STATUTORY RULES OF NORTHERN IRELAND

2009 No. 298

FOOD

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*19th August 2009*
Coming into operation	*31st August 2009*

The Department of Agriculture and Rural Development (**1**) and the Department of Health, Social Services and Public Safety (**2**), are Departments designated (**3**) for the purposes of section 2(2) of the European Communities Act 1972 (**4**) in relation to the common agricultural policy of the European Community and in relation to medicinal products.

Acting jointly(**5**), the Department of Agriculture and Rural Development and the Department of Health, Social Services and Public Safety make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act and Articles 15(1)(a),(b) and (f), 15(3), 16(1) and (2), 25(1), (2)(a) and (3), 30(9), 31(3), 32(1) and 47(2) of, and paragraph 7 of Schedule 1 to the Food Safety (Northern Ireland) Order 1991(**6**).

In accordance with 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(**7**), the aforementioned Departments have carried out consultation with such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations.

(**1**) Formerly the Department of Agriculture for Northern Ireland: see S.I. 1999/283 (N.I.1), Article 3(4)
(**2**) Formerly the Department of Health and Social Services: see S.I. 1999/283 (N.I.1), Article 3(6)
(**3**) S.I. 1972/1811 and S.I. 2000/2812
(**4**) 1972 c. 68
(**5**) S.R. 2000 No.78: see regulation 13(1)(d)(i) which allows the Department of Agriculture and Rural Development to join with the Department of Health, Social Services and Public Safety in making Regulations under the Food Safety (Northern Ireland) Order 1991 in relation to residues of veterinary products in food or food sources.
(**6**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28, S.R. 2004 No. 482 and S.R. 2004 No. 505.
(**7**) O.J. No. L31, 1.2.2002, p.1

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 31st August 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998

2.—(1) The Animals and Animal Products (Examination for Residues and Maximum Residues Limits) Regulations (Northern Ireland) 1998(**9**) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1), for the definition of "the Council Regulation" substitute—

""the Council Regulation" means Council Regulation (EEC) No. 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin;"(**10**).

(3) In regulation 2(3A), for "2006" substitute "2009".

(4) In regulation 3—

(a) Paragraphs (1) and (2) are revoked;

(b) In paragraphs (3) and (5), before the words "a list B substance", there shall be inserted the words "a list A substance or"; and

(c) In paragraph (4), for "regulations 27 or 28A" there shall be substituted "regulation 27".

(5) For regulation 4, there shall be substituted the following regulation—

"**Prohibition on possession of beta-agonist**

4. A person, other than a veterinary surgeon, shall not possess, on a farm, any veterinary medicinal product containing a beta-agonist which is authorised to be used for induction purposes in the treatment of tocolysis.".

(6) In Regulation 5—

(a) At the end of sub-paragraph (2)(b), there shall be added "or";

(b) In sub-paragraph (2)(c), for ";or" there shall be substituted a full stop; and

(c) Revoke sub-paragraph (2)(d).

(7) In regulation 9(1)(d), ",oestrdiol 17 β," shall be omitted.

(8) In regulation 26(1), after the word "administration" there shall be inserted the words "of any product which is, or which contains, testosterone or progesterone".

(9) In regulation 27—

(a) In paragraph (1), after the word "administration" there shall be inserted the words "of any product which is, or which contains, allyl trenbolene or beta-agonists";

(b) At the end of sub-paragraph (3)(a), add "or"; and

(**8**) 1954 c.33 (NI)
(**9**) S.R. 1998 No.237 as amended by S.R. 2005 No. 451 and S.R. 2006 No. 263. Regulation 2(3A) of S.R. 1998 No. 237 was inserted by regulation 4 of S.R. 2006 No. 263.
(**10**) O.J. No. L244 18.8.90, p.1 to which there are numerous amendments and as last amended by Commission Regulation (EC) No. 485/209 (O.J. L145 10.06.2009).