STATUTORY RULES OF NORTHERN IRELAND

2006 No. 471

AGRICULTURE

The Feed (Specified Undesirable Substances) Regulations (Northern Ireland) 2006

Made - - - -	*23rd November 2006*
Coming into operation	*26th December 2006*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by sections 66(1), 74A and 84 of the Agriculture Act 1970(**2**), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(**3**).

In so far as these Regulations cannot be made under the powers in the Agriculture Act specified above, the Department of Health, Social Services and Public Safety makes these Regulations in exercise of its powers as a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**4**) in relation to measures in the veterinary and phytosanitary fields for the protection of public health(**5**).

There has been consultation during the preparation of these Regulations in accordance with requirements of section 84(1) of the Agriculture Act 1970 or as appropriate of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**6**) 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.

Citation and commencement

1.—(1) These Regulations may be cited as the Feed (Certain Undesirable Substances) Regulations (Northern Ireland) 2006 and shall come into operation on 26th December 2006.

(2) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to the Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3
(**2**) 1970 c.40; Section 66(1) is modified in its application to Northern Ireland by section 86 of the Act. Section 66(1) contains definitions of the expressions "prescribed" and "regulations"; Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6
(**3**) S.R. 2000 No. 78
(**4**) 1972 c.68
(**5**) S.I. 1999/2027
(**6**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3)
(**7**) 1954 c. 33 (N.I.)

Amendments to the Feeding Stuffs Regulations (Northern Ireland) 2005

2.—(1) The Feeding Stuffs Regulations (Northern Ireland) 2005(**8**) are amended in accordance with paragraphs (2) to (4).

(2) In Part B of Schedule 4 (limits of variation), after the entries relating to methionine insert the entries for moisture as set out in Schedule 1 to these Regulations.

(3) In relation to the table in Chapter A of Schedule 5 (prescribed limits for undesirable substances) —

(a) for the entries in that table relating to cadmium, dioxin, fluorine and lead substitute the entries for those substances as set out in the table in Part 1 of Schedule 2 to these Regulations;

(b) after the entries for dioxin insert the entries for sum of dioxins and dioxin-like PCBs as set out in the table in Part 1 of Schedule 2 to these Regulations, and

(c) as footnotes to that table add the footnotes to the table in Part 1 of Schedule 2 to these Regulations.

(4) In relation to the table in Chapter D of Schedule 5 —

(a) for the entries in that table relating to camphechlor (toxaphene) substitute the entries as set out in the table in Part 2 of Schedule 2 to these Regulations, and

(b) as a footnote to that table add the footnote to the table in Part 2 of Schedule 2 to these Regulations.

Amendments to the Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005

3.—(1) The Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005(**9**) are amended in accordance with paragraphs (2) to (4).

(2) Regulation 19 shall be revoked.

(3) In regulation 24(2) for "sworn information" substitute "sworn complaint".

(4) After regulation 24, insert the following regulation —

"**24A.**—(1) For the purpose of carrying out investigations, in accordance with Article 4.2 of Directive 2002/32, to determine the source of those undesirable substances listed in Annex II to that Directive where action thresholds specified in that Annex have been reached, an authorised officer may, at all reasonable times and on producing if requested some duly authenticated document showing his authority, enter any premises (not being premises used only as a dwelling) on which he has reasonable cause to believe that feed has been or is being manufactured or produced, has been placed on the market or is being kept for the purpose of being placed on the market, incorporated into another product or used.

(2) An authorised officer entering any premises by virtue of this regulation may —

(a) take with him such other persons and such equipment as may appear to him to be necessary;

(b) inspect anything that he has the right to inspect under regulation 24(5), and

(c) take on those premises a sample of any material appearing to him to be a feed manufactured, produced, placed on the market or intended to be placed on the market or to be material used or intended for use as feed.

(**8**) S.R. 2005 No. 545, as amended by S.R. 2006 No. 18 and S.R. 2006 No. 427
(**9**) S.I. 2005 No. 546

(3) Where for the purposes of taking a sample pursuant to paragraph (2)(c) an authorised officer takes material from one or more containers each of which weighs no more than six kilograms, and which are exposed for sale by retail, the owner of the container may require the authorised officer to purchase the container on behalf of the authority for which he acts.

(4) An authorised officer entering any premises by virtue of this regulation has the same rights to production, inspection and copying of records, including records kept on or produced by a computer, as are specified in paragraphs (9)(a) and (b) and (10)(c) of regulation 24.

(5) Paragraph (14) of regulation 24 applies to the power of entry under this regulation as it does to such powers under that regulation.

(6) Directive 2002/32 means Directive 2002/32/EC of the European Parliament and of the Council(**10**) on undesirable substances in animal feed, as amended by Commission Directive 2003/57/EC(**11**), Commission Directive 2003/100/EC(**12**), Commission Directive 2005/8/EC(**13**), Commission Directive 2005/86/EC(**14**), Commission Directive 2005/87/EC(**15**) and Commission Directive 2006/13/EC(**16**).”

(5) In paragraph (4) of regulation 27, after the expression “regulation 24” insert “or regulation 24A”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 23rd November 2006.

L.S.

Don Hill
A senior officer of the Department of Health,
Social Services and Public Safety

(**10**) OJ No. L140, 30.5.2002, p.10
(**11**) OJ No. L151, 19.6.2003, p.38
(**12**) OJ No. L285, 1.11.2003, p.33
(**13**) OJ No. L27, 29.1.2005, p.44
(**14**) OJ No. L318, 6.12.2005, p.16
(**15**) OJ No. L318, 6.12.2005, p.19
(**16**) OJ No. L32, 4.2.2006, p44. This amending Directive introduced action thresholds and the requirement to investigate

SCHEDULE 1 Regulation 2(2)

Entries to be added in Part B of Schedule 4 to the Feeding Stuffs Regulations (Northern Ireland) 2005

Analytical constituents	*Limits of variation (absolute value in percentage by weight, except where otherwise specified)*
Moisture	If present in excess—
	3 for declarations of 40% or more
	7.5% of the amount stated for declarations of 20% or more but less than 40%
	1.5 for declarations less than 20%

SCHEDULE 2 Regulation 2(3) & (4)

PART 1

Entries to be substituted or added in Chapter A of Schedule 5 to the Feeding Stuffs Regulations (Northern Ireland) 2005

Column 1: Undesirable substances	*Column 2: Products intended for animal feed*	*Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%*
Cadmium[(1)]	Feed materials of vegetable origin	1
	Feed materials of animal origin	2
	Feed materials of mineral origin	2
	except:	
	– phosphates	10
	Additives belonging to the functional group of compounds of trace elements	10
	except:	
	– copper oxide, manganous oxide, zinc oxide and manganous sulphate monohydrate	30
	Additives belonging to the functional groups of binders and anti-caking agents	2

(1)

Column 1: Undesirable substances	*Column 2: Products intended for animal feed*	*Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%*
	Premixtures	15
	Mineral feeding stuffs:	
	– containing less than 7% phosphorus	5
	– containing 7% or more phosphorus	0.75 per 1% phosphorus, subject to a maximum of 7.5
	Complementary feeding stuffs for pet animals	2
	Other complementary feeding stuffs	0.5
	Complete feeding stuffs for cattle, sheep and goats and feeding stuffs for fish	1
	except:	
	– complete feeding stuffs for pet animals	2
	– complete feeding stuffs for calves, lambs and kids, and other complete feeding stuffs	0.5
Dioxins (sum of polychlorinated dibenzo-*para*-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs))expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors) 1997[(2)(3)]	Feed materials of plant origin with the exception of vegetable oils and their by-products	0.75 ng WHO-PCDD/F-TEQ/kg
	Vegetable oils and their by-products	0.75 ng WHO-PCDD/F-TEQ/kg
	Feed materials of mineral origin	1.0 ng WHO-PCDD/F-TEQ/kg
	Animal fat, including milk fat and egg fat	2.0 ng WHO-PCDD/F-TEQ/kg
	Other land animal products, including milk and milk products and eggs and egg products	0.75 ng WHO-PCDD/F-TEQ/kg

(**1**)
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