1993 No. 349

AGRICULTURE

Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1993

Made	*6th August 1993*
Coming into operation—	
Regulations 1 to 3 and Schedules 1 and 2	*10th September 1993*
Regulation 4	*1st October 1993*
Regulation 5	*31st December 1993*

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 Economic 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) Regulations (Northern Ireland) 1993 and shall come into operation on the following dates:

(*a*) Regulations 1 to 3 and Schedules 1 and 2 on 10th September 1993;

(*b*) Regulation 4 on 1st October 1993;

(*c*) Regulation 5 on 31st December 1993.

Amendment of the Feeding Stuffs Regulations (Northern Ireland) 1992

2. The Feeding Stuffs Regulations (Northern Ireland) 1992(**e**) shall be amended in accordance with regulations 3 to 5.

3.—(1) In regulation 1, for paragraphs (2) and (3) there shall be substituted the following paragraph:

(**a**) 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

"(2) The provisions of—

(*a*) paragraph 12(3) and (4) of Schedule 1; and

(*b*) Parts III and IV of Schedule 6,

shall not apply in relation to any compound feeding stuff manufactured before 1st March 1993 and sold before 31st December 1993.".

(2) In regulation 13, the words "or import into Northern Ireland for such use" shall be omitted from each of paragraphs (1), (3) and (4).

(3) In Part I of Schedule 1 ("CONTENTS OF THE STATUTORY STATEMENT")—

(*a*) in paragraphs 11(3) and 12(2), for the words "one of the ingredients" there shall be substituted the words "an ingredient";

(*b*) after paragraph 12(2), there shall be inserted the following provisions:

"(3) Where the declaration is by specific names, an ingredient described in column 3 of Part III of Schedule 6 and complying with any compositional requirement specified in that column in relation to that ingredient shall be declared by the corresponding name specified in column 2 of that Part, (the inclusion in the declaration of any word appearing in brackets in column 2 being optional) if—

(*a*) the botanical purity of the ingredient by weight is not less than the percentage specified in column 3 of Part III of Schedule 6 in relation to that ingredient or, if none is specified, is not less than 95% by weight; and

(*b*) (in cases where the name specified in column 2 of Part III of Schedule 6 includes a common name or term specified in column 3 of Part IV of that Schedule), the ingredient was prepared by the process specified in column 1 and described in column 2 of Part IV of Schedule 6 in relation to that ingredient.

(4) Where the declaration is by specific names, if any requirement of sub-paragraph (3) is not complied with in relation to an ingredient, the declaration in the statutory statement of that ingredient shall not be by a name specified in column 2 of Part III of Schedule 6.".

(4) In Part II of Schedule 1 ("DECLARATION OF ANALYTICAL CONSTITUENTS"), the word "crude", wherever it appears in column 2, shall be deleted.

(5) In Schedule 4—

(*a*) in paragraph 4, after sub-paragraph (2)(*b*) there shall be inserted the following provisions:

"and

(*c*) the material complies with the conditions specified in relation thereto in column 5 of that Chapter.";

(*b*) in paragraph 5, after sub-paragraph (*b*) there shall be inserted the following provisions:

"and

(*c*) the material is intended for any animal of a kind specified opposite the binder, anti-caking agent or coagulant concerned, in column 3 of that Chapter.'';

(*c*) for paragraph 6(i) there shall be substituted the following sub-paragraph:

''(i) any material for any animal of a kind specified in column 3 of Chapter A of Part V may contain added vitamin A, D_2 or D_3, in proportions which, taking account of any such vitamin which is naturally present, do not exceed the maximum content specified in column 4 of that Chapter in relation to the kinds of animal specified in column 3 thereof, and provided that the conditions (if any) specified in column 5 of that Chapter are complied with.'';

(*d*) in paragraph 8(*c*), there shall be inserted at the end of the sub-paragraph the words ''and the animals concerned are of an age no greater than that (if any) specified in column 5 of that Part'';

(*e*) in Part IV (''PERMITTED BINDERS, ANTI-CAKING AGENTS AND COAGULANTS''), in Chapter B—

(i) in the provisions relating to the name or description ''Bentonite and montmorillonite'', for the words ''and robenidine'' in column 5 there shall be substituted the words ''robenidine and maduramicin ammonium'';

(ii) in the provisions relating to the name or description ''Synthetic calcium aluminates''—

(A) in column 1 there shall be inserted the number ''E598'' opposite the words ''Synthetic Calcium'' in column 2;

(B) for the formula ''A1203'' in column 2, there shall be substituted the formula ''Al_2O_3'';

(C) after the provisions relating to Poultry, rabbits and pigs in columns 3 to 5 there shall be inserted the following provisions:

''Dairy cows, cattle for fattening, calves, lambs and kids	8000	All feeding stuffs''

(*f*) in Part V (''VITAMINS, PRO-VITAMINS AND SUBSTANCES HAVING A SIMILAR EFFECT''), in Chapter A, in the provisions relating to vitamin A, in column 3, after the word ''Calves'' there shall be inserted the words ''for fattening'';

(*g*) in Part VI (''TRACE ELEMENTS'')—

(i) for the provisions relating to the element Iodine-I in columns 5 and 6 there shall be substituted the following provisions:

''Equines	4 (total)
Other species	40 (total)''

(ii) in the provisions relating to the element Cobalt-Co, for the formula in column 4 opposite the reference in column 3 to Cobaltous sulphate, monohydrate, there shall be substituted the formula ''$CoSO_4 \cdot H_2O$'';

(iii) in the provisions relating to the element Zinc-Zn, in column 7 opposite the reference in column 3 to Zinc oxide, there shall be inserted the expression ''Maximum content of lead 600 mg/kg'';

(*h*) for Chapter B of Part VIII, (''PERMITTED PRESERVATIVES''), there shall be substituted the Chapter set out in Schedule 1.

(6) In Part II of Schedule 5 (''INGREDIENTS'')—

(*a*) for the heading of column 3 there shall be substituted the heading ''*Maximum content in mg/kg of ingredients referred to a moisture content of 12%*'';

(*b*) for the figure relating to the substance Cadmium in column 3 there shall be substituted the figure ''10'';

(*c*) after the provisions relating to the substance Cadmium there shall be inserted the following provisions:

''Arsenic	Phosphates	20''

(7) In Schedule 6—

(*a*) in Part I (''CATEGORIES OF INGREDIENTS FOR USE IN RELATION TO COMPOUND FEEDING STUFFS FOR PET ANIMALS'') and Part II (''CATEGORIES OF INGREDIENTS FOR USE IN RELATION TO COMPOUND FEEDING STUFFS FOR ANIMALS OTHER THAN PETS''), the word ''crude'', wherever it appears in the second column in each Part, shall be deleted;

(*b*) after Part II there shall be inserted the Parts III and IV set out in Schedule 2.

(8) In Schedule 7, the word ''crude'', wherever it appears in columns 5 and 7, shall be deleted.

4. In regulation 14—

(*a*) for paragraph (6)(*b*) there shall be substituted the following sub-paragraph:

''(*b*) treated hide, including leather and its waste;'';

(*b*) in paragraph (6)(*d*) the word ''or'' at the end shall be deleted;

(*c*) after paragraph (6)(*e*) there shall be added the following sub-paragraphs:

''(*f*) solid urban waste, such as household waste;

(*g*) untreated waste from eating places, except food stuffs of vegetable origin considered unsuitable for human consumption for reasons of freshness; or

(*h*) packaging and parts of packaging from products used in agriculture or the food industry.'';

(*d*) after paragraph (6) there shall be added the following paragraph:

''(7) For the purposes of paragraph (6) except sub-paragraph (*e*), ''waste'' shall mean material of any applicable category listed in Annex 1 to Council Directive 75/442/EEC(**a**), which is discarded or intended or required to be discarded.''.

5.—(1) In regulation 2(1), for the definition of ''feeding stuff'' there shall be substituted the following definition:

'' ''feeding stuff'', subject to regulation 14(5B), has the meaning attributed to it by section 66(1) as modified by regulation 19(1).''.

(2) In regulation 14—

(*a*) in paragraphs (3) and (4), for the words ''A person shall not sell, or have in possession with a view to sale, for use as an ingredient'', there shall be substituted the words ''A person shall not, for use as an ingredient, import into Northern Ireland from a country other than a Member State of the European Economic Community, sell or otherwise supply, or have in possession with a view to selling or otherwise supplying,'';

(*b*) after paragraph (4), there shall be inserted the following paragraphs—

''(4A) A person shall not mix with any feeding stuff or ingredient, any ingredient specified in column 2 of Part II of Schedule 5, if the ingredient so specified contains any substance specified in column 1 of that Part in excess of the level specified in relation thereto in column 3 thereof.

(4B) A person shall not import into Northern Ireland from a country other than a Member State of the European Economic Community, sell or otherwise supply, or have in possession with a view to selling or otherwise supplying, any ingredient, unless that ingredient is sound, genuine and of merchantable quality.

(4C) For the purposes of paragraph (4B) and without prejudice to the provisions of paragraph (3) an ingredient is not sound, genuine and of merchantable quality if, where the ingredient is incorporated into any compound feeding stuff specified in column 2 of Part I of Schedule 5, the level of any substance specified in column 1 of that Part and contained in the ingredient exceeds the level specified for that substance in column 3 thereof in relation to the compound feeding stuff in question.'';

(*c*) in paragraph (5), for the expression ''paragraphs (1) to (4)'' there shall be substituted the expression ''paragraphs 1 to (4A)'';

(a) O.J. No. L194, 25.7.75, p. 39