STATUTORY RULES OF NORTHERN IRELAND

2004 No. 506

AGRICULTURE

The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations (Northern Ireland) 2004

Made - - - -	*9th December 2004*
Coming into operation	*1st January 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 measures relating to feed produced for or fed to food-producing animals, in exercise of the powers conferred on it by the said section 2(2), and of all other powers 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(**4**) 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, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as The Feeding Stuffs (Safety Requirements for Feed for Food-Producing Animals) Regulations (Northern Ireland) 2004, and shall come into operation on 1st January 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.

Interpretation

2. In these Regulations –

"the Act" means the Agriculture Act 1970(**6**);

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

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I. 1), Article 3
(**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)
(**5**) 1954 c. 33 (N.I.)
(**6**) 1970 c. 40

"inspector" means a person appointed by the Department under section 67(2) of the Act(**7**);

"Regulation 178/2002" means 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.

(2) Subject to paragraph (3), other expressions used in these Regulations and in Regulation 178/2002 have the same meaning in these Regulations as in Regulation 178/2002 and in these Regulations any reference to a numbered Article is a reference to the Article so numbered in Regulation 178/2002.

(3) "Feed" or "feedingstuff" does not include any of the following feed additives –

(a) coccidiostats;

(b) histomonostats; and

(c) all other zootechnical additives except –

(i) digestibility enhancers;

(ii) gut flora stabilisers; and

(iii) substances incorporated with the intention of favourably affecting the environment,

or any premixture containing such additives.

Offences, penalties and enforcement

3.—(1) Any person who contravenes any of the specified provisions of Regulation (EC) No. 178/2002 set out in paragraph (2) shall be guilty of an offence and liable –

(a) in the case of paragraph (2)(a) –

(i) on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding the statutory maximum, or both; or

(ii) on conviction on indictment to a term of imprisonment not exceeding two years or to a fine, or both;

(b) in the case of paragraph (2)(b), (c) and (d) on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding level five on the standard scale, or both.

(2) The specified provisions referred to in paragraph (1) are –

(a) Article 15, paragraph 1 (prohibition on the placing on the market or feeding to any food-producing animal of unsafe feed);

(b) Article 16 (prohibition on misleading labelling, advertising or presentation of feed);

(c) Article 18, paragraphs 2 and 3 (requirements of traceability) in so far as it relates to feed business operators;

(d) Article 20 (responsibilities of feed business operators).

(3) The Department shall, within its area, enforce and execute the provisions of these Regulations and the provisions of Regulation 178/2002 specified in paragraph (2).

(4) The competent authority for the purposes of Articles 15 and 18 shall be the Department and for the purposes of Article 20 shall be the Department and the Food Standards Agency.

(**7**) Section 67, in its application to Northern Ireland, is substituted by section 86(3) of the Agriculture Act 1970

Application of various provisions of the Act

4.—(1) Subject to paragraph (3) the provisions of the Act specified in paragraph (2) shall apply for the purposes of these Regulations and Articles 15, 16, 18 and 20 of Regulation 178/2002 as if –

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

(b) any reference in them to the Act or any Part of it were a reference to these Regulations and to Articles 15, 16, 18 and 20 of Regulation 178/2002;

(c) any reference to samples taken in a prescribed manner were a reference to samples taken in a manner prescribed in Part II of Schedule 1 of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(**8**);

(2) The specified provisions referred to in paragraph (1) are –

(a) section 76 (inspector's power to enter premises and take samples), with the modification that paragraph (b) of subsection (2) shall be construed as if it gave the inspector power to take copies of any documentation relating to the feed;

(b) section 77 (division of samples and analysis by agricultural analyst);

(c) section 78(2), (3), (4), (5), (6), (7), (8)(a) and 10 (further analysis by the Chief Agricultural Analyst);

(d) section 79(3), (4), (5), (6), (7), (8), (9) and (10) (supplementary provisions relating to samples and analysis);

(e) section 80 (institution of prosecutions);

(f) section 81 (offences due to fault of other person);

(g) section 82 (defence of mistake, accident, etc.);

(h) section 83 (exercise of powers by inspectors);

(i) section 110 (offences by bodies corporate).

(3) the provisions of paragraph (1)(b) shall not apply in the case of the provisions specified in paragraph (2) (c).

Application of various provisions of the Feeding Stuffs (Sampling and Analysis) Regulations

5.—(1) The following provisions of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(**9**) shall apply for the purposes of these Regulations –

(a) regulation 2 (prescribed amount for the purposes of the definition of sampled portion);

(b) regulation 3 (manner of taking, preparing, marking, sealing and fastening samples);

(c) regulation 4 (methods of sending part of a sample);

(d) regulation 5 (application of methods of analysis);

(e) regulation 6 (form of certificate of analysis);

(f) regulation 7 (period within which analysis of the oil content of a feeding stuff must be carried out);

(g) Schedule 1 (manner of taking, preparing, marking, sealing and fastening of samples);

(h) Schedule 2 (methods of analysis);

(i) Schedule 3 (form of certificate of analysis).

(**8**) S.R. 1999 No. 296, amended by S.R. 2001 No. 209, S.R. 2002 No. 263, S.R. 2003 No. 287 and S.R. 2004 No. 345 and modified by S.R. 2001 No. 47

(**9**) S.R. 1999 No. 296, relevant amendments are S.R. 2002 No. 263, S.R. 2003 No. 287 and S.R. 2004 No. 345