STATUTORY RULES OF NORTHERN IRELAND

1999 No. 336

FOOD

The Animal Feedingstuffs from Belgium (Control) (No. 2) Regulations (Northern Ireland) 1999

Made - - - -	*22nd July 1999*
Coming into operation	*23rd July 1999*

The Department of Agriculture, being a Department designated(**1**) for the purposes section 2(2) of the European Communities Act 1972(**2**) 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, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Animal Feedingstuffs from Belgium (Control) (No. 2) Regulations (Northern Ireland) 1999 and shall come into operation on 23rd July 1999.

Interpretation

2.—(1) In these Regulations—

"the Control Order" means the Food (Animal and Animal Products from Belgium) (Emergency Control) (No. 2) Order (Northern Ireland) 1999(**3**);

"controlled entity" means any creature, product or material which is excluded from the definition of "relevant animal or animal product" in the Control Order solely by reason that it is neither food nor a food source;

"the Department" means the Department of Agriculture for Northern Ireland;

"enforcement officer" means an officer of the Department authorised by it to enforce and execute these Regulations; and

"the Order" means the Food Safety (Northern ireland) Order 1991(**4**).

(2) In these Regulations—

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) S.R. 1999 No. 335
(**4**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1663 (N.I. 12)

(a) other expressions which are also used in the Order have the same meaning as they have in that Order; and

(b) expressions which are also used in the Control Order have the same meaning as in that Order.

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

Exemptions

3.—(1) Regulation 4 shall not apply to—

(a) the importation of any controlled entity, if when imported, that controlled entity is accompanied by valid certification relating to it, as specified in paragraph (4);

(b) any subsequent activity in relation to the controlled entity, if it can be proved by the person carrying out the activity that at the time of importation it was so accompanied; or

(c) the return to Belgium, under cover of an official certificate in accordance with Article 5 of the Commission Decision 1999/449/EC, of any controlled entity.

(2) Subject to paragraph (3), regulation 6 shall not apply to any imported controlled entity which is accompanied by valid certification relating to it as specified in paragraph (4).

(3) Article 8(1) of the Order with the modifications set out in regulation 6(2)(a) and (d) and with the omission of the words "and paragraphs (3) to (9) shall apply where, on such an inspection, it appears to the authorised officer that any food fails to comply with food safety requirements" shall apply to a controlled entity mentioned in paragraph (2).

(4) The certification referred to in paragraphs (1)(a) and (b) and (2) is the certification which would have applied to the controlled entity by virtue of the Control Order, had that Order extended beyond food and food sources.

Prohibitions and Offences

4.—(1) Subject to paragraph (2)—

(a) a person shall not sell any controlled entity, which is not a live creature, for the purpose of its being used to feed to an animal or in the manufacture of a product for such use;

(b) a person shall not possess, offer, expose, advertise, prepare, present, label, wrap, store or transport any such controlled entity for sale for that purpose;

(c) a person shall not consign, deliver or serve any such controlled entity by way of sale for that purpose;

(d) a person shall not derive material from any controlled entity for that purpose; and

(e) a person shall not import or export any controlled entity.

(2) Paragraph (1) shall not prohibit the bringing into Northern Ireland from a member State of any controlled entity in free circulation in that member State.

(3) A person who knowingly contravenes paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a period not exceeding three months.

Enforcement

5.—(1) These Regulations shall be enforced and executed by the Department.

(**5**) 1954 c. 33 (N.I.)