1994 No. 502

AGRICULTURE

Feeding Stuffs (Amendment) (No. 2) Regulations (Northern Ireland) 1994

Made *29th December1994*

Coming into operation . . *6th February 1995*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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) and (3), 69(1), (3), (6) and (7), 70(1), 73(3), 74(1), 74A(**c**), 84 and 86 of the Agriculture Act 1970(**d**) 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 (Amendment) (No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 6th February 1995.

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 1992

2. The Feeding Stuffs Regulations (Northern Ireland) 1992(**e**) shall be further amended in accordance with regulations 3 and 4.

3. In regulation 13*(Control of added substances contained in feeding stuffs)*—

(*a*) for paragraph (1) there shall be substituted the following paragraph:

"(1) A person shall not sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive, or sell, or have in possession with a view to sale for incorporation in a feeding stuff, any additive, unless—

(*a*) where the additive is contained in any material, the material complies with the relevant provisions of Schedule 4;

(*b*) where the additive is not so contained, it is referred to in the Table to Schedule 4; or

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(**a**) *See* S.I. 1972/1811

(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(**c**) Inserted by 1972 c. 68 s. 4(1) and Schedule 4, paragraph 6

(**d**) 1970 c. 40 as amended by S.I. 1982/980

(**e**) S.R. 1992 No. 270 as amended by S.R. 1993 No. 349 and S.R. 1994 No. 123

(*c*) the additive, whether or not contained in any material or in a preparation is—

(i) an enzyme (other than of a type referred to in Part X of that Table); or

(ii) a micro-organism.'';

(*b*) after paragraph (1) there shall be inserted the following paragraphs:

''(1A) A person shall not—

(*a*) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation; or

(*b*) sell, or have in possession with a view to sale, for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(*a*) of Council Directive 93/113/EC(**a**)—

(i) an identification note in the form contained in Annex II to that Directive, relating to the enzyme, micro-organism or preparation in question, and prepared by the person responsible for selling or otherwise supplying the same, has been received by the Department of Agriculture; and

(ii) the enzyme or, as the case may be, micro-organism or preparation, is included in the list of authorised products referred to in that Article.

(1B) A person shall not on or after 1st December 1995—

(*a*) sell, or have in possession with a view to sale for use as a feeding stuff, or use as a feeding stuff, any material containing any additive which is an enzyme (other than of a type referred to in Part X of the Table to Schedule 4) or a micro-organism, whether or not the enzyme or micro-organism is contained in a preparation; or

(*b*) sell, or have in possession with a view to sale for incorporation in a feeding stuff, any such enzyme or micro-organism,

unless, in accordance with Article 3(*b*) of Council Directive 93/113/EC and before that date, a dossier relating to the enzyme, micro-organism or preparation in question, and prepared by the person who requested its inclusion in the list of authorised products referred to in paragraph (1A)(*b*)(ii), has been received by the Department of Agriculture.'';

(*c*) in paragraph (2) for the words ''Paragraph (1)'' there shall be substituted the words ''Paragraphs (1) to (1B)''.

(a) O.J. No. L334, 31.12.93, p. 17

4.—(1) In Part I of Schedule 1 (''CONTENTS OF THE STATUTORY STATEMENT'')—

(*a*) in paragraph 2—

(i) after sub-paragraph (1)(*d*) there shall be inserted the following provisions:

''(*e*) enzymes of a type referred to in Part X of the Table to Schedule 4—

(*i*) the names of the active constituents according to their enzymatic activities specified in column 3 of that Part;

(*ii*) the identification number allotted by the International Union of Biochemistry;

(*iii*) the activity units (expressed as activity units per kilogram or activity units per litre);

(*iv*) an indication of the period during which the activity units will remain present; and

(*v*) an indication of any significant characteristics of the enzyme arising during manufacture, specified in column 8 of that Part;

(*f*) enzymes not of a type referred to in Part X of the Table to Schedule 4, where the material is a compound feeding stuff—

(*i*) the names of the active constituents according to their enzymatic activities;

(*ii*) the identification number allotted by the International Union of Biochemistry;

(*iii*) the activity units (expressed as activity units per kilogram or activity units per litre) if such units can be measured by an official or scientifically valid method; and

(*iv*) an indication of the period during which the activity units will remain present;

(*g*) micro-organisms, where the material is a compound feeding stuff—

(*i*) the identification of the strain according to a recognised international code of nomenclature;

(*ii*) the deposit number of the strain;

(*iii*) the number of colony-forming units (expressed as CFU/kg) if the number is measurable by an official or scientifically valid method;

(*iv*) an indication of the period during which the colony-forming units will remain present; and

(*v*) an indication of any significant characteristics of the micro-organism arising during manufacture.'';

(ii) for sub-paragraph (2)(*c*) there shall be substituted the following sub-paragraph:

"(*c*) any other added substance (other than an enzyme of a type not referred to in Part X of the Table to Schedule 4 or a micro-organism) its EEC number or its trade name.";

(iii) in sub-paragraph (5), after the word "accompanied" there shall be inserted the words "(other than in the case of an enzyme of a type not referred to in Part X of the Table to Schedule 4 or a micro-organism)";

(*b*) in paragraph 7—

(i) after sub-paragraph (1)(*b*) there shall be added the following—

"Provided that if the feeding stuff is constituted from no more than three ingredients, and clearly described by reference to its ingredients either in the statutory statement or elsewhere on its package, label or container, the particulars specified in head (*b*) shall not be required.";

(ii) sub-paragraph (2)(*c*) shall be deleted.

(2) In Schedule 4 ("PERMITTED ADDITIVES AND PROVISIONS RELATING TO THEIR USE")—

(*a*) after paragraph 11 there shall be added the following paragraph—

"12. No material shall contain—

(*a*) any added enzyme, other than one named or described in column 2 of Part X; or

(*b*) any added enzyme named or described in column 2 of that Part unless—

(*i*) the material is for a species or category of animal listed opposite the enzyme in question in column 4 of that Part and the animal concerned is of an age no greater than the maximum age (if any) specified in column 5 of that Part;

(*ii*) taking into account any such enzyme which is naturally present, the content of the enzyme is not less than the minimum activity (if any) specified in column 6 of that Part, and does not exceed the maximum activity (if any) specified in column 7 of that Part; and

(*iii*) the material is to be used in accordance with the conditions (if any) laid down in column 8 of that Part.";

(*b*) for Part II ("PERMITTED COLOURANTS"), there shall be substituted the Part set out in Schedule 1;

(*c*) in Part III ("PERMITTED EMULSIFIERS, STABILISERS, THICKENERS AND GELLING AGENTS"), in Chapter B there shall be inserted at the beginning, in columns 1 to 3 and 5, the following provisions;

"E418	Gellan gum (Polytetrasaccharide containing glucose, glucuronic acid and rhamnose (2:1:1) produced by *Pseudomonas elodea* (ATCC31466))	Dogs, Cats	—	Canned feeding stuffs only"

(*d*) in Part IV ("PERMITTED BINDERS, ANTI-CAKING AGENTS AND COAGULANTS"), in Chapter B there shall be added at the end the following provisions:

"2	Natrolite-phonolite (Natural mixture of aluminium silicates, alkalines and alkaline — earth and aluminium hydrosilicates, natrolite (43%-46%) and feldspar)	All species of animals	25000	All feeding stuffs"

(*e*) in Part IX ("PERMITTED ACIDITY REGULATORS FOR PET FOODS FOR DOGS AND CATS"), after the provisions relating to Sodium hydroxide there shall be added the following provisions:

"E525	Potassium hydroxide
E526	Calcium hydroxide"

(*f*) after Part IX there shall be added the Part set out in Schedule 2.

(3) In Part I of Schedule 5 ("FEEDING STUFFS"), in Chapter A for the provisions relating to complete feeding stuffs in columns 2 and 3, opposite the reference in column 1 to the substance Arsenic, there shall be substituted the following provisions:

"Complete feeding stuffs except:	2
— complete feeding stuffs for fish	4"

(4) In Part I of Schedule 8 ("ADDITIVES")—

(*a*) for paragraph 1(*a*) there shall be substituted the following sub-paragraph: