take the feed before the Sheriff and apply for its condemnation.

When feed is seized (Annex 7.5), a seizure notice must be issued as soon as is reasonably practicable, advising that the matter will be brought to the sheriff for the feed to be condemned. Feed that has been seized should be dealt with by the Sheriff as soon as is reasonably practicable. The owner or person responsible for the feed must be informed of the intention to apply for a condemnation order, although action should not be delayed if the owner or person responsible cannot be traced or contacted. The [Hygiene Regulation](#) requires that anyone who may be liable to prosecution is entitled to attend before the Sheriff by whom the material falls to be dealt with, be entitled to be heard and to call witnesses. Service of notice of the hearing should be documented and retained to show the Court that was the case.

The Authorised Officer should ensure continuity of evidence whether there may be a subsequent prosecution and ensure the feed is secure whilst awaiting the Sheriff's decision.

7.15.3 Withdrawal of Detention of Feed Notice

The Authorised Officer should act as quickly as possible when information indicates that detained feed can be released, and in any case within 21 days of the service of the detention notice.

Where the evidence shows that the reason for detaining the feed as non-compliant is no longer valid a Withdrawal of Detention of Feed Notice (WDFN) should be served (Annex 7.4). The decision to issue a WDFN should be taken either by the officer who originally issued the notice or initiated the action or by another officer with the relevant experience. A WDFN should be served as soon as possible to prevent possible deterioration of the feed and to minimise exposure to compensation claims under regulation 25(6) of the [Hygiene Regulation](#). The notice need not be served by the officer who made the decision but may be served by any Authorised Officer.

7.16 Voluntary Procedures for the Disposal of Feed

Voluntary procedures for the disposal of feed, that is not suitable for consumption by animals, may be used either at the instigation of the owner of the feed or at the suggestion of the officer when the owner of the feed agrees the feed is not suitable.

Where the owner agrees to destroy the feed, evidence of that destruction must be provided.

Where FSS agrees to voluntarily surrender feed for destruction, a receipt should be issued to the owner of the. The receipt should indicate that the feed has been voluntarily surrendered to the officer for destruction and be signed by the officer and counter-signed by the person surrendering the feed agreeing to pay the reasonable expenses arising from the destruction or disposal.

FSS shall arrange for uplift and destruction of the feed. The receipt shall be [emailed](#) to FSS who will complete the time, place and method of destruction of the feed.

7.17 Destruction or Disposal Feed

FSS is responsible for the arrangements for seized feed that is subsequently condemned for destruction by the sheriff or feed voluntarily surrendered to FSS. The feed will need to be supervised by the Authorised Officer until it can be uplifted and dealt with by FSS. If possible and if there is likely to be some delay before destruction, the feed should be disfigured to prevent any possibility of it being returned to the feed chain or being diverted for human consumption e.g. addition of dye.

FSS shall appoint a waste disposal company to ensure the destruction of the feed by incineration or some other appropriate method having regard to the requirements of relevant waste disposal legislation and in the case of feed of animal origin, animal by-products legislation.

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7.18 Dealing with Batches, Lots or Consignments of Feed

Article 15(3) of [Regulation \(EC\) 178/2002](#) stipulates that where a feed, which has been identified as not satisfying the feed safety requirement, is part of a batch, lot or consignment of feed of the same class or description, it shall be presumed that all of the feed in that batch, lot or consignment is so affected, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment fails to satisfy the feed safety requirement.

If a quantity of feed of different types or batches is being detained, the officer should issue a separate detention of feed notice in respect of each type or batch.

When considering whether to seize or detain a batch, lot or consignment the officer should consider the following:

- the evidence available
- the nature of the contamination
- the nature and condition of any container holding the feed.
- the risk to health and
- the quantity of feed involved in relation to any sampling which has been undertaken.

The officer should use professional judgement to decide whether to detain or seize the whole of the batch, lot or consignment.

If a whole batch, lot or consignment is detained and it subsequently becomes clear that

only part of the detained feed is affected and needs to be seized, the remainder of the batch etc. may be released. The FeBO may therefore be able to seek compensation for the depreciation in value of the released feed under Regulation 25(6) of the [Hygiene Regulation](#).

7.19 Reporting to the Procurator Fiscal

The Crown Office and Procurator Fiscal Service is the prosecuting authority in Scotland. Procurators Fiscal receive reports from the police and over 50 specialist reporting agencies (including FSS) amounting to many thousands of reports annually.

Reports to the Procurator Fiscal (PF) shall only be prepared by FSS, although input from the relevant Authorised Officer will be required. The decision to submit a report to the PF should be taken at the earliest opportunity and in consideration of the [FSS Feed Delivery Enforcement Policy](#).

Before deciding whether a report should be made to the PF, the FSS will consider several factors:

- The hierarchy of enforcement structure indicates that a report to the PF is appropriate as opposed to use of, for example, informal action or an enforcement notice.
- The likely cogency of any important witness, and their willingness to co-operate
- The alleged person or persons responsible have been identified
- Any explanation offered by the suspect
- The likelihood of the suspect being able to establish a defence - in particular a due diligence defence
- The public interest test has been satisfied.

Examples of factors impacting on a decision to submit a report to the PF:

- Seriousness of the offence
- Suspects previous convictions
- Continual failure to comply with the requirements of Regulation(s)
- Contravention relates to a deliberate act to mislead or defraud consumers or other FeBO's

Examples of factors against a decision to submit a report to the PF:

- The offence was committed because of a genuine mistake or misunderstanding (this must be balanced against the seriousness of the offence)
- Whether any other enforcement action would be more appropriate

7.19.1 Court Proceedings – Evidence Required

FSS and the Authorised Officer should collect sufficient evidence to produce to the Court to substantiate any proceedings. In Scotland, any evidence intended to be placed before a court requires to be corroborated therefore a witness will be necessary.

7.19.2 Giving Evidence in Court

Witnesses may be cited to attend a trial to give evidence at an appointed time, date and court and will receive notification from the Procurator Fiscal if they are no longer required to attend. Any Authorised Officer unfamiliar with court procedure may benefit from some discussion with their manager or the FCIB before giving evidence in court. Arrangements can also be made for a visit to the court before the trial takes place.

7.19.3 Use of Notebook When Giving Evidence

With few exceptions, witnesses are not permitted to read from their prepared statement when giving evidence in court.

Whilst the Procurator Fiscal does not routinely expect notebooks to be referred to when giving evidence in court, there are occasions when it is permitted to do so with leave of the court to clarify or provide accurate information that they have recorded. In doing so, the Authorised Officer will be referring to their own notebook and not that of another and be required to speak to accurate notes, confirm they had made the notes and where and when.

It is important that contemporaneous notes, including sketches and photographs, are taken during an inspection, as they may need to be used in evidence to a Court. The notes must be accurate and factual, so that they may be used in Court.

Note: where an officer refers to their notebook when giving evidence in court, the defence is entitled to see what has been written and it is important that notes are concise, accurate and relevant to the case.

7.20 Compensation

7.20.1 Feed Business Improvement Notices

There is no provision for compensation in the [Hygiene Regulation](#) in respect of FBINs. If a FBIN is served in error and, as a result, a feed business suffers financial loss due to being unable to sell the feed due to its perishable nature, they may pursue compensation

through a civil negligence claim against the Competent Authority, FSS.

7.20.2 Feed business emergency prohibition notices and orders

Regulation 22(10) of the [Hygiene Regulation](#) provides for the Competent Authority (FSS) to compensate the FeBO in respect of any loss which is directly attributable to the wrongful service of the notice. Any disputed question as to the right to or the amount of any compensation payable is to be determined by arbitration.

7.20.3 Feed detention notices

Regulation 22(6) of the [Hygiene Regulation](#) provides for the Competent Authority (FSS) to compensate the FeBO in respect of any depreciation in the value of feed which is detained and subsequently the detention is withdrawn or the sheriff refuses to condemn the feed. Any disputed question as to the right to or the amount of any compensation payable is to be determined by arbitration.

7.21 Enforcement Options in establishments subject to Registration / Approval under Regulation (EC) 183/2005

Enforcement options in establishments subject to registration and approval are provided in Paragraph 5.3.15.

7.22 Enforcement Options for Imported Feed

Officers have powers available to them under the [Official Feed and Food Control \(Scotland\) Regulations 2009](#) as amended, to ensure that imported feed of non- animal origin that does not comply with feed law does not enter into circulation. These powers can be used at the point of entry and for imported goods identified as non-compliant inland.

Article 66(1) of [Regulation \(EC\) 2017/625](#) requires that feed which does not comply with feed law is detained and refused entry into Great Britain. Before ordering the operator to take any action the officer must hear the operator in accordance with Article 66(3), unless immediate action is required to respond to a risk. The actions that must be taken depend on whether the non-compliance means that the feed presents a risk to humans, animals or the environment.

Where a decision is taken to reject a consignment, the Authorised Officer should email the [Feed Delivery Branch](#). The officer should update on the measures or action taken in relation to the consignment detained.

A Detention Notice, under Regulation 32 of The Official Feed and Food Controls (Scotland) Regulations 2009 must be served.

7.22.1 Feed consignments which present a risk to human or animal health

Article 67 of [Regulation \(EU\) 2017/625](#) requires that where feed presents a risk to human or animal health, animal welfare or as regards GMOs, also to the environment, the operator must without delay be ordered to destroy the consignment or subject it to special treatment. Such measures are at the expense of the operator.

A notice must be served on the FeBO stating the action to be taken.

7.22.2 Feed consignments which do not comply with feed law but do not present a risk to human or animal health

Such consignments of feed must be detained and then either:

- ordered to be destroyed
- subject to special treatments detailed in Article 71 of [Regulation \(EU\) 2017/625](#) or
- re-dispatched.

FSS, in collaboration with the Authorised Officer, if necessary, shall agree and implement appropriate action.

A notice must be served on the FeBO stating the action to be taken.

7.22.2.1 Special Treatments detailed in Article 71 of Regulation (EU) 2017/625

Special treatments can consist of:

- treatment or processing including decontamination, where appropriate, but excluding dilution, so that the consignment complies with the requirements of feed law or with the requirements of the third country of re-dispatch; or
- processing in any other suitable manner for purposes other than animal or human consumption.

The treatment or processing is to be effective in eliminating any risk to human, animal health, animal welfare or, as regards GMOs and plant protection products, also to the environment and be documented and carried out under the control of the FSS.

7.22.2.2 Re-dispatch of consignments

FSS can agree to re-dispatch only if:

- the feed business operator has informed FSS, in writing, that the Competent Authorities of the country of origin or the country of destination (if different) has been advised of the reasons and circumstances for the refusal of the entry into GB

and

- where the country of destination is not the country of origin, the Competent Authorities of the country of destination have notified FSS that they are prepared to accept the consignment.

Article 69 requires that re-dispatch generally takes place no more than 60 days after FSS has agreed on the destination of the consignment, unless legal action has been undertaken, or the delay is justified. Otherwise, the consignment will be destroyed.

7.22.3 Appeals against action taken under Articles 66 and 67 Regulation (EU) 2017/625

There is a right of appeal against decisions provided by Regulation 33 of the [Official Feed and Food Control \(Scotland\) Regulations 2009](#). Appeals against the notice must be made within one month of the notice being served.

8. Feed Incidents and Crime

8.1 Managing Incidents and Alerts – Introduction and Responsibilities

This section deals with how feed incidents and feed alerts / information notices are managed.

Authorised Officers are responsible for reporting incidents to FSS, and specifically the SFCIU (7.3).

Incident investigation and handling, and any consequential enforcement action, shall generally be carried out by FSS.

However, Authorised Officers from Agents may be asked to undertake this work, in exceptional circumstances and with written agreement from FSS. The necessary requirements for incident investigation and handling are laid out in this Chapter (from 8.3) should they be required. If Agents carry out incident investigation work that result in enforcement work, they shall also carry out the enforcement work. Chapter 7 provides details of enforcement action.

FSS Incidents Team is responsible for managing and analysing incident information to assess and manage risk, risk communication and providing advice to the Authorised Officers on the management of the risk.

A schematic representation of the process that Authorised Officers should follow when dealing with reporting a feed incident or hazard to the incidents team can be found in Annex 7.1.

8.2. Food/Feed Incidents

A food incident is defined as any event where there are concerns about actual or suspected threats to the safety, quality or integrity of food/feed that may need action to protect consumers' interests.

The word 'quality' in this case includes standards, authenticity and composition. The term 'food incident' includes animal food, or 'feed' incidents. Feed Incidents are considered in the following three separate categories, which may overlap:

- a. Hazardous - an incident with the potential to cause an adverse effect to the health or safety of animals and/or consumers, involving (or suspected to involve) a biological, chemical and or physical agent in, or condition of, feed These include outbreaks of disease directly related to the feed and/or infectious intestinal disease.
- b. Non-Hazardous – an incident which does not have the potential to cause an adverse effect to the health or safety of animals or consumers, but which may involve issues detrimental to farmers/ consumers' interests such as standards, integrity, authenticity, composition and labelling.

c. Feed Fraud and Feed Crime – is serious dishonesty that impacts detrimentally on either the safety or the authenticity of feed. Further information on Feed Fraud and Feed Crime can be found in section 8.10.

8.3. Incident Reporting

All feed incidents shall be notified to FSS using the [online incident form](#). When emailing the form, it should be sent both to the [Incidents team](#) and the [Feed Delivery Branch](#). In the case of hazardous incidents, Authorised Officers shall also contact FSS by telephone at the earliest opportunity, usually within 2 hours of determining it is a hazardous incident: Incidents team: 07881 516867. The incident report form can also be found at Annex 7.2.

FSS may be notified of an incident because of analysis by the Agricultural Analyst.

8.4. Deliberate contamination and malicious tampering

Incidents may be a result of deliberately contaminated feed and or malicious tampering. “Malicious tampering” goes beyond the act of a person/persons intending to cause limited disruption and includes the tampering of feed by terrorist activity, political disruption or with a view to blackmail or extortion.

Arrangements for dealing with malicious tampering incidents have been established between the FSA and FSS, and Police Scotland will lead the investigation. Any issues should be referred to FCIB without delay as they have direct lines of communication with the police and for intelligence research and development between agencies. The SFCIU Head of Food Crime Operations, or deputy in absence, should also be consulted for specialist criminal investigation advice and support from SFCIU investigators where necessary.

Authorised Officers must co-operate fully with police investigations into incidents of malicious tampering and respect police requests for confidentiality whenever possible.

8.5 Investigation

Once a hazardous incident has been identified, the Authorised Officer must submit an Incident Report Form (Annex 7.2). The Authorised Officer must immediately carry out an assessment to determine the likely scale, extent and severity of the risk to public health or safety of the hazard and referred to FCIB without delay as they have direct lines of communication with the police and for intelligence research and development between agencies.

The SFCIU Head of Food Crime Operations, or deputy in absence, should also be consulted for specialist criminal investigation advice and support from SFCIU investigators where necessary. These other agencies might include Government agencies and Agricultural Analysts. Authorised Officers should continue to assess the incident throughout where new information comes to light.

The assessment should include the following:

- the nature of the hazard
- the toxicity of the contaminant
- the type of injury which might be caused by a physical contaminant
- the population (human and animal) likely to be affected and its vulnerability
- the geographical spread of the hazard i.e. the likely quantity and distribution of the feed in the feed chain up to the point of consumption
- the ability and willingness of the producer or distributor to implement an effective withdrawal of the product
- the ability to identify accurately the affected batch(s) or lot(s)
- the accuracy and extent of records held by the producer or distributor
- the likely effectiveness of any trade withdrawal at all stages of the feed chain
- the stage(s) at which the fault is likely to have occurred (for example in processing, packaging, handling, storage or distribution) and its likely significance to the problem
- whether other products produced in the same establishment may have been affected
- whether the feed has been imported
- whether any of the feed has been exported
- whether there are wider implications for others in the same industry or for establishments using similar processes in other feed industries
- the possibility that the incident has been caused by a malicious act (see section 8.4) and
- whether the root cause of the incident or hazard is known, and corrective action taken to avoid recurrence.

The outcome of this investigation must be shared with FSS ([Incidents team](#) and [Feed Delivery Branch](#)) to enable them to take any necessary action required.

Authorised Officers must implement urgent control measures whenever they are required:

- When an Authorised Officer becomes aware of a hazardous incident, they must take action to protect public health and safety and animal health at the earliest opportunity, including, if necessary, detaining or seizing the feed concerned (see Chapter 7).
- Authorised Officers must also consider the use of other powers under the [Feed \(Hygiene and Enforcement\) \(Scotland\) Regulations 2005](#), relevant to the circumstances involved.

Where an Authorised Officer becomes aware that a FeBO has withdrawn or recalled feed from the market in accordance with Article 20 of [Regulation \(EC\) 178/2002](#), due to non-

compliance with the feed safety requirements of that Regulation, the Authorised Officer should confirm that FSS is aware.

8.6 Incidents Team Meeting

Where a multiagency response is invoked by FSS Incidents team, as part of [FSS Incident Management Framework](#), the Scottish Food Crime Investigation Unit (SFCIU) and the Incident Assessment Team (IAT) will oversee the response and coordinate activities if a multiagency situation arises. SFCIU are solely responsible for forming FSS Operational Incident Delivery Team and/or Strategic Incident Team Meetings as per the Incident Management Process. If an Agent is involved in the investigation of an incident, SFCIU may request that a representative of the Agent attends such team meetings either in person or remote conference facilities.

8.7. Out of Hours Service

Where any specific incident-related action is required to be taken outside normal working hours, a telephone call will be made to the nominated contact point of the Agent to confirm correspondence distributed by emails.

The FSS Incidents team can be contacted on:

- Email: incidents@fss.scot
- Out of Hours: 07881 516867

8.8. Feed Alerts / Information Notices

8.8.1 Communications

FSS utilises the following communications to raise awareness of feed incidents:

- Feed Alert for Action (FAFA) – is a communication from FSS Incident team to FSS FDB (or if an Agent is doing so after agreement, on behalf of FSS) concerning a feed incident, where a response is required by the FDB.
- Product Recall Information Notice (PRIN) – advises of recall of feed, where no specific action is required to be undertaken by the FDB. Recall relates to recall of feed from the consumer/user.

There may be occasion where FSS needs to update the information contained within an Alert/Information Notice and these will be issued as updates.

8.8.2. Responding to Feed Alerts for Action (FAFA)

Agents must ensure that any action specified in a FAFA is undertaken promptly. If Agents propose to take alternative actions, they must agree these with FSS before implementing them. Where an Agent anticipates difficulties in complying with a request for action given in a FAFA, they must contact FSS [Incidents Team](#) immediately.

8.9. Media Relations

There may be occasions when there is a need to alert consumers/users of feed to the existence of a feed hazard or incident. FSS is responsible for media relations.

8.10 Crime and Fraud Relating to Feed

8.10.1 Definition

To the Feed Manual, activity that is classed as Fraud and / or Crime can be described as serious fraud and related criminality within the feed supply chain.

This is a dishonest act, omission or regulatory non-compliance, relating to the sale or preparation of feed, which is intended for personal gain or to cause loss to another party.

The following factors should be considered when assessing whether the crime offence is serious:

- the seriousness and types of offences or crimes,
- those involved in the criminality,
- substantial financial loss to customers or businesses,
- serious risk to public health,
- cross border or international reach,
- political or economic considerations
- the complexity of the investigation.

Due to the serious nature of the criminality involved, crime, relating to animal feed, shall be investigated by FSS, with input where necessary from the Agent.

8.10.2 Scottish Food Crime and Incident Unit (SFCIU)

The Scottish Food Crime and Incidents Unit (SFCIU) was established for the purposes of the prevention, investigation and detection of fraud and deliberate non-compliance within the food and animal feed chain.

The FSS Board agreed the remit of the SFCIU Food Crime capability should be to tackle:

- serious and/or complex fraudulent conduct; and

- serious and/or regulatory non-compliance involving dishonesty

Conduct is considered serious in this context where it is likely to result in:

- significant risks to public safety
- substantial gain to the offender or loss to consumer
- pan-regional or trans-national offending or
- significant public concern

8.10.3 Emerging Issues, Intelligence and Suspicion of Crime

Intelligence can be described as information that has been subject to a defined evaluation and risk assessment process, to assist decision making.

The gathering, submission and analysis of intelligence is vital for any investigation. It will be used to support investigations relating to crime, product safety and to protect people from those who pose a risk to colleagues and others.

FSS and the Agent have a role to play in providing intelligence regarding fraud and crime in all areas of the animal feed sectors. During the course of day-to-day business, Authorised Officers may become aware of relevant information by witnessing criminality, they may be approached by third parties who wish to 'whistle blow' on wrongdoing at their places of work, or they may be physically or verbally threatened or abused by members of staff at a feed business.

FSS and Agents with access should record all intelligence relating to feed crime on the CLUE intelligence database. In addition, the Agent should contact FSS at the earliest opportunity to discuss any suspicions they may have regarding criminality, relating to animal feed. They should contact [Food Crime Unit](#) and [Feed Delivery Branch](#).

Examples of crime include:

- Falsifying records
- Deliberate mislabelling
- Adulteration of feed
- Fraudulent use of quality marks or accreditation e.g. organic labelling
- Misrepresentation of durability date

9. Internal Monitoring

9.1 Introduction

Every quarter, a review of the Agent's performance against the DSLA shall take place.

FSS will carry out ongoing monitoring by analysis of the data held within FMIS. Data utilised for monitoring purposes will be identified to the Agent and made available on a dashboard within FMIS.

Agents are required to carry out structured, proportionate and routine qualitative internal monitoring to ensure that interventions and other feed law activities, carried out under the terms of the DSLA, are done so appropriately. Outputs from the internal monitoring process shall be used to verify compliance with terms of the Feed Delivery DSLA.

The Agent should use internal monitoring to ensure effectiveness of delivery methods, identify good practices, areas for improvement and satisfactorily address areas for improvement, as appropriate.

9.2 Purpose of Monitoring

The purpose of monitoring is for the Agent to be satisfied that:

- the Agent follows the Feed Service Delivery DSLA, FSS guidance and other relevant guidance
- the planned programme of interventions is being maintained and are being carried out competently and consistently
- the feed law risk rating scoring system, is applied in an appropriate and consistent manner including where changes are made to an establishments risk rating score
- appropriate use is made of inspection templates
- any action taken by officers during and following an official control is appropriate and consistent with FSS guidance, the Feed Delivery Enforcement Policy and other relevant guidance and
- officers have access and due regard to UK or Industry Guides to Good Practice, relevant to the businesses within their area.

9.3 Forms of Monitoring

9.3.1 Monitor of performance against the DSLA

Agents should aim to carry out a monitoring exercise to establish compliance against the DSLA every quarter. A template for the recording of monitoring is provided in Annex 9.1. The following list provides examples of areas that may be monitored to verify that the

service is delivering in accordance with the DSLA. Priority should be given to areas that are known to cause concern.

- Adequate arrangements for delivery using sufficient, competent, qualified staff with suitable workload planning:
 - officers are familiar with the legislation they enforce and the relevant guidance
 - officers are competent and appropriately authorised for the businesses they inspect and the legislation they enforce
 - officers authorised to undertake feed hygiene and safety controls of feed business establishments have detailed, relevant and up to date knowledge of the nature and types of businesses in their area and the technology utilised by the businesses.
- Ensure each officer has an appropriate programme of training based on the principles of continuing professional development.

9.3.2 Monitoring Performance of Officers in the Execution of their Agreed Duties

An Internal Monitoring Record (Annex 8.1) should be used for recording internal monitoring of an officer's work. In addition, an officer may carry out a self-audit or if there is more than one officer engaged in feed work, a peer review (in both cases, using the checklist in Annex 8.2).

Although not routine activities for Agents, where FSS has agreed that formal enforcement notices, approval and incident investigation shall take place in exceptional circumstances, these records and notices shall also be subject to monitoring.

Agents should aim to carry out a monitoring exercise for each officer (or self-audit/peer review) once per month.

Tools used for monitoring include:

- accompanied inspections
- consistency exercises, e.g. a range of business scenarios to enable a comparison of officer assessments. These might include:
 - Risk scores
 - Enforcement decisions
 - FeBO intervention reports
- Checking of records e.g. official control reports, letters, sample failure investigations, and where appropriate, formal enforcement notices, approval and incident investigation:
 - demonstrate that an assessment has been carried out

- demonstrate the level of feed businesses compliance with the appropriate legislation
- ensure subsequent official controls are informed by the individual business compliance history
- inform each step of a graduated enforcement approach
- FeBO's receive timely notification of intervention findings and know what actions need to be taken with legal requirements distinguished clearly from recommendations
- record actions relating to revisits
- identify and document that instances of non-compliance are followed through, and all instances of significant non-compliance addressed which require notification to FSS are done so in a timely and effective manner, taking account of the FSS [Feed Enforcement Policy](#).

Glossary

AA: Agricultural Analyst	Defined in Section 66(1) of the Agriculture Act 1970 to mean an agricultural analyst appointed under Section 67 of this Act and, unless the context otherwise requires, includes a deputy agricultural analyst so appointed for the same area.
Animal Plant Health	APHA is an executive agency of Defra operating across Great Britain and is responsible for the protection of animal health and welfare.
Agent	Third party to which the delivery of official control function has been delegated.
ARE	Scottish Government Directorate for Agriculture and Rural Environment
Authorised Officers	Means a person who is authorised by the Competent Authority, either generally or specifically, to act in relation to matters arising under the Hygiene Regulations.
Co-Product Producers	Food and non-food businesses producing co-products e.g. soya bean expeller from the extraction of oils, and vegetable trimmings (e.g. carrot tops and potato skins), brewers and distillers' grains, and yeast or glycerine from biofuels.
Competent Authority	Defined by Regulation 3 of the Official Feed and Food Controls (Scotland) Regulations 2009
Compliant	Conforming with the requirements of the law.
Compound Feeds	A mixture of at least two feed materials, whether containing feed additives for oral animal feeding in the form of a complete or complementary feed (Article 3(2) (g) of Regulation (EC) 767/2009
Conditional Approval	Approval granted by a Competent Authority pursuant to Article 13 of Regulation (EC) 1831/2003 if it appears to a Competent Authority that an establishment meets all the infrastructure and equipment requirements.
Consignment	A quantity of goods covered by the same official certificate, official attestation or any other document, conveyed by the same means of transport and coming from the same territory or third country, being of the same type, class or description (Article 3(37) of Regulation (EU) 2017/625).
Continuing Professional Development (CPD)	The means by which members of a profession maintain, improve or broaden their knowledge and skills and develop the qualities required in their professional lives.
The Department of Food and Rural Affairs (Defra)	Working directly in England and working closely with Scottish Government, Defra has designated APHA and VMD for their respective feed roles.

Delegated Body	Has the meaning as defined by Article 3(5) of Regulation (EU) 2017/625 to mean separate legal person to which the competent authorities have delegated certain official control tasks or certain tasks related to other official activities.
Documentary Check	Defined by Article 3(41) of Regulation (EU) 2017/625 as the examination of the official certificates, official attestations and other documents including documents of a commercial nature, which are required to accompany the consignment as provided for by the rules referred to in Article 1(2), by Article 56(1) or by implementing acts adopted in accordance with Articles 77 (3), 126(3), 128(1) and 129(1);.
Data Sharing Agreement (DSA)	An agreement between FSS and each delegated local authority to set out the roles and responsibilities for data sharing.
Delegated Service Level Agreement (DSLA)	An agreement with Agents laying out the requirements for delivery of the feed law function on behalf of FSS.
Earned Recognition	FeBO's who demonstrably maintain high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by the Competent Authority when determining the frequency of their official controls and therefore earn recognition.
Electronic. Record and Document Management System (eRDM)	System used by Scottish Government and FFS to store and manage their official documents and records.
Export	The action of sending or transporting a commodity outside of a relevant territory.
Feed	Any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals (Article 3(4) of Regulation (EC) 178/2002.
Feed Additives	Substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed or water to perform one or more of the functions mentioned in Article 5 (3) of Regulation (EC) 1831/2003 (Article 2(2)(a) of Regulation (EC) 1831/2003).
Feed Alert	The method by which FSS informs the Authorised Officer and/or other Competent Authorities about feed hazards and advises of specific action to be taken.
Feed Business	Any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding to animals on his own holding (Article 3(5) of Regulation (EC) 178/2002).
Feed Business Establishment (FeBE)	Any 'unit of a feed business. It does not simply mean "premises" but is directly linked to the business occupying the establishment (establishment denotes both premises and the way those premises are being used by the FeBO) (Article 3(d) of Regulation (EC)

	183/2005).
Feed Business Operator (FeBO)	The natural or legal persons responsible for ensuring that the requirements of feed law are met within the feed business under their control (Article 3(6) of Regulation (EC) 178/2002).
Feed Business Emergency Prohibition Notice (FBEPN)	Sanction provided in Regulation 22 of The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Feed Business Emergency Prohibition Order (FBEPO)	Sanction provided in Regulation 22 of The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Feed Complaint	A feed consumer complaint is a complaint received about feed or a feed business from a consumer or member of the public. It may, or may not, result in a feed incident
Feed Delivery Branch (FDB)	Branch within FSS which oversees the feed delivery function and provides coordination and administration support to Authorised Officers
Feed Hazard	A biological, chemical or physical agent in feed capable of causing adverse effect to public health.
Feed Incident	Any event where, based on the information available, there are concerns about actual or suspected threats to the safety, quality or integrity of feed that could require intervention to protect consumers' interests and animals.
Feed Law	The laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Union or national level at any stage of production, processing and distribution or use of feed (Article 3(2) of Regulation (EU) 2017/625.
Feed Management Information System	Database for recording information on registered and approved feed premises including inspection and compliance data.
Feed Material	Any products of vegetable or animal origin, whose principal purpose is to meet animal's nutritional needs, in their natural state, fresh or preserved; any products derived from the industrial processing of such products or organic or inorganic substances which are intended for oral animal feeding, either directly or in a compound feed, or as a carrier of premixtures (Article 3(2) (g) of Regulation (EC) 767/2009 .
Food Business Operator (FBO)	The natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control (Article 3(3) of Regulation (EC) 178/2002).
Food Standards Agency (FSA)	Central Competent Authority for food and feed in England, Wales and Northern Ireland.
Food Standards Scotland (FSS)	Central Competent Authority for food in Scotland. FSS is the competent authority for feed in Scotland

Formal Enforcement Action	Taking of action against a FeBO as set out in the legislation, for example, the service of a statutory notice to remedy non-compliance with legal requirements or submitting a report to the Procurator Fiscal.
General Data Protection Regulations (GDPR)	General Data Protection Regulations 2016 – to protect individuals from privacy and data breaches
Hazard Analysis Critical Control Points (HACCP)	A systematic preventive approach to food and feed safety from biological, chemical, and physical hazards in production processes that can cause the finished product to be unsafe, and designs measurements to reduce these risks to a safe level.
Hygiene Regulation	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Identity Check	A visual inspection to verify that the content and the labelling of a consignment, including the marks on animals, seals and means of transport, correspond to the information provided in the official certificates, official attestations and other documents accompanying it (Article 3(42) of Regulation 2017/625)
Import	The action of bringing in goods and/or services from another country outside of Great Britain.
Informal Enforcement Action	Bringing to the attention of a FeBO and giving advice on non-compliances with feed law in order that any non-compliance can be quickly remedied by, for example, a letter.
INFOSAN	International Food Safety Authorities Network (World Health Organisation network) is a tool for information exchange, allowing for the implementation of risk management measures to prevent foodborne illness. It facilitates the rapid exchange of information across borders and between members.
Inspection	The examination of any aspect of feed, food, animal health and animal welfare to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules. This includes partial or full inspections: • a ‘full inspection’, is a check on compliance with legal requirements and will consider all aspects of a FeBE’s operations; or • a ‘partial inspection’, which is an inspection that covers only certain elements of a FeBE’s operations.
Intervention	Regulatory actions taken by a government in order to affect or interfere with decisions made by individuals, groups, or organisations regarding social and economic matters. Interventions include official controls and other interventions such as education, advice and coaching, information and intelligence gathering (including sampling where the analysis is not to be carried out by an Official Control Laboratory).
Investigation	The action taken by the Competent Authority to gather evidence where it believes an offence has been committed.

Imports of Products, Animals, Food and Feed System (IPAFFS)	System used by importers and agents to notify authorities in Great Britain of goods being imported that may be subject to official controls.
Known feed establishment	A FeBE that is known to the Competent Authority but has not been formerly registered and/or approved in accordance with The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Local Authority (LA)	Has the meaning set out in Section 1 of the Local Government Act 1972.
Malicious tampering	For the purposes of this Feed Manual, the deliberate contamination of food or feed by terrorist activity, or with a view to blackmail or extortion.
Monitoring	The conduct of a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed law.
National Agriculture Panel (NAP)	The NAP is an expert panel with significant knowledge and experience in animal feed enforcement. NAP membership consists of feed leads from each of the nine English regions, FSA (England, Wales and Northern Ireland), Food Standards Scotland, Public/Agricultural Analysts, VMD, APHA and the Chartered Trading Standards Institute.
Non-compliance	Failure to comply with one or more of the requirements of feed law.
Official Control	Activities performed by the competent authorities, or by the delegated bodies or the natural persons to which certain official control tasks have been delegated in accordance with this Regulation, in order to verify compliance by the operators with this regulation and the rules referred in Article 1(2) and that animals or goods meet the requirements of the rules referred to in Article 1(2) including for issuance of an official certificate or official attestation (Article 2(1) of Regulation (EU) 2017/625).
Official Controls	Any form of control that the Competent Authority or the Community performs for the verification of compliance with feed and food law, animal health and animal welfare rules, whether planned or otherwise, partial or full. These include inspections, monitoring, surveillance, verification, auditing, sampling for analysis, physical, documentary and identity checks.
Physical Check	A check on animals or goods and, as appropriate, checks on packaging, the means of transport, labelling and temperature, the sampling for analysis, testing or diagnosis and any other check necessary to verify compliance with the rules referred to in Article 1(2) (Article 3(43) of Regulation (EU) 2017/625).
Premises	Includes any establishments as well as fixed locations, this includes vehicles, ships, aircraft and other movable structures.
Primary Production of Feed	The production of agricultural products, including growing, harvesting, milking, rearing of animals (prior to their slaughter) or fishing resulting exclusively in products which do not undergo any other operation following their harvest, collection or capture, apart from simple, physical treatment, as defined in Article 3(f) (Article 3(f) of Regulation

(EC) 183/2005).

Risk rating	A method used to determine the risk of feed hygiene and standards within an establishment that informs the frequency of intervention.
Sampling	Taking feed or any other substance (including from the environment) relevant to the production, processing and distribution of feed or to the health of animals, to verify through analysis compliance with feed law.
Scottish Food Crime and Incident Unit (SFCIU)	Unit within FSS for the purposes of the prevention, investigation and detection of fraud and deliberate non-compliance within the food and animal feed chain.
Scottish Food Sampling Database (SFSD)	Database used by FSS and Agents under the DSLA for the logging of feed samples and their results.
Specified feed additives (SFA)	Substances routinely added to animal feeding stuffs without prescription for the prevention of coccidiosis or histomoniasis or to favourably affect the growth of animals.
Scottish Government Rural Payment and Inspections Division (SGRPID)	Inspection body for regulatory compliance of agricultural land and livestock and delivery of grants and subsidies to the rural sector.
Specified feed law	The instruments specified in Schedule 1 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
Specified risk material	The tissues specified in Annex V of Regulation (EC) 999/2001, if the tissues come from animals whose origin is in a country or a region with a controlled or undetermined BSE risk; unless otherwise indicated, it does not include products containing or derived from those tissues (Article 3(1)(g) of Regulation (EC) 999/2001.
Standards	Rules and principles defined in feed law that are used as the basis for judgement against.
Surplus foods	Food surplus to the requirements of food and drink businesses, including retailers. This includes out of date products, products that do not meet the required specification, overproduction or are otherwise no longer intended for human consumption.
Surveillance	A careful observation of one or more feed businesses, or FeBO's or their activities.
Third Country	A territory or country which is not a part of the United Kingdom.
Verification	The examination and the consideration of objective evidence, to determine whether specified requirements have been fulfilled.
Veterinary Medicines Directorate (VMD)	The VMD is an executive agency of Defra. It aims to protect the safety, quality and efficacy of all aspects of veterinary medicines in the UK. The VMD is responsible for issuing all national marketing authorisations for veterinary medicines and for controls on the manufacture and distribution of veterinary medicinal products, SFAs and premixtures and feeding stuffs containing such products.

Annex 1

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Annex 2 Feed Delivery – Equipment List

List of FSS provided equipment
Mobile device (with built in camera) and case

The Agent is required to provide their own equipment, including sampling equipment from the list below, for the feed law function. Sampling equipment must not contaminate the feed being sampled and where re-used must be easy to clean.

List of sampling equipment
Flat-bottomed shovel with vertical sides, stainless steel or non-ferrous mechanical apparatus which, must be capable of taking samples right across the flow of the product.
Sampling spear(s) appropriate for the depth of sampling and particle size of the material being sampled – stainless steel (large and small)
Divider(s)/riffle(s) designed to divide the sample into approximately equal parts for the preparation of reduced samples
Apparatus capable of taking samples right across the whole flow of feed in motion e.g. 'cup on a pole'
Baton/ruler for coning and quartering, where a divider is not suitable
Sample bags – clear and black
Sample containers with lids – different types including sterile for microbiological testing, dark containers for samples being tested for analytes subject to light degradation and leak-proof for liquid feed
Labels
Marker pens
Uniquely numbered seals for samples
Large plastic box for sampling equipment
Cool box and ice packs
Heavy duty car boot liners
Rubber mat
Large sheets of brown paper
Stainless steel trowel
Soft brush
Hand brush and dustpan

Weighing machine(s) of appropriate capacity and divisions
Knife and scissors

Annex 3.1 Competency Framework

Competency 1: Officer undertaking official controls, excluding sampling for analysis of feed, and enforcement action at Feed Business Establishments (FeBEs) required to comply with feed law which undertake solely, one of the on-farm activities R10, R11, R13 and R14 or, a combination of these activities. Officers may also undertake food primary production hygiene inspections on farm.

No	Sub task	Statement of Competence	What this might look like in practice (examples only)	Evidence provided by officer (last 12 months)
I	Recitals and general requirements of Regulation (EC) 1831/2003 on Feed Hygiene Annex I & III	- Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply them to different types and sizes of FeBO's. - Understands and can effectively apply the hygiene requirement at feed businesses producing primary products, storing and using feed on farm, including the mixing of feed with complementary feeds.	- Able to explain the requirements of establishments that could fall under Regulation (EC) 1831/2003. - Able to describe experience of assessing business compliance in a range of business types. - Able to describe their experience in delivering relevant interventions in a range of premises types where hazards have been identified and risks assessed, providing examples.	
II	Registration and Approval.	Understands the application of registration and approval of feed/food establishments, including the application of approval by the Veterinary Medicines Directorate (VMD)	Able to identify when a FeBE may require approval by VMD or the Animal and Plant Health Agency (APHA).	

III	Regulation (EC) 1831/2003 on Feed Hygiene Annex II – Requirements for feed businesses.	• Understands the circumstances in which primary producers become subject to hygiene requirements applicable to FeBEs, requiring them to have in place feed safety management systems (FSMS) based on the principles of HACCP, including the role of other agencies in enforcing these requirements at feed establishments. • Understands the proportionate and flexible application of FSMS based on the principles of HACCP considering the activity and the size of the business. • Understands the circumstances where the activity is sufficiently complex to require the involvement of an officer authorised to inspect FeBEs which are required to have a FSMS. • Can demonstrate inspection/audit skills which test compliance with feed law requirements. • Understands how, and can demonstrate their ability, to assess compliance with the requirements of feed law.	• Able to describe their experience of assessing, influencing the development of, and/or developing flexible HACCP based systems, providing examples. Note: this may include suitable specific HACCP qualifications/training. • Able to describe experience of delivering official controls and/or intervention in a range of business types. • Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome.	•
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V	Earned Recognition.	Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible.		
VI	Other relevant legislation which all feed produced, distributed or used in the UK must comply and centrally issued guidance.	- Understands and can demonstrate the ability to apply legislation relevant to: - The safety, traceability and composition of feeding stuffs, in so far as it relates to primary production. - Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed. - Controls and restrictions on the presence of undesirable substances in feed; and - The application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other enforcement agencies in enforcing the requirements.	- Able to explain the requirements of feed hygiene and standards legislation.	

Competency 2: Officer undertaking official controls, excluding sampling for analysis of feed, at FeBEs required to comply with feed law which undertake one of the activities A1-A11, R1-R9, or R12

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	Evidence provided by officer (last 12 months)
I	Recitals and general requirements of Regulation (EC)183/2005 on feed hygiene.	Can demonstrate an understanding of the purpose of feed hygiene requirements and the ability to apply to different types and sizes of FeBO's.	- Able to explain the requirements of establishments that could fall under Regulation 183/2005. - Able to describe experience of assessing business compliance in a range of business types.	
II	Guidance and Guides to Good Practice.	An appreciation and knowledge of the guides which are available and how they have been incorporated into assurance scheme standards, where appropriate.	- Able to locate and access such Guides to Good Practice. - Can demonstrate appropriate use of the Guides during interventions	
III	Registration and Approval.	Application of approval and registration of all types of FeBEs, including the differences between approvals carried out by the VMD and those by Food Standards Scotland.	Able to identify when a FeBE may require approval by VMD or the Animal and Plant Health Agency (APHA).	
IV	Annex II – Requirements for feed businesses.	- Has knowledge and understanding of the nature and type of a range of feed business - Can identify hazards that can occur, applying an understanding of hazard identification techniques where relevant	Able to describe their experience of assessing, influencing the development of, and/or developing HACCP based systems, providing examples. This may include suitable specific HACCP qualifications/ training and supervised experience.	

		• Can explain, and apply the principles of effective risk management to relevant FeBEs • Understands the following requirements, appropriate to the type of establishments: ○ The principles of HACCP as applied to the feed industry. ○ An understanding of Annex II of Regulation (EC) 1831/2003. ○ An understanding of the proportionate application of the Annex II requirements considering activity and size	• Able to describe their experience of inspection of HACCP based safety management systems • Able to describe experience of delivering interventions in a range of business types.	
IV	Annex II – Requirements for feed businesses (Continued).	• Ability to assess the effectiveness of feed safety management systems, to ensure that risks associated with all aspects of the business' processes, connected to the production or handling of feed, have been considered and effective measures taken to monitor and control critical control points. • Inspection skills which test compliance with feed law requirements. • Can demonstrate inspection/audit skills which test compliance with feed law requirements.	• Able to describe experience in determining the most appropriate course of action in a range of premises types, including examples of when the action was taken to achieve a suitable outcome. • Able to describe the types of businesses and the potential risks they pose and can apply appropriate control measures. • Note: The officer may have experience in delivering interventions in a variety of premises, and/or have attended training, for example, in HACCP	•

		- Understands basic components of quality control systems and auditing techniques to ensure effectiveness and operations of the simple systems. - Understands how, and can demonstrate their ability, to assess compliance with the requirements of feed law with further reference guidance, including the appropriate application of the animal feed law risk-rating system.	and/or involvement in specialist groups/forums	
V	Earned Recognition.	Can demonstrate an understanding of the role of assurance schemes across the feed industry with particular focus on those which operate at FeBEs for which an officer is responsible.		
VI	Other relevant legislation which all feed produced, distributed or used must comply and centrally issued guidance.	- Understands and can demonstrate the ability to apply legislation relevant to: - The safety, traceability and composition of feeding stuffs. - Labelling of feed, marketing and use of feed, particularly those provisions relating to banned substances in feed. - Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to various types of feed material	- Able to interpret and explain the requirements of feed hygiene and/or standards legislation and how the legislation is applied in different types of feed business - Can explain what feed hygiene and/or standards legislation is in place in Scotland - Able to explain how they will keep up to date	

		and feed additives originating from outside GB. ○ Requirements for the authorisation, use and labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements. ○ Requirements in respect of the import of certain products from 3rd countries under Article 24 of Regulation (EC) 183/2005, including knowledge of safeguard measures applicable to feed imported from outside GB. • Knowledge of additives in use outside the GB which are not authorised for use within GB and the circumstances under which they can be exported. • Legislative requirements on the use of fats and oils in feed. • Legislative requirements on the use and labelling of genetically modified feed materials, including compound feeds which incorporate these types of feed materials; and • Understands the importance of effective liaison with other	•	
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		agencies responsible for the enforcement of feed and food law, as appropriate, including application of animal by-products legislation and other legal requirements prohibiting certain products being used in animal feed and the role of other agencies in enforcing the requirements.		
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Competency 3: Officer undertaking Official Controls, excluding sampling for analysis of feed, at points of entry

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Relevant legislation	- All officers will be required to understand: - Trade between the UK and third countries. - The general framework of law on feed, in particular Regulation (EC)178/2002 laying down the general principles of food law. - Requirements in respect of the import of certain products from 3rd countries under Article 24 of Regulation (EC) 183/2005. - Regulation (EU) 2017/625 Chapter V Official Controls on the Introduction of feed from third countries. - Specific feed controls on imported feed originating from outside GB (safeguard measures) currently in effect. - Regulation (EU) 2019/1793 on the temporary increase of official controls and emergency measures governing the entry into GB of certain goods from certain third countries on higher-risk material; and - Emergency import controls on feed and food which may be	- Able to describe the legal framework regarding Imported/Exported feed. - Able to describe how to access the current list of restricted feed items, country-specific requirements, and border control requirements. - Able to explain how to assess compliance with the Imported/Exported feed legal framework in the context of the area in which the officer is working.	

		affected by a Declaration issued by FSS.		
II	Relevant legislation which all feed produced, distributed or used in the UK must comply with and centrally issued guidance.	- Understands, can interpret and apply appropriately, the requirements of the Feed Manual, any supplementary guidance, as part of official controls at points of entry. - Understands and can demonstrate the ability to apply legislation relevant to: - The safety, traceability and composition of feeding stuffs. - Labelling of feed, marketing and use of feed - particularly those provisions relating to banned substances in feed. - Controls and restrictions on the presence of undesirable substances in feed and the contaminants common to various types of feed material and feed additives originating from outside GB. - Requirements on the authorisation, use and labelling of additives in feed, including the authorisation procedure, categories and functional groups of additives, and labelling and packaging requirements; and	- Able to describe the range of enforcement sanctions relevant to Imported/Exported feed. - Able to explain how they would determine the most appropriate course of action, for example in some typical scenarios.	

		○ Knowledge of additives in use outside GB which are not authorised for use within GB and the circumstances under which they can be exported.		
III	Operating an effective import control system at a point of entry.	• Understands the typical information available which enables them to identify consignments of feed entering the port of entry, the enforcement powers available to access this information and deal with consignments which are found to be non-compliant with feed law. This includes: ○ Knowledge of the Port Operator responsible for point of entry for which authorisation is required. ○ Knowledge of the Importers and Shipping Agents using the point of entry and the type of feed materials being imported and the countries of origin from which they are dispatched. ○ The effective use of manifest/shipping information available to identify relevant consignments of feed, including database information.	• Able to describe the controls in place at points of entry. Able to describe how systematic documentary checks are carried out. • Able to describe how random identify checks are carried out. • Able to explain when sampling for analysis may be appropriate, providing examples.	•

		○ The origin and nature of the feed and other relevant imports. ○ Sources of information and intelligence which would inform checks at the point of entry. ○ The Sampling Programme, if applicable. ○ Facilities and mechanisms available at the port for the safe inspection of consignments. ○ The Competent Authorities, Port Operator and other relevant FeBO's policies and procedures relating to health and safety; and ○ The work of other Agencies at the port, including APHA etc.		
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Competency 4: Officer undertaking sampling for analysis of feed

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Regulation (EC) 152/2009 on the sampling and analysis for the official control of animal feed.	- An officer must understand: - Any advice or direction given on sampling priorities whether locally or centrally. - The procedures for sampling animal feeding stuffs of different types and as set out in the Regulation. - The types of equipment required to carry out sampling and their appropriate use. - The most appropriate methods of sampling for the type and quantity of various feeding stuffs. - The nature of constituents and undesirable substances to be tested for, their distribution within feed and the different approaches to sampling required. - Safe working practices and the authority's own health and safety requirements. - Methods and practices operated at local FeBEs.	- Able to describe how informal and formal sampling should be completed. - Able to explain the role of the Agricultural Analyst. - Able to describe national and local sampling priorities. - Able to describe how to use the Scottish Food Sampling Database (if appropriate). - Able to describe examples of feed sampling and taking appropriate risk-based follow up action.	

		○ Procedures and have practical experience of preparing samples, including submission to an Agricultural Analyst, complying with requirements to provide FeBO's with portions of the sample and the retention of a reference sample. ○ The most appropriate methods for storing samples. ○ How to interpret sampling results and make a judgement on appropriate action, based on risk. ○ The role of the Agricultural Analyst underpinning scientific assessment of feed safety, standards, labelling and in optimising the use of analytical testing; and ○ The Government Chemist and its role in disputes.		
II	Other relevant legislation which all feed produced, distributed or used in the UK must comply and	• Understands, can interpret and apply, appropriately, the requirements of the Feed Manual in respect of sampling activities. • Understands the following requirements as they apply to the products they are required to sample and the analyses to be undertaken:	• Able to explain the requirements of feed hygiene and standards legislation.	•

	centrally issued guidance.	○ Labelling, marketing and use of feed – particularly those provisions relating to banned substances in feed so far as they affect an officer's ability to sample feed effectively. ○ Legislation laying down the methods of sampling and analysis for the official control of feed with regards to the presence of genetically modified material for which an authorisation procedure is pending or the authorisation of which has expired; and ○ Legislation establishing harmonised methods of sampling for the official control of pesticide residues in and on products of plant and animal origin.		
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Competency 5: Officers using enforcement powers and carrying out reactive investigations

No	Sub Task	Statement of Competence	What this might look like in practice (examples only)	
I	Understanding the use of enforcement to achieve compliance and the powers available.	• All officers must understand and demonstrate appropriate and proportionate use of the following, commensurate to the type of activity they are authorised to enforce and the powers they are authorised to use, including any limitations on such powers conferred. • Limits of their own authorisation including differences between their authorisation and other officers. • Powers to enter premises to inspect feed, processes and records under all relevant legislation on animal feed and the procedures involved. • Proportionate and progressive use of enforcement powers to achieve compliance with feed law in a timely manner. • Appropriate use of informal methods of enforcement e.g. warning letters. • Use of powers to issue improvement notices and the procedures involved.	• Able to describe examples of legal requirements and recommendations relevant to a range of businesses. • Able to explain how they would provide advice to FeBO's, including advice given to those starting new feed businesses. • Demonstrates understanding of a graduated approach to enforcing feed law during accompanied inspections / audits and other interventions. • Satisfactory intervention paperwork when assessed/monitored by the Competent Authority. • Officers should only be authorised to serve FBEPN/FBINS if they have demonstrated the ability to make sound judgements with regards to these actions. • Able to describe experience of conducting investigations, providing examples. • Able to describe understanding/experience of evidence gathering, statement	•

		• Use of emergency prohibition notices and orders and the procedures involved. • Use of powers to inspect, detain and seize feed and the procedures involved. • Use of suspension and revocation of feed registration and approval and the procedures involved. • Understands the legal framework regarding the use of enforcement powers. • Powers to sample, seize, detain and remove imported feed not complying with feed law from the feed chain. • Legislation applicable to the use of formal enforcement powers, including those relating to the use of investigatory powers and interview of suspected defendants. • Understands how to investigate and gather evidence in accordance with Enforcement Guidelines- Reports to the Procurator Fiscal) and the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), where appropriate. Is then able to analyse information and determine an appropriate course of action.	taking, case preparation and involvement in interviews under Scots law. • Accompanied investigations and / or satisfactory monitoring as part of internal performance appraisal/monitoring procedure. • Able to describe understanding/experience in determining the most appropriate course of action in a range of premises types and scenarios. • Able to explain any limitations on their authorisation. • Able to describe what an enforcement policy is and how they can access the Competent Authority's policy. • Able to explain procedures for appeal, for example in respect of improvement notices (as appropriate). • Able to explain the various enforcement powers available to use and when it is appropriate to use each.	
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		• Understands the appropriate use consistency and targeted action required by the Legislative and Regulatory Reform Act 2006 and takes account of the Scottish Regulators' Strategic Code of Practice and the Regulators' Code. • Understands the appropriate and proportionate use of powers of search and seizure under Feed Enforcement law and Human Rights Act 1998; and • Can identify when it is appropriate to engage with other agencies and stakeholders in particular when investigating feed incidents.		
II	Other relevant legislation and skills of feed law requirements.	• All officers are required to understand: ○ The general framework of law on feed, in particular Regulation (EC) 178/2002 laying down the general principles of food law as it applies to the duties on FeBO's to produce feed compliant with feed law and the actions required of them in certain circumstances. ○ Regulation (EU) 625/2017 on the official control of feed and food as it applies to the	• Able to explain when it is appropriate to work with other agencies on feed incidents. For example, liaising with the APHA, the VMD; FSS approved assurance schemes, other Competent Authorities, including the FSA.	•

		delivery by officers of official controls. ○ The system of feed alerts and reporting of feed hazards operated by FSS; and ○ Sufficient skills for the investigation and reporting of offences.		
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Annex 3.2 Qualification Equivalence Criteria

The candidate must have:

1. Minimum of level 8 (Scotland) or Level 5 (England, Wales, Northern Ireland) qualification in feed, food, or agriculture.

The level 8 (Scotland) /Level 5 (England, Wales, Northern Ireland) qualification¹ includes a Diploma of Higher Education (DipHE) and Higher National Diploma (HND)

AND

2. Minimum of 5 years' experience in one, or a combination of one or more, of the feed, food, or agriculture sectors

AND

3. Auditing training or a minimum of 2 years' auditing experience

Examples of audit training include, but are not limited to:

- Lead auditor training.
- ISO 9001 auditor training
- ISO 22000/ FSSC 22000 auditor training
- Assessment of HACCP systems course (delivered to LA officers in 2008 and 2009), which contains an element of "Principles of Auditing."

If there is any uncertainty about meeting the audit training requirements, the FDB should be contacted (feed@fss.scot)

¹ Scottish Credit and Qualifications Framework: [Interactive Framework | Scottish Credit and Qualifications Framework \(scqf.org.uk\)](https://www.scqf.org.uk)

Annex 3.3 Competency and Qualification Review Record

Part 1:

Name of Officer:	
Local Authority:	
Position:	
Current Qualifications:	
Level of experience:	
Current or planned qualifications and competency development activity	

Part 2: Competency Assessment: Complete an assessment against the relevant competencies for the activities carried out, completing the final column of the competency framework document (Annex 3.1)

Annex 4.1 Registration/Approval Form

Application for registration or approval under Retained EU Feed Regulation (183/2005)

To: Food Standards Scotland

Pilgrim House, Old Ford Road, Aberdeen, AB11 5RL, feed@fss.scot

I am applying for the following premises to be **registered** / **approved** (delete as appropriate) under the above legislation. The information required is set out below.

1. Name or business name of the feed business to which this application relates. If the application relates to an existing registration or approval, enter the existing registration or approval number.

Name	
Business Name	
Registration or Approval Number	

2. Address and associated details of the premises where the activity requiring registration or approval is undertaken or to be undertaken

Address			
Phone		Fax	
Email		Website	
CPH Number (If applicable)		Assurance Scheme Membership	

3. Activity or activities carried out on the premises (please use the code and activity descriptions shown in Annex 5.2 of Feed Manual)

Code(s):		Activity(ies):	
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4. Details of any Food Business activities at the Establishment (tick all that apply)

Food manufacturer Supermarket Brewer Distiller On farm food producer Farm shop Catering Importer Other (please specify):

5. Details of Seasonal activity – is the business only open at certain times of the year? If so, please provide details.

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6. Applicant details

Name:	
Address (if different from above):	

Signature of Applicant		Date:	
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Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure. In the event of temporary closure the Feed Business Operator is required to provide FSS with 2 weeks' notice of re-opening.

Approval Fees

The Feed (Hygiene and Enforcement) (Scotland) regulations 2005 require that a business pay the relevant fee to Food Standards Scotland. The fees payable are:

Manufacture only, or manufacture and placing on the market, of feed additives referred to in Article 10(1)(a) of Regulation 183/2005 other than excluded additives or premixtures consisting solely of a combination of excluded additives - £451

Placing on the market of feed additives referred to in Article 10(1)(a) of Regulation 183/2005 other than excluded additives or premixtures consisting solely of a combination of excluded additives - £226

In addition, the business must reimburse the Food Standards Scotland on demand the cost of any laboratory analysis incurred by it in connection with the application.

Food Standards Scotland will issue an invoice for the above fees to the business upon submission of this application.

Supporting Documentation for Approval Application]

If not provided with the application, this information will be required at the time of the approval inspection.

Information to be considered for upload includes:

A plan or plans of the establishment indicating:

- the layout of the establishment;
- the location of equipment;
- work flows for each product line; and
- pest control - baiting and/or trapping points within the establishment and external areas.

A synopsis of the establishment which briefly describes what type of establishment it is, products produced, volume of product, type of trade, number of employees, and, if already approved, approval number and what it is approved for. This synopsis should be no more than one side of an A4 sheet.

Intervention reports on premises in chronological order.

Copies of notices or other formal action taken in chronological order.

Copy of company's emergency withdrawal plan and traceability system including names, telephone numbers, etc., of key personnel within the company.

Location of any off-site facilities.

Copy of any other documents that have been provided by, or copied at, the approved premises, including:

- HACCP documentation;
- product list;
- raw material, product sampling plans and test results;
- process records;
- management and key contact names and contact details;
- photographs and digital images; and
- product recall procedures

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.2: Approval and Registration activities

References to “manufacture and/or placing on the market” refer to activities that take place at (a) premises that both manufacture and place such products on the market (sell) and (b) premises that do not manufacture but buy and sell products. A full list of authorised feed additives and their authorising Regulations can be found on the EU Register of feed additives, which is available at http://ec.europa.eu/food/food/animalnutrition/feedadditives/index_en.htm

It should be noted that the list of examples given for each code in the fourth column of the table below is not exhaustive.

Code	Activity description	Notes	Examples of FeBEs likely to carry out the activity
A1	Manufacture and/or placing on the market of nutritional additives.	This includes vitamins, pro-vitamins and chemically defined substances having a similar effect; compounds of trace elements; amino acids, their salts and analogues; and urea and its derivatives, as authorised under Regulation (EC) 1831/2003.	Feed additive manufacturers producing nutritional additives. Businesses selling (but not manufacturing) such additives.
A2	Manufacture and/or placing on the market of zootechnical additives: digestibility enhancers, gut flora stabilisers and substances which favourably affect the environment.	This includes enzymes and micro-organisms.	Feed additive manufacturers producing zootechnical additives, as indicated in the activity description column. Businesses selling (but not manufacturing) such additives.
A3	Manufacture and/or placing on the market of antioxidant additives with a maximum content in feeds specified in Regulation (EC) 1831/2003.	At the time of writing, this may include propyl gallate, octyl gallate, dodecyl gallate, butylated hydroxyanisole (BHA), butylated hydroxytoluene (BHT), ethoxyquin, as authorised under Regulation (EC) 1831/2003.	Feed additive manufacturers producing antioxidant additives with maximum permitted levels. Businesses selling (but not manufacturing) such additives.
A4	Manufacture and/or placing on the market of colorant additives: carotenoids and xanthophylls.	These products are subject to maximum inclusion rates set under Regulation (EC) 1831/2003.	Feed additive manufacturers producing carotenoids or xanthophylls (such as

			canthaxanthin). Businesses selling (but not manufacturing) such additives.
A5	Manufacture and/or placing on the market of proteins obtained from micro- organisms belonging to groups of bacteria, yeast, algae and lower fungi.	These substances were previously covered by Directive 82/471/EEC on Certain Products (Bioproteins) which has been revoked. They are now classified as feed materials, but establishments manufacturing or selling such products continue to require approval.	
A6	Manufacture and/or placing on the market of co-products of the manufacture of amino acids by fermentation.	These substances were previously covered by Directive 82/471/EEC on Certain Products (Bioproteins) which has been revoked. They are now classified as feed materials, but establishments manufacturing or selling such products continue to require approval.	
A7	Manufacture and/or placing on the market of premixtures containing vitamins A and D.	These substances are subject to maximum inclusion rates set under Regulation (EC) 1831/2003.	Manufacturers producing premixtures containing vitamins A or D. Businesses selling (but not manufacturing) premixtures containing vitamins A or D.
A8	Manufacture and/or placing on the market of premixtures containing copper and selenium.	These products are subject to maximum inclusion rates set under Regulation (EC) 1831/2003.	Feed additive manufacturers producing copper or selenium additives. Businesses selling (but not manufacturing) premixtures containing copper or selenium additives.
A11	Manufacturing and placing on the market, for feed use, products derived from vegetable oils and blended fats.	Feed business establishments carrying out any of the activities referred to in point 10 of the Section headed "Facilities and Equipment" in Annex II to Regulation (EC) 183/2005.	Businesses carrying out any of the following: • processing of crude vegetable oil except those under the scope of Regulation (EC) 852/2004 (food hygiene). • oleochemical manufacture of fatty acids • manufacture of oils/fats from biodiesel • fat blending

Please note: Activity codes A9 and A10 are used by Veterinary Medicines Directorate and are therefore omitted from this table.

Code	Activity description	Notes	Examples of FeBEs likely to carry out the activity
R1	Manufacture and/or placing on the market of feed additives (other than those subject to approval).	This includes preservatives, emulsifiers, stabilisers, thickeners, gelling agents, binders, anticaking agents, acidity regulators, antioxidants (not subject to a maximum permitted level), silage agents, denaturants, substances to control radionuclide contamination, colourants (except carotenoids and xanthophylls).	Feed additive manufacturers producing technological or sensory additives. Businesses selling (but not manufacturing) technological or sensory feed additives.
R2	Manufacture and/or placing on the market of premixtures (other than those subject to approval).	This includes premixtures containing any feed additive excluding vitamins A and D and copper and selenium.	Feed businesses producing or selling premixtures, other than those containing vitamins A and D, copper and selenium. Businesses selling (but not manufacturing) such premixtures.
R3	Manufacture and/or placing on the market of bioproteins not subject to approval.	This includes ammonium salts and certain killed yeasts cultivated on substrates of animal/ vegetable origin.	Businesses which both manufacture and sell such products; and businesses which do not manufacture but buy and sell such products.
R4	Manufacture of compound feeding stuffs (other than those subject to approval).	This includes the manufacture of complete and complementary feeds, with or without additives.	Businesses manufacturing complete and complementary feeds with or without additives.
R5	Placing on the market of compound feeds.	Establishments engaged in the buying and selling of compound feeds but not manufacturing such feeds. This includes businesses which do not physically hold any feeds (e.g. importers).	Placing on the market of compound feeds.

R6	Manufacture of pet foods.	Includes the manufacture of complete and complementary feeds with or without additives.	Pet food manufacturing businesses which manufacture complete and complementary feeds with or without additives.
R7	Manufacture and/or placing on the market of feed materials.	Feed materials are products which can be fed singly to animals or used as ingredients of compound feeds.	Businesses which produce or manufacture single ingredient materials (e.g. cereal or cereal based products, oils and fats) for animal feed use. Food manufacturers and branches of supermarkets involved in the transfer of surplus foodstuffs (e.g. out-of-date bakery products) into the feed chain. NB: this category does not include brewers, distillers and food manufacturers selling co-products into the feed chain -- see activity code R12.
R8	Transport of feed and feed products.	Transport of feed and feed products by manufacturers own vehicles are covered by the approval/registration of the manufacturer's premises.	Premises of businesses that transport feed materials, compound feed, feed additives and premixtures.
R9	Storage of feed and feed products.	Only covers premises not covered by another approval/registration activity relating to the manufacture or placing on the market of the products in question. It excludes storage facilities at a manufacturers or transporter's premises.	Feed storage premises.
R10 (Farms)	Mixing feed on-farm, with additives and premixtures.	This activity was subject to registration under previous legislation (EC Directive 95/69 as implemented by the Feeding Stuffs (Establishment and Intermediaries) Regulations 1999).	Farmers who buy in additives and premixture products (i.e. not contained in a compound feed) and mix them with feeds (forage, silage, haylage, cereals etc.). Additives and premixtures may include vitamins, trace elements (e.g.

			copper, zinc) and preservatives (e.g. propionic acid).
R11 (Farms)	Mixing feed on-farm, with compound feeding stuffs which contain additives.	This activity was subject to registration under previous legislation (EC Directive 95/69 as implemented by the Feeding stuffs (Establishment and Intermediaries) Regulations 1999).	Farmers who mix their own feeds on- farm using bought-in compound feeds that contain additives such as vitamins, trace elements, etc.
R12	Food businesses selling co-products of the food industry which are destined as feed materials.	This includes the selling of feed materials generated as co-products of the manufacture of food products (e.g. wheat bran, brewers' grains, residues of soya bean and rapeseed from the extraction of oils, carrot tops and potato skins).	Brewers, distillers, biofuel manufacturers, dairies and food manufacturers. NB: this category does not include food manufacturers and supermarkets which sell surplus foodstuffs (e.g. out-of-date bakery products) into the feed chain -- see activity code R7.
R13 (Farms)	Livestock farms (including fish farms) which do not mix feeds or mix feeds without additives.		Livestock farmers. This may include farms making silage or haylage (without using additives). Fish farms may also be included under this activity.
R14 (Farms)	Arable farms growing or selling crops for feed.		Arable farmers such as those growing cereals, wheat, barley or food crops, e.g. potatoes, for use as feed. Arable farms using grain driers must also register as R14, but this activity is not considered primary production.

Annex 4.3 Declaration for Approval without Prior On-Site Inspection

ARTICLE 17 OF Regulation (EC) 183/2005

1	Name of Feed business:			
2	Business name(s) if different:			
3	Registered Office address:			
4	Trading address of establishment if different:			
5	Contact name:			
6	Contact telephone number:		Fax number	
7	E-mail address:			
8	Description of products being traded:			

I hereby declare, as a person authorised to make such declarations on behalf of the feed business in (1) above, that all the products the business trades on the market from the establishment are never held on premises under the control of this business and the establishment is, therefore, one to which Article 17(1) of Regulation (EC) 183/2005 applies. I further declare that the products are sourced, stored and transported by feed businesses that are approved or registered in accordance with Regulation (EC) 183/2005.

Signed:	
Designation:	
On behalf of:	
Date:	

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Regulation (EC) 1831/2003. This is done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.4 Notification of Grant of Full Approval / Conditional Approval

**Notification of Grant of Full Approval / Conditional Approval* (delete as appropriate) of a Feed
Business Establishment Subject to Approval under Retained EU Regulation No. 183/2005**

To be completed by FSS and sent to the FeBO

PART 1 – Name and Address of FeBO

	IMPORTANT You must notify any change to the details on this form, including any changes in the operations carried out and products handled in the establishment, in writing to Food Standards Scotland at the address shown.
--	---

PART 2 – Introduction

Further to your application dated for approval of your establishment in accordance with Retained EU Regulation No. 183/2005, approval / conditional approval* (delete as appropriate) is GRANTED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document. The approval code that has been allocated to this establishment is shown at the end of this document. It must be used in the format stipulated by, and when required by Retained EU Regulation No. 183/2005.

In accordance with Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against FSS's decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff to whom you should lodge your appeal is

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PART 3 – Trading Name and Address

Trading name of Establishment	<table border="1"><tr><td></td></tr></table>	

Full postal address	<table border="1"><tr><td></td></tr></table>	

--

The establishment has been APPROVED in accordance with Article 13(1) of Retained EU Regulation No. 183/2005.

--

The establishment has been CONDITIONALLY APPROVED in accordance with Article 13(2) of Retained EU Regulation No. 183/2005.

PART 3(1) – Conditional Approval (To be completed when conditional approval has been granted)

The requirements of the Regulations with which you have failed to comply are:

Regulation / Article	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation / Article	Details of non-compliance

The measures you need to take in order to comply with the requirements of the Regulations are:

Regulation / Article	Measures needed to secure compliance

In accordance with Article 13(2) of Retained EU Regulation No. 183/2005, officers, authorised on behalf of FSS will visit your establishment within three months of this conditional approval being granted in order to make an assessment of progress in complying with the above requirements.

PART 4 – Feed Business Operator

Name and full
address of
Feed Business
Operator

--

PART 5 – Scope of approval/ conditional approval* (delete as appropriate)

This approval/conditional approval* authorises the establishment to undertake to operate as the following type of establishment:

Full Details of Activities and Specific Products Handled:

Approval Code	
Date approval/ conditional approval granted	
Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name: Phone: Email:	IMPORTANT You must notify any change to the details on this form, including any changes in the operations carried out and products handled in the establishment, in writing to FSS at the address shown.
--	---	--

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.5 Notice of Decision to Refuse to Grant Approval

Notice of Decision to REFUSE to Grant Approval to a Feed Business Establishment Subject to Approval under Regulation (EC) 183/2005

To be completed by FSS and sent to the FeBO

PART 1 – Name and Address of FeBO

To:	IMPORTANT You must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Regulation (EC) 183/2005 unless Food Standards Scotland has granted approval or conditional approval.
-----	---

PART 2 – Notification of Decision

Further to your application dated for approval of your establishment in accordance with Regulation (EC) 183/2005, approval is REFUSED in respect of the establishment shown in Part 3, and the scope of operations, activities and other matters set out in the relevant Parts of this document. The decision to refuse your application was made for the reason(s) set out in Part 4 of this document.

The establishment must therefore not be used for any purpose which would render the establishment subject to approval under Regulation (EC) 183/2005 unless Food Standards Scotland grants approval or conditional approval.

In accordance with Regulation 13 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against FSS decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff to whom you should lodge your appeal is

.....

.....

.....

.....

.....

PART 3 – Trading name and address of the establishment

Trading name
of establishment

--

Full postal address

Postcode:

PART 4 – Reasons for refusal

Your application for approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations that you have failed to comply with are:

Regulation/ Article No.	Requirement

The reasons you have failed to comply with the requirements of the Regulation are:

Regulation/ Article No.	Details of non-compliance

Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name: Phone: Email:	IMPORTANT You must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Regulation (EC) 183/2005 unless Food Standards Scotland has granted approval or conditional approval
---	---	---

Changes to Details

Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Regulation (EC) 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.6 Notice of Decision to Refuse to Grant Full Approval to an Establishment which was conditionally approved

Notice of Decision to REFUSE to Grant Full Approval to an Establishment subject to Approval under Retained EU Regulation 183/2005, which was Conditionally Approved under Retained EU Regulation 183/2005.

To be completed by FSS and sent to the FeBO

PART 1 – Name and Address of FeBO

	IMPORTANT With immediate effect, you must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005 or use the associated approval code on any product unless Food Standards Scotland has granted approval or conditional approval.
--	--

PART 2 – Notification of Decision

Your establishment, as detailed in Part 3, which is subject to approval under Retained EU Regulation 183/2005 and was conditionally approved in accordance with Article 13(2) of Retained EU Regulation 183/2005 has been **REFUSED** full approval. The decision to refuse to grant full approval was made for the reason(s) set out in Part 5 of this document.

With immediate effect you must cease the use of the establishment detailed in Part 3 for ANY purpose which would render the establishment subject to approval under Retained EU Regulation 183/2005, or use the associated approval codeon any product, **UNLESS FOOD STANDARDS SCOTLAND GRANTS APPROVAL OR CONDITIONAL APPROVAL.**

In accordance with Regulation 13 of the Food (Hygiene and Enforcement) (Scotland) Regulations 2005, any person who is aggrieved by a decision of a Competent Authority not to grant a full approval may appeal against that decision to the Sheriff. The time limit for lodging

an appeal is one month from the date on which this notice was served on you. You may wish to consult a legal adviser about the implications of this notice and your right of appeal against this Competent Authority’s decision on your application. Where approval is refused or withdrawn and an appeal is lodged, from the date on which the notice of the decision is served on the relevant person the establishment cannot continue operating whilst the appeal is being determined. The name and address of the Sheriff with whom you should lodge your appeal is:

PART 3 – Trading Name and Address of Establishment

Trading name of Establishment

Full postal address

Part 4 – Reasons for Refusal

Full approval has been refused because you have failed to comply with the requirements of the Regulations as indicated below.

The requirements of the Regulations with which you have failed to comply are:

Regulation / Article	Requirement

The reasons you have failed to comply with the requirements of the Regulations are:

Regulation / Article	Details of non-compliance

Signed	
Name	
Designation	
Date	

Name and address of Food Standards Scotland: Pilgrim House Old Ford Road Aberdeen AB11 5RL	Contact Name: Phone: Email:	IMPORTANT You must not use the establishment detailed in PART 3 for ANY purpose which would render the establishment subject to approval under Retained EU Feed Regulation 183/2005 unless Food Standards Scotland has granted approval or conditional approval
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Changes to Details

Feed business operators must also inform FSS of any changes to the name, business name, address, activity or ownership of a feed business establishment under its control, or its closure.

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.7 Notice of Suspension of Registration/Approval

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 – Regulation 9

Notice of Intention to Suspend Registration/Approval*

1. To: (Feed Business Operator) At:

.....

..... (Address of Feed Business Operator)

Name of feed business:

.....

Address of feed business:

.....

.....

Food Standards Scotland gives notice that on the *[enter date suspension is to take effect from]*, the *[enter the full name of the enforcement authority]*, proposes pursuant to regulation 9 mentioned above and Article 14 of Retained EU Regulation 1831/2003 to suspend your approval/registration to *[enter the activity(ies) for which the approval/registration is held]* at *[enter the address of the establishment(s) to which the suspension applies]* because Food Standards Scotland is not satisfied that the relevant/essential conditions/duties stated in column one of the table in the attached schedule, required by the Regulations, are being complied with.

2. In order for the suspension to be lifted, you must take the remedial action listed in column two of the attached schedule, to the satisfaction of Food Standards Scotland. If the required remedial action has not been carried out to the satisfaction of Food Standards Scotland within twelve months of the operative date mentioned in paragraph 2 the approval/registration will be revoked without further notice.

Served on you on.....(date)

Signed:(Authorised Officer)

Name in capitals:

Address:.....

Tel:

Email:

[* Officer to delete as appropriate]

Right of Appeal.

Take notice that under Regulation 13 of the Food (Hygiene and Enforcement) (Scotland) Regulations 2005, you have a right to appeal to the Sheriff against the decision of Food Standards Scotland to suspend your registration/approval at *[enter the address of the establishment(s) to which the suspension applies]*. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal you are strongly advised to seek prompt legal advice.**

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Notice of Suspension of Registration/ Approval (schedule)

Column 1 Relevant/essential conditions/duties not being	Column 2 Action required to ensure compliance
<i>[Enter appropriate reference - refer to the Retained EU Regulation 183/2005 - Feed Regulations]</i>	<i>[Enter appropriate detail]</i>

Annex 4.8 Notice of Revocation of Registration/Approval

The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 - Regulation 11

Notice of Revocation of Registration/Approval*

1. To: (Feed Business Operator)
At:
..... (Address of Feed Business Operator)
Name of feed business:
Address of feed business:
.....
2. You are hereby given notice that with effect from the [enter date revocation to be effective from], your approval/ registration is revoked in relation to [here enter the activity (ies) for which the approval/registration is held] at [enter the address of the establishment(s) to which the revocation applies] because Food Standards Scotland is satisfied [insert one of the following three reasons here:
(1) the activity has ceased at the establishment,
(2) the establishment has not complied with the relevant requirements for the activity being undertaken stated in column one of the tables below, required by the Regulations,
(3) that serious deficiencies have been identified and/or production has had to be repeatedly stopped and furthermore that you are unable to give to the authority guarantees that future production will comply with European Community rules.]

To regain your approval/registration you must take remedial action, to the satisfaction of Food Standards Scotland, which is listed in column two of the attached schedule and reapply to Food Standards Scotland for approval/registration as appropriate.

Served on you on(date)

Signed: (Authorised Officer)

Name in capitals:

Address:.....

Tel:

Email:

[* Officer to delete as appropriate]

Annex 4.8 Notice of Revocation of Registration/Approval (Reverse)

Right of Appeal

Take notice that under Regulation 13 of the Food (Hygiene and Enforcement) (Scotland) Regulations 2005, you have a right to appeal to the Sheriff against the decision of Food Standards Scotland to revoke your registration/approval at *(here enter the address of the establishment(s) to which the revocation applies)*. You must make your appeal within **one month** of the date on which this notice was served on you. **If you are considering making an appeal, you are strongly advised to seek prompt legal advice.**

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required by Regulation (EC) 1831/2003. This is done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 4.8 Notice of Revocation of Registration/Approval (Schedule)

Column 1 Relevant/ essential conditions/duties not being complied with	Column 2 Action required to ensure compliance
<i>[Enter appropriate reference to the Regulation (EC) 1831/2003 - Feed Hygiene]</i>	<i>[Enter appropriate detail]</i>

Carrying out these activities without the appropriate approval/registration is an offence under the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 and could result in prosecution.

Annex 4.9 Approved Establishments: Notification of Changes to FeBO/FeBE Details or Activities (Authorised Officer referral to FDB)

Details	Original	New
Name of business		
Address		
Registration/approval number		
Contact name and address		
Principle Activity Code and description of activity		
Additional Activity Code(s) and description of activity		
Additional information		

Information submitted by

.....

Date of submission

.....

Please email completed forms to: feed@fss.scot

Annex 4.10 Local Authority Enforcement Referral Form



LA Enforcement Referral Form
LA:
Authorised Officer:

Enforcement Referral Form (ERF)	
Feed Business Operator	
Feed Business Address	
Registration/Approval Number	

AO request and rationale (Provide the explanation for escalating the enforcement and corrective actions required)

Supporting evidence collected (Any evidence, documents, and previous enforcement actions taken to support your request and explanation) Attach copy or provide link		
Documents attached/links provided:	Tick	Link (if applicable)
Email correspondence with the FBO	☐	
Photograph(s)/ Video Evidence	☐	
Written advice	☐	
Contemporaneous Notebook Entries	☐	
Sampling Results	☐	
Other (describe)	☐	
Please describe any other evidence that was collected but can't be shared via email/links (for example any physical evidence):		

Any Additional information (AO)

AO Name		Signature	
Mobile		Date	
Email			

To be completed by a Senior Feed Officer	
Escalation	Supported ☐ Unsupported ☐
Rationale for the decision	
Any additional information	

SFO Name			
Signature		Date	

Authorised Officer Action:
1. Verbally inform the Senior Feed Officer you are to request the service of written advice and / or formal notices and discuss the reasons and evidence available. 2. Complete all relevant sections and email with copies of (or links to) all supporting documents to the area Senior Feed Officer. 3. Once returned by the Senior Feed Officer retain a copy of completed form for 6 years and then destroy.

Annex 5.1 Part A: The Animal Feed Law Risk Rating System

Part 1: The Potential Risk	Factor Description
A. Risk to animal/human health and/or other businesses	This factor considers the potential adverse effect on animals/human health, and the consequences for other businesses, should the establishment not comply with feed legislation. Consequences for other businesses include the economic effects of unfair trading and the potential harm to animals and human health.
B. Extent to which the activities of the business affect any hazard	This factor considers the type of activities that the feed business undertakes, the need for any of those activities to be closely monitored and controlled, and the FeBO's potential effectiveness in maintaining compliance with animal feed law. Consider whether the business produces, labels, or advertises products to which animal feed law applies. If the business produces its own products, consider the monitoring and control of recipes and ingredients.
C. Ease of compliance	This factor considers the volume and complexity of animal feed law that applies to the business and with which it has a responsibility to ensure compliance. Consider the range and complexity of products, processes and services including the supply of raw materials. Consider the level of difficulty of the task for the FeBO including how easy it is to recognise a hazard.
D. Animals and people at risk	This factor considers the number of animals/people likely to be at risk if the business fails to comply with animal feed legislation.

Part 2: Level of Current Compliance Score (LOCC): This factor considers the level of compliance with animal feed law observed during an inspection, adherence to relevant UK Industry Guides to Good Practice and standards produced by assurance schemes should be considered.		
LOC Score	Level	Description
100	Poor Compliance	No evidence of feed safety management/documentated procedures. Significant hazards not understood and no effective controls in place. Staff not suitably supervised, instructed and/or trained and no appreciation of feed hazards or controls. Poor track record.
70	Varying Compliance	Feed safety management/documentated procedures inappropriate or inadequate. Significant hazards not fully understood and not all controls in place. Significant improvements in feed safety procedures/implementation of controls required. Some staff not suitably supervised, instructed and/or trained. Varying track record.

42	Satisfactory Compliance	Generally satisfactory feed safety controls in place. All significant hazards understood and controls in place. Feed safety management records appropriate and are generally maintained but some deficiencies/gaps identified. Staff generally suitably supervised, instructed and/or trained but there may be some minor issues. Satisfactory track record.
21	Broad Compliance or Better	Feed safety management/procedures in place. Hazards understood, properly controlled, managed and reviewed. Feed safety management records appropriate and are generally maintained. Staff suitably supervised, instructed and/or trained with good staff knowledge and new staff receiving induction training. Good track record.
0	A minimum of Satisfactory Compliance and a member of an Approved Assurance Scheme	Business qualifies for earned recognition through being a compliant member of an approved industry feed assurance scheme.

Inspection Frequencies		
Category	Total Risk Score Range (The total Risk Score is the sum of the potential risk and LOC scores)	Minimum Intervention Frequency
A	147 to 200	at least every 12 months
B	122 to 146	at least every 24 months, except where earned recognition applies
C	106 to 121	at least every 36 months, except where earned recognition applies
D	85 to 105	at least every 48 months, except where earned recognition applies
E	0 to 84	at least every 60 months, except where earned recognition applies

Annex 5.1 Part B: Inspection Types and Frequencies

Approval/Registration Codes Applicable to the Business	Potential Risk					Level of Current Compliance				
	A. Risk to animal/human health and/or other businesses	B. Extent to which the activities of the business affect any hazard	C. Ease of compliance	D. Animals and people at risk	Total Potential Risk Score	Poor Compliance	Varying Compliance	Satisfactory Compliance	Broad Compliance or Better	Minimum of Satisfactory Compliance and member of an FSS Approved Assurance Scheme
						Minimum inspection frequency in years or % check				
						Inspection	Inspection	Inspection	Inspection	Inspection
Manufacturers of feed - All Approved Codes plus R1, R2, R3, R4 and R6, R7 (manufacturer of feed materials)	30	30	20	20	100	1	1	2	3	4
Importers	30	30	0	20	80	1	1	2	4	5
R4 - Mobile Mixers	20	30	20	10	80	1	1	2	4	5
R12 - Co-Product Producers	20	30	10	20	80	1	1	2	4	5
R9 – Stores	5	10	5	10	40	2	4	5	5	5
Distributors of feed - All approved codes plus R1, R2, R3, R5, R7 (feed materials other than surplus food)	10	5	5	5	25	2	4	5	5	5
R7 – Placing Surplus Food on the market	10	10	5	5	30	2	4	5	5	5
R8 - Transporters	5	10	10	10	35	2	4	5	5	5
R10/R11 - On-Farm Mixers	10	10	5	5	30	2	4	5	5	5
R13 - Livestock Farms	10	10	0	0	20	25%	25%	2%	2%	2%
R14 - Arable Farms	10	5	0	0	15	25%	25%	2%	2%	2%

Annex 5.2 ER Exception Report Details

Feed Earned Recognition Exception Report

Name of Reporting Officer	
Contact telephone number/email	
Date of inspection	
Reference number	
Date report submitted to FSS	
FeBE address	
Assurance scheme to which the business is affiliated	
Summary of the contraventions found (including legislative reference as appropriate) and what action has been taken or will be taken against the business	
<i>Note: This box expands as you type</i>	
Confirm that earned recognition has been removed from the business, assigned a new risk rating and the business informed about the loss of earned recognition	
Y / N (Add any further comments below)	
<i>Note: This box expands as you type</i>	

Assurance Scheme update
<i>Note: This box expands as you type</i>
Date:
Reporting officer update
<i>Note: This box expands as you type</i>
Date:
Assurance Scheme update
<i>Note: This box expands as you type</i>
Date:

Please email completed forms to: feed@fss.scot

Privacy Statement

Your personal information will be collected by Food Standards Scotland as required Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 5.3 Example template to record checks

Imported feed checks carried out at (insert port name and address)

Date	Airway bill/Bill of lading number	Origin	Product	Document/ Manifest check Yes/No		Identity check Yes/No		Physical Check (Yes/No)		Further Action	Outcome	Comment
	1256593	Canada	Oats	Yes	Officer SMc	No	Officer	No	Officer	Not required	n/a	
	1257689	Brazil	Soya	Yes	Officer SMc	Yes	Officer AR	Yes	Officer	Sampled and released (routine surveillance)	Results received Date Sat/Unsat	

Annex 5.4 Notification of formal sampling (Receipt)

Dear

Agriculture Act 1970

I am writing to advise you that the following formal sample(s) have been taken and submitted for analysis.

Date	
Sample Number(s)	
Product	
Sampling point	

I will write to you when the results of analysis/examination are available.

Officer Signature	
Officer name	

Annex 6.1 Feed Business Improvement Notice

Reference No.:

**The Feed (Hygiene and Enforcement) (Scotland)
Regulations 2005 Regulation 17
Feed Business Improvement Notice**

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.

1. To: *(Feed Business Operator)* Note 1

At: *(address of Feed Business Operator)*

Postcode:

2.

I have reasonable grounds for believing that you are failing to comply with specified feed law because:

in connection with your feed business: *(name of business)*

at: *(address of business)*

Postcode:

The specified feed law provisions which constitute your failure to comply are:

(set out which specified Provisions are being

because:

3. In my opinion, the following measure(s) are needed for you to comply with the legal requirements specified above: ^{Note 2}

4. The measure(s) stated above, or others that will achieve the same effect must be taken by: (date)^{Note 3}

It is an offence not to comply with this notice by the date stated.

Signed (Authorised Officer):

Name in capitals:

Date:

Address:

Postcode:

Email::

Telephone Number:

(Inc. STD code)

Notes

4. In the opinion of the Authorised Officer you are not complying with specified feed law as that term is defined in the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 as detailed in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
5. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.
6. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days.

Your Right of Appeal

7. In accordance with regulation 18 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, if you disagree with all or part of this notice, you can appeal to the Sheriff. You must appeal within one month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
8. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. However, if you are not complying with the legal requirements mentioned in the notice, you may still be prosecuted for failure to comply with those requirements.
9. When the appeal is heard, the Sheriff may confirm, cancel or vary the notice.

WARNING

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE.

Offenders are liable to be fined and/or imprisoned for up to 2 years.

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.2 Feed Business Emergency Prohibition Notice

Reference No.: 	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 22 Feed Business Emergency Prohibition Notice	
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Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.

- 1.** To: (Feed Business Operator)

At: (address of Feed Business Operator)

Postcode:
- 2.** I am satisfied that the health risk condition is fulfilled with respect to:
(Name of Feed Business)
Note 1

at: (address of Feed business)

Postcode:

Because: (Officer to list the Premises, process, treatment or equipment which is subject to this notice and why it fails to satisfy the health risk condition).

YOU MUST NOT USE IT FOR THE PURPOSES OF [THIS] [ANY] [THIS OR ANY SIMILAR]† FEED BUSINESS. [† Officer to delete as appropriate]

Signed (Authorised Officer):

Name in capitals:

Address:

Email:

Telephone Number:
(Inc. STD code)

Date:

Postcode:

Feed Business Emergency Prohibition Notice (Reverse) NOTES

1. When you receive this notice you must IMMEDIATELY stop using the premises, process, treatment or equipment described by the officer in paragraph 2 of the notice and located at the address stated.
2. Within 3 days of service of this notice, the authority must apply to Sheriff for an order confirming the prohibition. You will be told the date of the hearing which you are entitled to attend and at which you may call witnesses if you wish.
3. If you believe that you have acted to remove the health risk condition, you should apply in writing to the authority for a certificate, which would allow you to use the premises, process, treatment or equipment again. You can do this even if the court hearing has not taken place.
4. You are not allowed to use the premises, process, treatment or equipment for the purpose specified in paragraph 2 of the notice (see regulation 21(3) of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 until (a) a court decides you may do so; (b) the authority issues you with a certificate as in paragraph 3 above; (c) 3 days have passed since the service of the notice and the authority has not applied to the court as in paragraph 2 above; or (d) the authority abandons the application.
5. A copy of this notice must, by law, be fixed on the premises or equipment which is not to be used. It is an offence under Section 52 of the Criminal Law (Consolidation) (Scotland) Act 1995 to deface it.
6. COMPENSATION: If the authority does not apply to the Sheriff, for an order confirming its action within 3 days of the date of service of this notice, you will be entitled to compensation for any losses you have suffered because you could not use the premises, process, treatment or equipment because you were complying with this notice. You will also be entitled to such compensation if the Sheriff decides at the hearing that the health risk condition was not fulfilled with respect to the feed business at the time when the notice was served.

WARNING

ANYONE WHO KNOWINGLY CONTRAVENES THIS NOTICE IS GUILTY OF AN OFFENCE

Offenders are liable to be fined and/or imprisoned for up to 2 years.

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.3 Detention Notice

Reference No.: 	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 25 Detention Notice	
Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.		
1. To: (Feed Business Operator) Note 1 At: (address of Feed Business Operator)	Postcode:	
Name of Feed Business: Address of Feed Business:	Postcode:	

2. The Enforcement Authority is satisfied that requirements under the Hygiene Regulations are being breached, as outline below:

For the purpose of examination, the following feed is being detained:

Signed (Authorised Officer):

Name in capitals:

Date:

Address:

Postcode:

Email:

Telephone Number:
(Inc. STD code)

NOTES

1. When the authorised officer is satisfied that the legal requirements specified in paragraph 2 of the Detention Notice are being met and receives evidence that the feed need no longer need be detained, a withdrawal notice shall be issued to you. An authorised officer has 21 days following receipt of such evidence to come to a decision.
2. You are entitled to appeal against this notice. If you want to do so, you should apply to the Sheriff, within one calendar month of the date on which this notice is served on you.

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.4 Certificate of Withdrawal of Detention Notice

Reference No.:	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 25 Certificate of Withdrawal of Detention Notice	
Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.		
1. To: (Feed Business Operator) Note 1 At: (address of Feed Business Operator)	Postcode:	
Name of Feed Business:		
Address of Feed Business:	Postcode:	

2. The Enforcement Authority certifies that it is satisfied that you have taken sufficient measures i.e.:

Therefore the specified feed need no longer be detained.

The Detention Notice reference number _____ served to you on (date) _____
is hereby withdrawn.

Signed (Authorised Officer):

Name in capitals:

Date:

Address:

Postcode:

Email:

Telephone Number:
(Inc. STD code)

NOTES

1. The feed that has been released may be returned to the feed chain.
2. In appropriate circumstances you may have a right to claim compensation under the terms of regulation 25 of the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.5 Seizure Notice

Reference No.:
[]

The Feed (Hygiene and Enforcement) (Scotland)
Regulations 2005 Regulation 25
Seizure Notice

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.

1. To: (Feed Business Operator)	[]
At: (address of Feed Business Operator)	[]
	Postcode: []
Name of Feed Business:	[]
Address of Feed Business:	[]
	Postcode: []

2. The Enforcement Authority is satisfied that requirements under the Hygiene Regulations are being breached, as outlined below:

--

The following is being seized:

--

Signed (Authorised Officer):			
Name in capitals:		Date:	
Address:			
		Postcode:	
Email:			
Telephone Number: (Inc. STD code)			

NOTES

1. In the opinion of the authorised [officer](#) you are not complying with specified feed law as that term is defined in the Feed (Hygiene and Enforcement) (Scotland) Regulations 2005.
2. The material has been seized to be dealt with by the sheriff. You and any other person who may be liable to a prosecution in respect of the material shall be entitled to be heard and to call witnesses.
3. If it appears to the sheriff that any material failing to be dealt with fails to comply with the requirements of specified feed [law](#) then the sheriff shall condemn the material.
4. This order will require that the material will be destroyed or so disposed of as to prevent it from being used as food for human consumption, or for feed.
5. You will be liable for any expenses reasonably incurred in connection with the destruction or disposal of the material.

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 6.6 Certification that Health Risk Condition No Longer Exists

Reference No.: 	The Feed (Hygiene and Enforcement) (Scotland) Regulations 2005 Regulation 21 and 22 Certification that Health Risk Condition No Longer Exists	
Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this Notice, you may want to seek legal advice.		
1. To: (Feed Business Operator) At: (address of Feed Business Operator) Name of Feed Business: Address of Feed Business: 	Postcode: Postcode:	

The Enforcement Authority certifies that it is satisfied that you have taken sufficient measures to secure the removal of the imminent* risk of injury to health described in the

Feed Business Prohibition Order*
 Feed Business Emergency Prohibition Notice*
 Feed Business Emergency Prohibition Order*

[* Officer to delete as appropriate]

Reference number **served on you on** **(date)**

Signed (Authorised Officer):			
Name in capitals:		Date:	
Address:			
	Postcode:		
Email:			
Telephone Number: (Inc. STD code)			

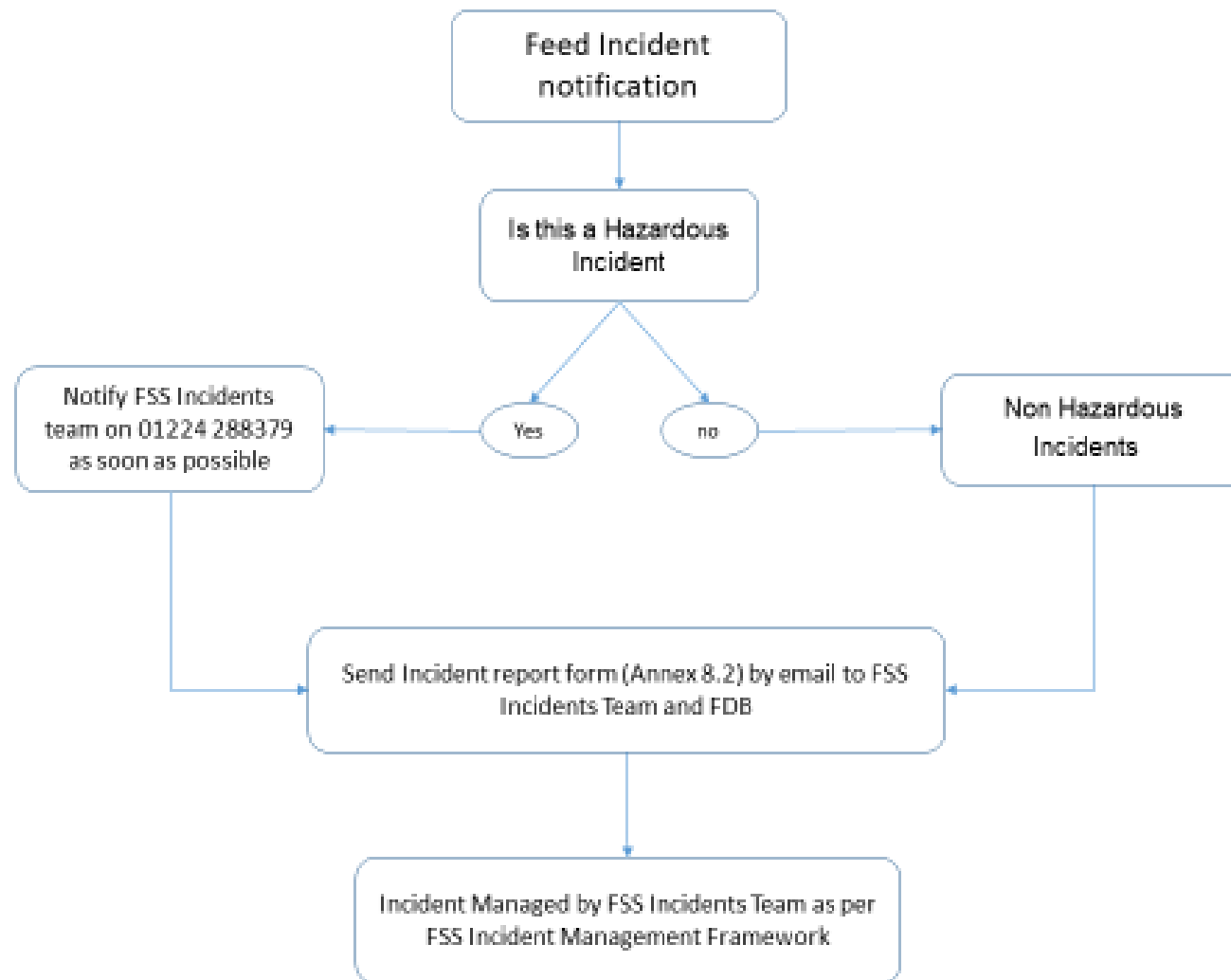
NOTES

1. The authority is now satisfied that the health risk condition no longer exists in respect of the circumstances that caused the authority to issue you with an Emergency Prohibition Notice or the court to impose a Prohibition Order or Hygiene Emergency Prohibition Order*.
2. The relevant notice or order is now lifted, and you may use the premises, process, treatment or equipment again. [* Officer to delete as appropriate]

PRIVACY STATEMENT

Your personal information will be collected by Food Standards Scotland as required by Retained EU Regulation 183/2005. This is be done in line with the General Data Protection Regulations (GDPR) and Data Protection Act 2018. For further information about how FSS handles your personal information, refer to our [Privacy Notice](#) on FSS website.

Annex 7.1 Feed Incidents Schematic Diagram



Annex 7.2 Food/Feed Incident Report Form

[Link to most recent version](#)

Food and feed incident report form

This form is to be completed and emailed to Food Standards Scotland at incidents@fss.scot.

Tel: 07881 516 867

1. Name and address of reporting officer. Please include address, telephone and email details:
2. Date and time of initial notification:
3. Where was the initial information received from? For example, local food/feed authority, FSS (feed), Public Health Scotland, business etc. Please include name, address and contact details:
4. Method of information received (for example, telephone, email, letter or other:
5. Brief description of incident:

6. Contamination type. For example, microbiological, chemical or physical. If physical please advise type of injury this may cause:
7. Breach in legislation? Please include legislation, maximum permitted levels etc.:
8. During which stage was the incident likely to have occurred? For example, processing, packaging, handling, storage, distribution etc.:
9. Product description:
a. Type of product:
b. Product name:
c. Product brand name:
d. Batch code/s:

e. Description of packaging:
f. Pack size:
g. Durability date/s or code/s:
h. Country of origin:
i. UK importer/distributor (please include contact details):
j. Product manufacturer (please include contact details):
k. Could other products produced in the establishment have been contaminated or affected?:
l. Packer (please include contact details):

10. Details of distribution (Please include when product or batch was placed on market, quantities involved, areas, export to EU and third countries):

11. Has clinical illness occurred or has animal health and welfare been compromised? Please provide details. For example, symptoms, type of illness, number of consumers affected, samples submitted, etc. and who has been contacted – HPS / CPHM etc.:

12. How is the company (manufacturer/retailer /supplier) dealing with the incident and what steps are to be taken?:

13. Assessment of hazard. Please tick as many as appropriate:

Local	☐	Manufacture	☐
Regional	☐	Retail	☐
National	☐	Catering	☐
International	☐	Import / Export	☐

15. Enforcement action, if applicable. For example, what samples have been taken, what notices have been served, has food and/or feed been seized etc. All lab reports, notices etc. are to be sent FSS Incidents as soon as possible:

16. Is malicious or fraudulent activity suspected?:			
17. Has there been media interest? Please tick as appropriate:			
Yes	☐	No	☐
<i>If there has been a press release please send to FSS with this form</i>			
18. Additional information (please attach additional pages if required):			
Signed by:			
Date:			
Job Title:			

Annex 8.1 Internal Monitoring Record

Manager	
Officer	
Date of Review	
Detail of review: <i>Type of monitoring and outcomes</i> <i>Record details of records checked, as appropriate</i>	

Action required by Agent	Action required by FSS

Annex 8.2 Self Audit Checklist

Manager	
Officer	
Date of Review	
Checked by: Name/date	

Record (name/date) Check			
Sufficiently detailed, accurate and retrievable records or documentation for key business operations and activities			
Records collected on feed safety management systems, where appropriate			
Timely notification of findings to FeBO			
Non-compliances recorded and reasons			
Distinction between legal requirements and recommendations			
Recording of actions relating to follow up visits			
Enforcement is line with the FSS Feed Delivery Enforcement Policy			
WHERE NECESSARY: Formal notices are followed up in a timely manner			

Actions required by officer:

Actions checked by manager:

Contact details

The Feed Delivery Branch
Food Standards Scotland
Pilgrim House,
Old Ford Road,
Aberdeen,
AB11 5RL.

E. Feed@fss.scot

www.foodstandards.gov.scot