STATUTORY RULES OF NORTHERN IRELAND

2005 No. 74

AGRICULTURE

The Feeding Stuffs (Establishments and Intermediaries) (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*9th March 2005*
Coming into operation	*4th April 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 common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, after consultation as required by 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(**4**), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Feeding Stuffs (Establishments and Intermediaries) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 4th April 2005.

2. The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999

3. The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(**6**) shall be amended in accordance with regulations 4 to 6.

4. Immediately after regulation 9 (procedure relating to the withdrawal of approvals) there shall be inserted the following regulation –

(**1**) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3(6)
(**2**) S.I. 2003/2901
(**3**) 1972 c. 68
(**4**) 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). Under Article 3 of Regulation 178/2002 "food law" extends to feed produced for, or fed to, food producing animals
(**5**) 1954 c. 33 (N.I.)
(**6**) S.I. 1999/1872, to which there are amendments not relevant to these Regulations

"**Fees**

9A.—(1) Subject to paragraphs (2), (3), (5), (6) and (7), an eligible person who applies to the competent body under regulation 5 or 7 to approve an establishment which is located in Northern Ireland as an establishment on which an establishment activity may be exercised shall –

(a) pay the relevant fee to the competent body; and

(b) reimburse the competent body the cost of any laboratory analysis incurred by it in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulation 5 or 7, the competent body need not –

(a) take any step specified in regulation 6 until the relevant fee has been paid to it; or

(b) take any step specified in regulation 6(2) until, in accordance with paragraph (1)(b), it has been reimbursed the cost of any laboratory analysis incurred by it in connection with the application.

(5) Where an eligible person makes an application under regulation 5 seeking approval of an establishment as one on which more than one establishment activity may be exercised, he shall be liable to pay a single relevant fee, which fee shall be the highest one otherwise payable.

(6) Where an eligible person makes an application under regulation 7 seeking approval of an establishment as one on which more than one new establishment activity may be exercised, he shall be liable to pay a single relevant fee, which fee shall be the highest one otherwise payable.

(7) Any fee payable pursuant to paragraph (5) or (6) shall be treated, for the purposes of paragraphs (2) and (4)(a), as included among any fee payable under paragraph (1)(a).

(8) In this regulation "relevant fee" means the fee specified in Column 2 of Part I of Schedule 1A which is opposite to the reference in Column 1 of that Part to the application of the kind being made by the applicant.".

5. Immediately after regulation 16 (procedure relating to the withdrawal of approvals) there shall be inserted the following regulation –

"**Fees**

16A.—(1) Subject to paragraphs (2), (3), (5), (6) and (7), an eligible person who applies to the competent body under regulation 12 or 14 to be approved as an intermediary who may exercise an intermediary activity in Northern Ireland shall –

(a) pay the relevant fee to the competent body; and

(b) reimburse the competent body the cost of any laboratory analysis incurred by it in connection with the application.

(2) Any fee payable under paragraph (1)(a) shall be payable at the time the application is submitted to the competent body.

(3) Any reimbursement due under paragraph (1)(b) shall be payable to the competent body on demand.

(4) In relation to any application under regulation 12 or 14, the competent body need not –