STATUTORY RULES OF NORTHERN IRELAND

2002 No. 263

AGRICULTURE

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*5th August 2002*
Coming into operation	*16th September 2002*

The Department of Health, Social Services and Public Safety acting in exercise of the powers conferred by sections 66(1), 68(1) and (1A), 69(1), 74A, 75(1), 76(1), 77(4), 78(6), 79(1) and 84 of the Agriculture Act 1970(**1**) (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000(**2**)) and of all other powers enabling it in that behalf, after consultation as required by section 84(1) of that Act with such persons or organisations as appear to it to represent the interests concerned(**3**), and being a Department designated(**4**) for the purposes of section 2(2) of the European Communities Act 1972(**5**) 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) (in so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 16th September 2002.

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(**1**) 1970 c. 40; sections 68(1A) and 74A were inserted by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980) and the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6 respectively
(**2**) S.R. 2000 No. 78
(**3**) The requirement to consult must now be read in conjunction with Article 9 of Regulation (EC) No. 178/2002 (O.J. No. L31, 1.2.2002, p. 1)
(**4**) S.I. 2000/2812
(**5**) 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)
(**6**) 1954 c. 33 (N.I.)

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 2001

2. The Feeding Stuffs Regulations (Northern Ireland) 2001(**7**) shall be amended in accordance with regulations 3 to 10.

3. In regulation 2 (interpretation), for paragraph (8) there shall be substituted the following paragraph –

> "(8) Any reference in these Regulations to a European Community Directive, Regulation or Decision shall be construed as a reference to that Directive or, as the case may be, Regulation or Decision, as amended on the date the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002 are made.".

4. In paragraph (2) of regulation 17, for "Schedule 10" there shall be substituted "Schedule 9".

5. In paragraph (2) of regulation 23, for the words from "regulations" to the end there shall be substituted the following provisions –

> "regulation 4 (except in so far as it relates to Part II of Schedule 5), 9(1) (in so far as it regulates putting into circulation), (2) and (3), 10(1) to (4), (6), (6A) and (7), 11(2) (in so far as it falls to be read with paragraph (3)(a), (c) or (d) of that regulation), (4), (6) and (7), 12(3), (4), (6), (7) and (9), 13(1), 15, 16(1) and 17(1).".

6. Regulation 25(a) and (b) shall be revoked.

7. In Schedule 3 (permitted additives and provisions relating to their use), 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 Schedule 1.

8. In Schedule 7 (prescribed limits for undesirable substances) –

(a) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part I of the Table and the corresponding entries in columns 2 and 3 of that Chapter; and

(b) for the entry for Dioxin (sum of PCDD and PCDF) in column 1 of Chapter A of Part II of the Table and the corresponding entries in columns 2 and 3 respectively of that Chapter;

there shall be substituted the entries set out in Schedule 2.

9. In Schedule 8 (control of certain protein sources) –

(a) the entry in column 6 ("All animal species") corresponding with the entry in column 1 relating to "3. Amino acids and their salts" shall be deleted; and

(b) in column 6 at the place corresponding with the entry in column 2 relating to "3.1.1.DL-methionine, technically pure" there shall be inserted "All animal species".

10. In Schedule 9 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use) for the entries in columns 2 to 6 of Chapter A relating to the support of liver function in case of chronic liver insufficiency in dogs or cats there shall be substituted the entries set out in Schedule 3.

Amendment of the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999

11. The Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1999(**8**) shall be amended as follows –

(a) in Part II of Schedule 1 (manner of taking, preparing, marking, sealing and fastening of samples), for paragraph 5(1) there shall be substituted the following provision –

(**7**) S.R. 2001 No. 47, as amended by S.R. 2001 Nos. 209 and 428
(**8**) S.R. 1999 No. 296, to which there are amendments not relevant to these Regulations

"(1) An inspector who intends to take a sample in accordance with section 76(7) of the Act as that section is modified by regulation 10 of the Feeding Stuffs (Enforcement) Regulations 1999(**9**) shall satisfy himself that the conditions in which the material concerned is stored are not such as might have caused undue deterioration of it, and that it appears not to have been contaminated by any other material.";

(b) in Part I of Schedule 2 (methods of analysis), at the end of paragraph 3(e)(ii), for "Schedule 5 to the Feeding Stuffs Regulations (Northern Ireland) 1995" there shall be substituted "Schedule 7 to the Feeding Stuffs Regulations (Northern Ireland) 2001"; and

(c) in Part II of Schedule 3 (form of certificate of analysis), for note 10(a) there shall be substituted the following note –

"(a) whether or not the material was named in accordance with the requirements of the Feeding Stuffs Regulations (Northern Ireland) 2001, and, if it was not named in accordance with those requirements, in what respect it was not;".

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

12.—(1) The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999(**10**) shall be amended as specified in paragraph (2).

(2) In the provisions of those Regulations specified in paragraph (3), for "as modified by the Feeding Stuffs Regulations (Northern Ireland) 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2001" there shall be substituted "as amended by the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002".

(3) The provisions are regulations 98(8) and (9), 99 and 106(1).

Amendment of the Feeding Stuffs (Enforcement) Regulations 1999

13. The Feeding Stuffs (Enforcement) Regulations 1999 shall be amended as follows –

(a) in paragraph (1) of regulation 2, for the definition of "third country" there shall be substituted the following definition –

""third country" means a country other than a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**11**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**12**);" and

(b) in regulation 8, for "as modified by the Feeding Stuffs Regulations (Northern Ireland) 2001 and amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2001" there shall be substituted "as amended by the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2002".

(**9**) S.I. 1999/2325; the relevant amending instruments are S.I. 2001/541, S.I. 2001/3389 and S.R. 2001 No. 209
(**10**) S.I.1999/1872; the relevant amending Regulations are S.R. 2001 No. 209
(**11**) O.J. No. L1, 3.1.94, p. 1
(**12**) O.J. No. L1, 3.1.94, p. 571

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th August 2002.

Denis McMahon
A Senior Officer of the
Department of Health, Social Services and
Public Safety