STATUTORY RULES OF NORTHERN IRELAND

2018 No. 16

AGRICULTURE

The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018

Made - - - -	*15th January 2018*
Coming into operation	*6th February 2018*

The Department of Health(**1**) being a department designated for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Union(**3**), measures in the veterinary and phytosanitary fields for the protection of public health(**4**) and measures relating to feed produced for or fed to food-producing animals(**5**) makes the following Regulations in exercise of the powers conferred by sections 66(1), 74A(1) and 84 of the Agriculture Act 1970(**6**), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(**7**), and section 2(2) of the European Communities Act 1972.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**8**) or, in the case of provisions relating to feed for food-producing animals, of section 84 of the Agriculture Act 1970.

Citation and commencement

1. These Regulations may be cited as the Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018 and come into operation on 6th February 2018.

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1
(**2**) 1972 c.68
(**3**) S.I.2000/2812
(**4**) S.I.1999/2027
(**5**) S.I.2003/2901
(**6**) 1970 c.40; sections 66(1) and 84 are modified in their application to Northern Ireland by section 86 of the Act and were amended by S.R. 2004 No. 506; section 66(1) was also amended by S.R. 2010 No. 323; section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68)
(**7**) S.R. 2000 No. 78
(**8**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.6.2014, p.1)

Interpretation

2.—(1) In these Regulations—

"DAERA" means the Department of Agriculture, Environment and Rural Affairs(**9**);

"feed" has the same meaning given in Article 3 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;

"radioactive substance" means any substance that contains one or more radionuclides the activity or activity concentration of which cannot be disregarded from a radiation protection point of view.

For the purpose of these Regulations, "import" and "export" are to be construed in accordance with the meanings that "importation" and "exportation" bear for the purposes of the Customs and Excise Management Act 1979(**10**).

(2) The Interpretation Act (Northern Ireland) 1954(**11**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Prohibition of practices

3. A person must not intentionally add a radioactive substance in the production of animal feed.

4. A person must not import or export any animal feed in respect of which a radioactive substance has been intentionally added in the production of that feed.

Offences and penalties

5. Any person who contravenes regulation 3 or 4 is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months, or both.

Enforcement

6. It is the duty of DAERA to enforce these Regulations.

Amendment of the Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016

7.—(1) The Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016(**12**) are amended in accordance with paragraph (2).

(2) In Schedule 1 (specified feed law), after the entry for "The Animal Feed (Hygiene, Sampling etc. and Enforcement) Regulations (Northern Ireland) 2016", insert—

"The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018".

Amendment of the Official Feed and Food Controls Regulations (Northern Ireland) 2009.

8.—(1) The Official Feed and Food Controls Regulations (Northern Ireland) 2009(**13**) are amended in accordance with paragraph (2).

(**9**) Formerly the Department of Agriculture and Rural Development see 2016 c. 5 (N.I.), section 1
(**10**) 1979 c. 2
(**11**) 1954 c.33 (NI)
(**12**) S.R. 2016 No. 5
(**13**) S.R. 2009 No. 427, amended by S.R. 2011 No. 48 and S.R 2014 No. 286