STATUTORY RULES OF NORTHERN IRELAND

1999 No. 287

AGRICULTURE

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*24th June 1999*
Coming into operation	*29th July 1999*

The Department of Agriculture, in exercise of the powers conferred on it by sections 66(1), 74A, 84 and 86 of the Agriculture Act 1970(**1**) and of every other power enabling it in that behalf, and being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) 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, after consultation in accordance with section 84(1) of the Agriculture Act 1970 with such persons or organisations as appear to it to represent the interests concerned, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1999, and shall come into operation on 29th July 1999.

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

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 1995

2. The Feeding Stuffs Regulations (Northern Ireland) 1995(**5**) shall be further amended in accordance with regulations 3 to 5.

3. In regulation 2(1) (interpretation)—

(a) after the definition of "daily ration" there shall be inserted the following definitions—

(**1**) 1970 c. 40; section 74A was inserted by the European Communities Act 1972, c. 68, Schedule 4, paragraph 6, and the Act was amended by the Agriculture Act 1970 Amendment Regulations 1982 (S.I. 1982/980). Section 66(1) contains definitions of the expressions "prescribed" and "regulations"
(**2**) S.I. 1972/1811
(**3**) 1972 c. 68
(**4**) 1954 c. 33 (N.I.)
(**5**) S.R. 1995 No. 451, amended by S.R. 1996 No. 259, S.R. 1998 No. 124 and S.R. 1998 No. 373

""EC approved Article 2.2(d) establishment" means an establishment listed on a register of approved establishments, maintained by a competent authority in a Member State, in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of that Directive, may be manufactured with a view to putting it into circulation;

"EC approved Article 2.2(f) establishment" means an establishment listed on a register of approved establishments, maintained by a competent authority in a Member State, in implementation of Article 5 of the Establishments Directive, as an establishment on which a compound feeding stuff, of any kind the production of which is regulated by Article 2.2(f) of that Directive, may be produced for the exclusive requirements of the producer's holding;

"EC permitted Article 2.2(d) establishment" means an establishment located in a Member State (other than an EC approved Article 2.2(d) establishment or an establishment which a competent authority in the Member State has declined to approve as such an establishment) if—

(a) a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(d) of the Establishments Directive, was being manufactured on the establishment, with a view to putting it into circulation, on 1st April 1998, and

(b) before 1st September 1998, an application (which is pending) in respect of the establishment, was made to a competent authority in the Member State, in accordance with any requirements in the Member State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be manufactured with a view to putting it into circulation;

"EC permitted Article 2.2(f) establishment" means an establishment located in a Member State (other than an EC approved Article 2.2(f) establishment or an establishment which a competent authority in the Member State has declined to approve as such an establishment) if—

(a) a compound feeding stuff, of any kind the manufacture of which is regulated by Article 2.2(f) of the Establishments Directive, was being produced on the establishment, for the exclusive requirements of the producer's holding, on 1st April 1998, and

(b) before 1st September 1998, an application (which is pending) in respect of the establishment, was made to a competent authority in the Member State, in accordance with any requirements in the Member State for the making of such applications, to approve the establishment, pursuant to the Establishments Directive, as an establishment on which a compound feeding stuff of any such kind may be produced for the exclusive requirements of the producer's holding;";

(b) after the definition of "energy value" there shall be inserted the following definitions—

""establishment" has the meaning given by Article 1.3 of the Establishments Directive;

"the Establishments Directive" means Council Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and

amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC(**6**);";

(c) after the definition of "feeding stuff intended for a particular nutritional purpose" there shall be inserted the following definition—

""feed material" means a product or substance within the definition of "feed materials" in Article 2(b) of Council Directive 1999/29/EC on undesirable substances and products in animal nutrition;"(**7**);

(d) after the definitions of "medicinal product" and "medicinal purpose" there shall be inserted the following definition—

""Member State" means a Member State other than the United Kingdom;";

(e) for the definition of "national list" there shall be substituted the following definition—

""national list" means the list of establishments published in London by the Minister of Agriculture, Fisheries and Food, for the purposes of Article 6.1 of the Establishments Directive;";

(f) after the definition of "protein equivalent of urea, biuret, urea phosphate and diureidoisobutane" there shall be inserted the following definition—

""put into circulation" means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, but in regulation 15(3), (4) and (6) also means import into Northern Ireland from a country other than an EEA State;";

(g) after the definition of "straight feeding stuff" there shall be added the following definitions —

""third country" means a country other than a Member State or the United Kingdom;

subject to regulation 15(4A), "UK approved Article 2.2(d) establishment", "UK approved Article 2.2(f) establishment", "UK permitted Article 2.2(d) establishment" and "UK permitted Article 2.2(f) establishment" have the meanings given by regulation 3 of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1998."(**8**).

4. In regulation 15 (which deals with undesirable substances)—

(a) for paragraphs (3) to (6) there shall be substituted the following paragraphs—

"(3) A person shall not put into circulation any feed material specified in column 2 of Chapter A of Part II of Schedule 5, which contains any substance specified in column 1 of that Part in excess of the maximum content specified in relation thereto in column 3 thereof.

(4) Subject to paragraph (4A), a person shall not put into circulation any feed material specified in column 2 of Chapter A of Part II of Schedule 5, or in column 2 of Chapter B of that Part, which contains any substance specified in relation to the material in question in the corresponding entry in column 1 of the Chapter in question, in excess of the maximum content specified in relation to the corresponding feed material in column 3 of Part I of that Schedule, unless the feed material put into circulation—

(a) is intended for use only on—

(i) a UK approved or permitted Article 2.2(d) establishment,

(ii) a UK approved or permitted Article 2.2(f) establishment,

(**6**) O.J. No. L332, 30.12.95, p. 17
(**7**) O.J. No. L115, 4.5.99, p. 32
(**8**) S.I. 1998/1049

(iii) an EC approved or permitted Article 2.2(d) establishment, or

(iv) an EC approved or permitted Article 2.2(f) establishment, and

(b) is accompanied by a document stating—

(i) that it is intended for use by such establishments,

(ii) that it may not be fed unprocessed to livestock, and

(iii) the amount of the specified substance contained in it,

or is intended for supply by way of export to a third country.

(4A) For the purposes of paragraph (4), a UK or EC establishment shall not be considered an approved establishment unless—

(a) in the case of a UK establishment, it is included in the most recently published national list (if any),

(b) in the case of an EC establishment, it is included in the most recently published list (if any) equivalent in the Member State concerned to the national list.

(5) A person shall not mix with any feeding stuff or feed material, any feed material specified in column 2 of Chapter A of Part II of Schedule 5, if the feed material so specified contains any substance specified in the corresponding entry in column 1 of that Part in excess of the maximum content specified in relation thereto in column 3 thereof.

(6) A person shall not put into circulation any feed material unless it is—

(a) sound and genuine, and

(b) of merchantable quality.".

(b) in paragraphs (7), (9) and (10), for the expression "ingredient", wherever it appears, there shall be substituted the expression "feed material", with any immediately preceding indefinite article changed consequentially;

(c) paragraph (8) shall be deleted.

5. In Schedule 5 (prescribed limits for undesirable substances)—

(a) in Part I, for the expression "straight feeding stuffs", wherever it appears, and for the expression "feeding stuffs" where it appears immediately after the expression "except:" in the entries relating to Fluorine and Mercury, and in the third indent of the entry for Arsenic, there shall be substituted the expression "feed material"; and

(b) for Part II there shall be substituted the contents of the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

24th June 1999.

Liam McKibben
Assistant Secretary