

1995 No. 97

FOOD

Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 1995

Made 16th March 1995

Coming into operation 15th April 1995

The Department of Agriculture and the Department of Health and Social Services, acting jointly as the Department concerned(a), in exercise of the powers conferred on them by Articles 15(1)(a), (b) and (f) and (3), 16(1), 25(1), 2(a) and (b) and (3), 26(3), 32, 47(2) and 48(2) of, and paragraphs 3 and 7 of Schedule 1 of the Food Safety (Northern Ireland) Order 1991(b) and of every other power enabling them in that behalf, after consultation in accordance with Article 47 of the said Order of 1991 with Organisations as appear to them to be representative of interests substantially affected by the Regulations (insofar as the Regulations are made in exercise of the powers conferred by the said Articles of the said Order of 1991), hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 15th April 1995.

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

Amendment of the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1992

2. The Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1992(d) shall be amended as provided by regulations 3 to 21.

(a) See Art. 2(2) of S.I. 1991/762 (N.I. 7).

(b) S.I. 1991/762 (N.I. 7): see Art. 2(2) for definitions of “the Department concerned” and “Regulations”

(c) 1954 c. 23 (N.I.).

(d) S.R. 1992 No. 39

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

- (a) after the definition of “animal test certificate” there shall be inserted the following definition—

“ “Annex IV substance” means a substance specified in Annex IV to the Council Regulation;”;

- (b) for the definition of “approved laboratory” there shall be substituted the following definition—

“ “approved laboratory” means a laboratory approved by the Department for the purposes of Council Directive 86/469/EEC(a) or any laboratory under the direction or control of a public analyst appointed in accordance with Article 27 of the Food Safety (Northern Ireland) Order 1991;”;

- (c) after the definition of “carcase” there shall be inserted the following definition—

“ “the Council Regulation” means the Regulation specified in Schedule 1;”;

- (d) in the definition of “maximum residue limit”—

- (i) for paragraph (a) there shall be substituted the following paragraph—

“(a) in respect of any substance specified in the first column of Annex I or Annex III to the Council Regulation, the limit specified in the fourth column opposite the reference to that substance and the applicable animal species specified in the third column, where the substance is contained in the part of the animal specified opposite it in the fifth column or in any meat or meat product derived from that part of the animal;”;

- (ii) immediately after paragraph (b) there shall be inserted—

“and, :

- (c) in respect of each substance specified in column (1) of Schedule 4, the limit specified in column (2) thereof opposite the reference to such substance and the applicable animal species specified in column (5) where such substance is contained in that part of the animal specified in column (3) thereof opposite the reference to such substance or in any meat or meat product derived from that part of the animal;”;

- (e) for the definition of “veterinary medicinal product” there shall be substituted—

“ “Veterinary medicinal product” has the same meaning as in the Medicines (Restrictions on the Administration of Veterinary Medicinal Products) Regulations 1994(b), except that it includes:—

(a) O.J. No. L275, 26.9.86, p. 36

(b) S.I. 1994/2987

(a) medicinal additives for feedingstuffs to which the provisions of Council Directive 70/524/EEC(a) apply; and

(b) medicated feedingstuffs;”.

(2) For regulation 2(3) there shall be substituted—

“(3) For the purpose of ascertaining whether the maximum residues limit has been exceeded for the purposes of these Regulations, the presence of—

(a) the drug or drug metabolite (or combination thereof) specified in column (4) of Schedule 4 opposite the reference to each substance specified in column (1) of that Schedule shall be taken to indicate the presence of that substance in that part of an animal, or in any meat or meat product derived from that part of an animal, specified in column (3) of that Schedule opposite the reference to that substance and the maximum residue limit specified in column (2) of that Schedule opposite the reference to that substance shall then apply in respect of the presence in such part of an animal, or in any meat or meat product derived from such part of an animal, of any such drug or drug metabolite (or combination thereof) as if it were that substance; and

(b) the drug or drug metabolite (or combination thereof) specified in the second column of Annex I or III to the Council Regulation opposite the reference to each substance specified in the first column of those Annexes shall be taken to indicate the presence of that substance in that part of an animal, or in any meat or meat product derived from that part of an animal, specified in the fifth column of such Annex I or III, opposite the reference to that substance and the maximum residue limit specified in the fourth column of such Annex I or III opposite the reference to that substance shall then apply in respect of the presence in such part of an animal, or in any meat or meat product derived from such part of an animal, of any such drug or drug metabolite (or combination thereof) as if it were that substance.”.

4. For regulation 4 (Prohibition on administration to animals of unlicensed substances) there shall be substituted the following regulation—

“4.—(1) Subject to paragraphs (2) and (3) and to regulation 4A(2), a person shall not administer any unlicensed substance to an animal.

(2) Nothing in paragraph (1) shall prohibit the administration of any veterinary medicinal product to an animal where it is administered in accordance with the exemption specified in regulation 4 or 5 of the Medicines (Restrictions on the Administration of Veterinary Medicinal Products) Regulations 1994.

(3) Nothing in paragraph (1) shall prohibit the administration to an animal of any medicated feedingstuff where it is administered in accordance with a veterinary written direction.”.

(a) O.J. No. L270; 14.12.70, p. 1 as amended by Council Directive 84/587/EEC (O.J. No. L319, 8.12.84, p. 13)

5. After regulation 4 there shall be inserted—

“Prohibition on administration to animals of Annex IV substances

4A.—(1) Subject to paragraph (2), a person shall not administer to an animal any Annex IV substance.

(2) Nothing in regulation 4 or paragraph (1) shall prohibit giving an animal feedingstuff containing an Annex IV substance (whether or not it is also an unlicensed substance) where that substance has been incorporated in the feedingstuff in accordance with Council Directive 70/524/EEC concerning additives in feedingstuffs.”.

6. In regulation 5(1)(a) (Prohibitions on the sale and slaughter of animals for human consumption) after head (iii) there shall be added the following—

“(iv) an Annex IV substance; or”

7. In regulation 6 (prohibition on the sale of meat or meat products) after the number “18” there shall be inserted “or any Annex IV substance”.

8.—(1) In regulation 8(1) (Results of primary analysis) after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(cc) an Annex IV substance;”.

(2) In regulation 8(1) and in regulation 9(3) (Reference analysis) for the words “give this to” there shall be substituted “serve a copy thereof on”.

9. For regulation 13 (Inspection of animals) there shall be substituted—

“13.—(1) An authorised officer may, by notice in writing served on the owner of an animal, require him to detain the animal at the place where it then is, or to remove it to such other place as is specified in the notice and detain it there, to enable the animal to be inspected by an authorised officer for the purpose of ascertaining whether there is present in it a residue of a prohibited substance or of an unlicensed substance or of an Annex IV substance or a residue of an authorised substance which an authorised officer reasonably suspects may result in any meat or meat product obtained from the animal containing an authorised substance at a concentration exceeding the relevant maximum residue limit.

(2) Where the owner of an animal fails to comply with a notice served on him under paragraph (1) an authorised officer may cause any animal to which that notice relates to be removed and detained to enable it to be inspected for the purpose of that paragraph.”.

10. In regulation 14(1) (Examination of animals) after the word “substance”, in the second place where it occurs, there shall be inserted the words “or of an Annex IV substance”.

11. In regulation 14(2)(a) and in regulation 15(1) (Notice of completion of examination) for the words “give notice in writing to” there shall be substituted “serve notice in writing on”.