STATUTORY RULES OF NORTHERN IRELAND

1995 No. 451

AGRICULTURE

Feeding Stuffs Regulations (Northern Ireland) 1995

Made - - - -	*4th December 1995*
Coming into operation	*15th January 1996*

The Department of Agriculture, being a 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 that section and sections 66(1), 68(1), (1A)(**3**) and (3), 69(1), (3), (6) and (7), 70(1), 73(3), 74(1), 74A(**4**), 84 and 86 of the Agriculture Act 1970(**5**) and of every other power enabling it in that behalf, after consultation with such persons or organisations as appear to it to represent the interests concerned, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Feeding Stuffs Regulations (Northern Ireland) 199.5, and shall come into operation on 15th January 1996.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Agriculture Act 1970;

"additive" means any substance, or preparation containing any substance, other than a premixture, which, when incorporated into a feeding stuff, is likely to affect its characteristics or livestock production;

"ash" means the matter which results from the treatment of a feeding stuff in accordance with the appropriate procedure described in method 12 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(**6**);

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68. section 2 is subject to Schedule 2 to the Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**3**) Inserted by S.I. 1982/980 regulation 5
(**4**) Inserted by 1972 c. 68 section 4(1) and Schedule 4, paragraph 6
(**5**) 1970 c. 40 as amended by S.I. 1982/980
(**6**) S.R. 1982 No. 338 as amended by S.R. 1984 No. 26, 1985 No. 194 and 1994 No. 309

"complementary feeding stuff" means a mixture of feeding stuffs which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other feeding stuffs;

"complete feeding stuff" means a compound feeding stuff which, by reason of its composition, is sufficient to ensure a daily ration;

"compound feeding stuff" means a mixture of products of vegetable or animal origin in their natural state, fresh or preserved, or products derived from the industrial processing thereof, or organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feeding stuffs or complementary feeding stuffs;

"daily ration" means the average total quantity of feeding stuff, expressed on a 12 per cent moisture basis, required daily by an animal of a given kind, age group and level of production in order to satisfy all its nutritional needs;

"energy value" means the energy value of a feeding stuff calculated in accordance with the relevant method described in Schedule 9;

"fat" means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure described in method 3 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(**7**);

"feeding stuff", subject to regulation 15(10), has the meaning attributed to it by section 66(1) as modified by regulation 20(1);

"feeding stuff intended for a particular nutritional purpose" means a compound feeding stuff, the composition or method of manufacture of which distinguishes it from other feeding stuffs and from the type of products defined in Council Directive 90/167/EEC, laying down the conditions governing the preparation, placing on the market and use of medicated feeding stuffs in the Community(**8**), and in respect of which any indication is given that it is intended for a particular nutritional purpose;

"fibre" means the organic matter calculated following the treatment of a feeding stuff in accordance with the procedure described in method 9 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(**9**);

"ingredient" means—

(a) a product of vegetable or animal origin, in its original state, fresh or preserved;

(b) any product derived from such a product by industrial processing; or

(c) any organic or inorganic substance,

whether containing additives or not, which is intended for circulation as a straight feeding stuff or for the preparation of a compound feeding stuff or as a carrier of a premixture;

"medicinal product" and "medicinal purpose" have the meanings assigned to them by section 130(1) and (2) respectively of the Medicines Act 1968(**10**);

"milk replacer feed" means a compound feeding stuff administered in dry form, or after reconstitution with a given quantity of liquid, for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter;

"mineral feeding stuff" means a complementary feeding stuff which is composed mainly of minerals and which contains at least 40 per cent by weight of ash;

"minimum storage life" means, in relation to a compound feeding stuff, the date until which, under proper storage conditions, that feeding stuff retains its specific properties;

(**7**) Method 3 was substituted by S.R. 1985 No. 194
(**8**) O.J. No. L92, 7.4.90, p.42
(**9**) Method 9 was amended by S.R. I994 No. 309
(**10**) 1968 c. 67

"molassed feeding stuff" means a complementary feeding stuff prepared from molasses and which contains at least 14 per cent by weight of total sugar expressed as sucrose;

"moisture" means water and other volatile material determined in accordance with the procedure described in method 2 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982;

"name" in relation to an additive, means the name used in relation to an additive referred to in paragraph 6(1) of, or specified in the Table to, Schedule 4;

"national list" means the list of manufacturers of compound feeding stuffs published in London by the Ministry of Agriculture, Fisheries and Food for the purposes of Article 3a(2)(a) of Council Directive 74/63/EEC on undesirable substances and products in animal nutrition(**11**);

"oil" means the extract obtained following the treatment of a feeding stuff in accordance with the appropriate procedure described in method 3 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982;

"particular nutritional purpose" means the purpose of satisfying any nutritional requirement of pet animals or productive livestock, the process of assimilation or absorption of which, or the metabolism of which, may be temporarily impaired, or is temporarily or permanently impaired, and which may therefore benefit from ingestion of a feeding stuff capable of achieving that purpose;

"pet food" means a feeding stuff for pet animals and "compound pet food" shall be construed accordingly;

"premixture" means a mixture of additives, or a mixture of one or more additives with substances used as carriers, intended for the manufacture of feeding stuffs;

"protein" means the matter obtained as a result of treatment of a feeding stuff in accordance with the procedure described in method 4 of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(**12**);

"protein equivalent of urea, biuret, urea phosphate and diureidoisobutane" means the amount of urea, biuret, urea phosphate and diureidoisobutane nitrogen multiplied by 6.25;

"starch" means the matter obtained as the result of treatment of a feeding stuff in accordance with method 30a or 30b, as appropriate, of Schedule 2 to the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982; and

"straight feeding stuff" means a vegetable or animal product in its natural state, fresh or preserved, and any product derived from the industrial processing thereof, and any single organic or inorganic substance, whether or not it contains any additive, intended as such for oral animal feeding.

(2) Any reference in these Regulations to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in the Act.

(3) The Interpretation Act (Northern Ireland) 1954(**13**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Descriptions of animals prescribed for the purpose of the definition of feeding stuff

3. For the purposes of the definition of feeding stuff in section 66(1), bulls, cows, steers, heifers, calves, sheep, lambs, goats, kids, swine, piglets, horses, foals, deer, rabbits (other than pet rabbits), mink, partridges, pheasants, poultry, bees and farmed fish are prescribed animals.

(**11**) O.J. No. L38. 11.2.74, p.31, amended by Council Directive 86/354/EEC (O.J. No. L212. 2.8.86, p.27)
(**12**) Method 4 was substituted by S.R. 1994 No. 309
(**13**) 1951 c. 33 (N.I.)

Prescribed descriptions of material

4. The description of material prescribed for the purposes of sections 68(1) and 69(1) shall be any material usable as a feeding stuff (other than a straight feeding stuff intended for use as a pet food), and any material usable as an ingredient or additive in such a feeding stuff.

Matters required and permitted to be contained in a statutory statement or otherwise declared

5. The particulars, information and instructions required, and the particulars, information and instructions permitted, to be contained in a statutory statement or otherwise declared shall comply with the provisions of Schedule 1 and Part I of Schedule 8.

Forms of statutory statement

6.—(1) In the case of material of the prescribed description delivered in a package or other container the statutory statement shall either—

(a) take the form of a label attached to that package or container; or

(b) be clearly marked directly thereon;

and in the case of such material delivered in bulk, the statutory statement shall take the form of a document relating to each consignment.

(2) The particulars, information and instructions required by section 68(1) and permitted by section 68(1A) to be contained in a statutory statement shall—

(a) be clearly separate from any other information;

(b) be in English; and

(c) be legible and indelible.

(3) For the purposes of section 69 (marking of material prepared for sale), material of the prescribed description which is contained in a package or other container shall be labelled or marked in the manner prescribed in relation to such material in paragraph (1), and such material in bulk shall be marked by the display in as close proximity to the material as may be practicable of a document relating thereto.

(4) In this regulation "the prescribed description" means the description prescribed by regulation 4.

Time by which a statutory statement relating to certain material must be given

7. For the purpose of section 68(3), any statutory statement required to be given on the sale of any straight feeding stuff delivered in bulk may be given as soon as practicable after delivery to the purchaser.

Register of marks

8.—(1) As respects any straight feeding stuff, the matters required by section 69(1) to be marked on that material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(2) In the case of any compound feeding stuff, not being of a standard formulation on general sale by the seller concerned, which is specially manufactured or mixed to the order of a particular purchaser, there shall be an indication in a document, label or notice which is readily apparent and unequivocally associated with the material, of the type of feeding stuff and of the name or trade name and of the address or registered office of the manufacturer. The other matters required

by section 69(1) to be marked on the material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(3) The register shall show those matters to which the mark relates, being matters required to be contained in a statutory statement relating to the material to which the mark relates, and the date of entry of those particulars in the register, and entries relating to material of a kind mentioned in paragraph (2) shall include the name and address of the purchaser, the date of the order and the amount ordered.

(4) The register shall be kept as a separate record in book form marked on the outside "Register of marks under section 69(6) of the Agriculture Act 1970" and shall be kept on the premises where the material is held for the purpose of selling it in the course of trade for use as a feeding stuff, save that if the material is in a public store the register shall be kept on the premises of the person who has the material for sale.

(5) The period for which the register is to be preserved in accordance with section 69(7) shall be a period of six months commencing on the first day on which none of the materials referred to in the register remains on the premises, for sale as aforesaid.

(6) The register shall be made and kept by the seller concerned.

Corltrol of premixtures

9.—(1) A person shall not sell any premixture in a bag or container which is not labelled or marked in accordance with paragraph (2) and Part II of Schedule 8.

(2) Every label or mark required by paragraph (1) shall conform to the provisions of regulation 6(1) and (2) as if such label or mark were a statutory statement.

Limits of Limitation

10. For the purposes of section 74, the limits of variation in relation to any mis-statement in a statutory statement or mark as to the nature, substance or quality of a feeding stuff, where the mis-statement relates to an analytical constituent specified in the first column of Schedule 3 or to the energy value of a feeding stuff so specified, shall be as set out with respect to that constitutent or value in the second column of that Schedule.

Assigned meanings

11. For the purposes of section 70, there shall be assigned to the expressions "complementary feeding stuff", "complete feeding stuff", "compound feeding stuff", "feeding stuff", "milk replacer feed", "mineral feeding stuff" and "molassed feeding stuff" in each case the meaning given to that expression by regulation 2(1).

Manner of packaging and sealing compound feeding stuffs, additives and premixtures

12.—(1) Subject to paragraphs (2), (3) and (4), a person shall not sell a compound feeding stuff or any additive or premixture, unless it is in a bag or container and unless that bag or container is sealed in such a way that, when the bag or container is opened, the seal is damaged and cannot be re-used.

(2) Compound feeding stuffs may be sold in bulk, in unsealed bags or in unsealed containers in the case of—

(a) deliveries between producers or sellers of compound feeding stuffs;

(b) deliveries from producers of compound feeding stuffs to packaging enterprises;

(c) compound feeding stuffs obtained by mixing grain or whole fruit;

(d) blocks or licks;