STATUTORY RULES OF NORTHERN IRELAND

2003 No. 219

AGRICULTURE

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*8th April 2003*
Coming into operation	*27th May 2003*

The Department of Health, Social Services and Public Safety, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures in the veterinary and phytosanitary fields for the protection of public health, in exercise of the powers conferred on it by that section and of all other powers enabling it in that behalf, and 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(**3**), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 27th May 2003.

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

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 2001

2. The Feeding Stuffs Regulations (Northern Ireland) 2001(**5**) shall be amended in accordance with regulations 3 to 5.

3. In regulation 2 (interpretation), after the definition of "energy value" in paragraph (1) there shall be inserted the following definition –

(**1**) S.I. 2000/2812
(**2**) 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)
(**3**) O.J. No. L31, 1.2.2002, p. 1. Under Article 3 of Regulation (EC) No. 178/2002 (O.J. No. L31, 1.2.2002, p. 1) "food law" extends to feed produced for, or fed to, food producing animals
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 2001 No. 47, as amended by S.R. 2001 Nos. 209 and 428 and S.R. 2002 No. 263

""the Enforcement Directive" means Council Directive 95/53/EC fixing the principles governing the organisation of official inspections in the field of animal nutrition(**6**) as amended by Council Directive 1999/20/EC(**7**), Directive 2000/77/EC of the European Parliament and of the Council(**8**) and Directive 2001/46/EC of the European Parliament and of the Council(**9**);".

4. In regulation 12 (control of feeding stuffs and feed materials containing undesirable substances), for paragraph (9) there shall be substituted the following paragraph –

"(9) Where a person to whom the first paragraph of Article 16a of the Enforcement Directive applies has evidence that any feed material specified in column 2 of Chapter A of Part II of Schedule 7, which he has brought into Northern Ireland from a third country or put into circulation and which he holds or owns, contains any substance specified in column 1 of that Chapter in excess of the level specified in relation to it in column 3 of that Chapter, he shall –

(a) notify the Agency, and the Department of Agriculture and Rural Development which, by virtue of section 67(1)(**10**), has the duty to enforce Part IV of the Act, in relation to the feed material concerned; and

(b) supply them with the information specified in the second paragraph of Article 16a of the Enforcement Directive.".

5. In regulation 23(1), for "24(2)" there shall be substituted "23(2)".

6. In Schedule 3 (permitted additives) and provisions relating to their use –

(a) for the footnote to Part VII of the Table (permitted preservatives) there shall be substituted the following footnote –

"(1) Note also that (as referred to in Part IX) one preservative is permitted by virtue of Commission Regulation (EC) No. 1594/1999(**11**) and one by Commission Regulation (EC) No. 1252/2002(**12**)

(b) for the provisions in Part IX of the Table (European Community Regulations by which additives are controlled) there shall be substituted the provisions set out in the Schedule.

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

7. In paragraph (2) of regulation 2 (definition of "feeding stuff" and related definitions and general interpretation) of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(**13**), at the end of the definition of "Directive 95/53" there shall be added ", Directive 2000/77/EC of the European Parliament and of the Council and Directive 2001/46/EC of the European Parliament and of the Council".

(**6**) O.J. No. L265, 8.11.95, p. 17
(**7**) O.J. No. L80, 25.3.99, p. 20
(**8**) O.J. No. L333, 29.12.2000, p. 81
(**9**) O.J. No. L234, 1.9.2001, p. 55
(**10**) As modified by s. 86(3) in its application to Northern Ireland
(**11**) O.J. No. 188, 21.7.1999, p. 35
(**12**) O.J. No. L183, 12.7.2002, p. 10
(**13**) S.I. 1999/1872, to which there are amendments not relevant to these Regulations