STATUTORY RULES OF NORTHERN IRELAND

1999 No. 261

FOOD

The Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 1999

Made - - - -	*8th June 1999*
Coming into operation	*8th June 1999*

The Department of Agriculture, being the Department designated(**1**) for the purposes of 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) Regulations (Northern Ireland) 1999 and shall come into operation on 8th June 1999.

Interpretation

2.—(1) In these Regulations—

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

"controlled entity" means any creature, product or material which is excluded from the definition of "relevant animal or animal product" in the Food (Animal and Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 1999(**3**) solely by reason that it is neither food nor a food source;

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

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

(2) In these Regulations—

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

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) S.R. 1999 No. 255
(**4**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)

(b) expressions which are also used in the Food (Animal and Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 1999 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.

Prohibitions and offences

3.—(1) Subject to paragraph (2)—

(a) a person shall not sell any controlled entity, which is not a live creature, for the purposes 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 for that purpose.

(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 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

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

(2) An authorised officer shall have the same powers of entry for the purposes of the exercise of his functions under these Regulations as are bestowed on an officer of a district council or officer of a Northern Ireland Department by Article 33 of the Order for the purposes of the Order or regulations or orders made under the Order.

Application and modification of various provisions of the Order

5.—(1) Article 8 of the Order (Inspection and seizure of suspected food) shall apply for the purposes of these Regulations, subject to the modifications set out in paragraph (2).

(2) The modifications of Article 8 of the Order referred to in paragraph (1) are as follows—

(a) paragraphs (1) and (2) shall extend to any creature, product or material which appears to an authorised officer to come within the definition of "controlled entity" in regulation 2(1); and

(b) paragraphs (3) to (8) shall apply—

(i) to any creature, product or material falling within sub-paragraph (a) as it applies to food which appears to an authorised officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings; and

(ii) to any controlled entity as if it were food which failed to comply with food safety requirements;

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