STATUTORY RULES OF NORTHERN IRELAND

2004 No. 386

AGRICULTURE

The Genetically Modified Animal Feed Regulations (Northern Ireland) 2004

Made - - - -	*10th September 2004*
Coming into operation	*8th October 2004*

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 that section and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Genetically Modified Animal Feed Regulations (Northern Ireland) 2004 and shall come into operation on 8th October 2004.

Interpretation

2.—(1) In these Regulations –

"the Act" means the Agriculture Act 1970(**4**);

"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(**5**);

"Regulation 1829/2003" means Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(**6**);

"specified community provision" means a provision of Regulation 1829/2003 specified in Column 1 and described in Column 2 of the Schedule.

(2) In these Regulations –

(a) any reference to a numbered Article is a reference to the Article so numbered in Regulation 1829/2003;

(**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**) 1970 c. 40
(**5**) Section 67, in its application to Northern Ireland, is substituted by section 86(3) of the Agriculture Act 1970
(**6**) O.J. No. L268, 18.10.2003, p. 1

(b) any reference to a numbered regulation is, unless the contrary is indicated, a reference to the regulation so numbered in these Regulations;

(c) any reference to a Schedule is a reference to the Schedule to these Regulations.

(3) Other expressions used in these Regulations and in Regulation 1829/2003 have the same meanings in these Regulations as in Regulation 1829/2003.

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

Submission of applications for authorisation to market products

3. The national competent authority for the purposes of Chapter III of Regulation 1829/2003 shall be the Food Standards Agency(**8**).

Enforcement

4. The Department shall enforce and execute the provisions of these Regulations and Chapter III of Regulation 1829/2003.

Offences and penalties

5.—(1) Any person, after the date on which these Regulations come into operation, who contravenes the specified Community provision in Part I of the Schedule shall be guilty of an offence and liable –

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

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

(2) Any person who, after the date on which these Regulations come into operation, contravenes any of the specified Community provisions contained in Part II of the Schedule shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

(3) Any person guilty of an offence under regulation 8(2) shall be liable on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding level 5 on the standard scale, or to both.

Application of various provisions of the Act

6.—(1) The provisions of the Act listed in paragraph (2) shall apply for the purposes of these Regulations and Regulation 1829/2003 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 Regulation 1829/2003;

(c) any reference in them to samples taken in a prescribed manner were a reference to samples taken in a manner prescribed in Part II of Schedule 1 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(**9**);

(d) any reference in them to a prescribed method of analysis were a reference to –

(**7**) 1954 c. 33 (N.I.)
(**8**) The address of the Food Standards Agency in Northern Ireland is 10B Clarendon Road, Belfast BT1 3BG
(**9**) S.R. 1999 No. 296; the relevant amending Regulations are S.R. 2002 No. 263 and S.R. 2003 No. 287

(i) in relation to detecting the use of a particular, authorised genetically modified organism the method described in Article 17(3)(i) for detection and identification of the transformation event, or

(ii) where no such method exists, or where the particular genetically modified organism is unauthorised, any method that satisfies regulation 5(4)(b) of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999.

(2) The 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) and (10) (further analysis by Chief Agricultural Analyst);

(d) section 79(4), (5), (6), (8) 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).

Application of various provisions of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999

7.—(1) The provisions of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999 shall apply for the purposes of these Regulations and Regulation 1829/2003 subject to the modifications set out in that paragraph and as if any reference in those provisions to a feeding stuff were a reference to feed.

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

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

(b) regulation 4 (methods of sending part of a sample), which shall apply as if the reference to "subsection (1)(b) or (2) of section 77 of the Act" were a reference to these Regulations and Regulation 1829/2003;

(c) regulation 5(4) (application of methods of analysis), which shall apply as if the reference to "the Act" were a reference to these Regulations and Regulation 1829/2003;

(d) regulation 6 (form of certificate of analysis), which shall apply as if the reference to "section 77(4) of the Act" were a reference to section 77(4) of the Act as applied by these Regulations;

(e) regulation 7 (period within which analysis of the oil content of a feeding stuff must be carried out) which shall apply as if the reference to a sample taken in "the prescribed manner" were a reference to a sample taken in accordance with these Regulations;

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

(g) Schedule 3 (form of certificate of analysis) which shall apply as if the reference to "Part IV of the Agriculture Act 1970" were a reference to the Genetically Modified Animal Feed Regulations (Northern Ireland) 2004.