STATUTORY RULES OF NORTHERN IRELAND

2005 No. 233

AGRICULTURE

The Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) Regulations (Northern Ireland) 2005

Made - - - -	*29th April 2005*
Coming into operation	*3rd May 2005*

The Department of Health, Social Services and Public Safety(**1**) being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the control and regulation of genetically modified organisms, in exercise of the powers conferred on it by the said section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) Regulations (Northern Ireland) 2005 and shall come into operation on 3rd May 2005.

Interpretation

2.—(1) In these Regulations –

"the Act" means the Agriculture Act 1970(**4**) and, subject to paragraph (2), any expression used both in these Regulations and in the Act has the meaning it bears in the Act;

"the Commission Decision" means Commission Decision 2005/317/EC on emergency measures regarding the non-authorised genetically modified organism Bt 10 in maize products(**5**);

"controlled products" means –

(a) corn gluten feed containing or produced from genetically modified maize within CN code 2309 9020 originating from the United States of America; and

(b) brewers grains containing or produced from genetically modified maize within CN code 2303 3000 originating from the United States of America;

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3(6)
(**2**) S.I. 1991/755
(**3**) 1972 c. 68
(**4**) 1970 c. 40
(**5**) O.J. No. L101, 21.4.2005, p. 14

"the Department" means the Department of Agriculture and Rural Development;

"inspector" means a person appointed by the Department under section 67(2) of the Act(**6**)

"feed" means feed as defined in Article 3.4 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**).

(2) Any term used both in these Regulations and in the Commission Decision has the meaning it bears in the Commission Decision.

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

Prohibition on first placing on the market

3.—(1) No person shall first place on the market any controlled products unless –

(a) the conditions specified in Article 2 of the Commission Decision relating to analytical reports are satisfied in relation to those products; and

(b) the costs incurred in the implementation of Articles 2 and 4 in relation to that first placing on the market have been met by the operators responsible for that activity.

(2) Any person who knowingly contravenes paragraph (1) shall be 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 to both.

Enforcement

4.—(1) The Department shall enforce and execute the provisions of these Regulations.

(2) For the purposes of the exercise of the duty referred to in paragraph (1), an inspector shall ensure that the requirements referred to in paragraph (3) are adhered to.

(3) The requirements are those specified in –

(a) Article 3 of the Commission Decision (which is concerned with measures including the sampling and analysis of controlled products), other than the requirement to supply the Commission with specified information; and

(b) Article 4 of that Decision (which is concerned with measures to be taken to ensure that controlled products that are found to contain Bt 10 maize or feed produced from Bt 10 maize are not placed on the market).

(4) The Department shall give such assistance and information to the Department of Health, Social Services and Public Safety and the Food Standards Agency as they may reasonably request in connection with the execution and enforcement of these Regulations.

Application of various provisions of the Act

5.—(1) The provisions of the Act listed in paragraph (2) shall apply for the purposes of these Regulations subject to the modification set out in paragraph (2)(a) and as if –

(a) any reference in those provisions to a feeding stuff were a reference to feed;

(**6**) Section 67 in its application to Northern Ireland is substituted by section 86(3) of the Act

(**7**) O.J. No. L31, 1.2.2002, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4)

(**8**) 1954 c. 33 (N.I.)