1992 No. 39

FOOD

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

Made . . . . . *31st January 1992*

Coming into operation . . *27th February 1992*

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 2(2), 15(1)(*a*), (*b*) and (*f*) and (3), 16(1), 25(1), (2)(*a*) and (*b*) and (3), 26(3), 27(2), 30(9), 32, 44(1) and (2), 47(2) and 48(2) of, and paragraphs 3 and 7 of Schedule 1 to the Food Safety (Northern Ireland) Order 1991(**b**) and being Departments designated(**c**) for the purposes of section 2(2) of the European Communities Act 1972(**d**) in relation to the common agricultural policy of the European Economic Community, acting jointly, in exercise (so far as is required for the amendment and revocation of regulations made under the said section 2(2)) of the powers conferred on them by the said section 2(2), and of every other power enabling them in that behalf; after consultation in accordance with Article 47 of the said Order of 1991 with such organisations as appear to them to be representative of interests substantially affected by the Regulations (in so far 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 and commencement

1. These Regulations may be cited as the Animals, Meat and Meat Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1992 and shall come into operation on 27th February 1992.

Interpretation

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

(**a**) *See* Art. 2(2) of S.I. 1991/762 (N.I. 7)
(**b**) 1991/762 (N.I. 7): *See* Art. 2(2) for the definitions of "the Department concerned" and "regulations"
(**c**) S.I. 1972/1811
(**d**) 1972 c. 68
(**e**) 1954 c. 33 (N.I.)

(2) In these Regulations—

"analyst" means the person having the management or control of an approved laboratory;

"animal" means the following food sources namely an animal of the bovine species (including buffalo of species Bubalus bubalis and Bison bison), swine, sheep, goats, solipeds, rabbits, camelids, deer and birds reared for human consumption;

"animal test certificate" has the meaning given to it in section 32 of the Medicines Act 1968(**a**);

"another Member State" means a member state other than the United Kingdom;

"approved laboratory" means a laboratory approved by the Department for the purposes of Council Directive 86/469/EEC(**b**);

"authorised officer" means any person (whether or not an officer of an enforcement authority) who is authorised in writing by that authority, either generally or specially, to act in matters arising under these Regulations;

"authorised substance" means a transmissible substance, the presence of which in any animal, meat or meat product is permitted by or in implementation of Community Law;

"carcase" means—

(*a*) the whole body of a slaughtered animal or bird (other than an uneviscerated bird) after bleeding and dressing; or

(*b*) the whole body of a slaughtered uneviscerated bird after bleeding;

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

"enforcement authority" means the Department or a district council within its district, or both;

"farm of origin" in relation to a sample taken from any animal, meat or meat product means—

(*a*) where the sample was taken at a farm, that farm;

(*b*) where the sample was taken at any other place, the last farm on which the animal from which the sample was taken or derived was kept before being taken to that place;

"fresh meat" means meat, including meat vacuum wrapped or wrapped in a controlled atmosphere, which has not undergone any preserving process other than chilling or freezing;

"hormonal substance" means any substance within either of the following categories:—

(**a**) 1968 c. 67
(**b**) O.J. No. L275, 26.9.86, p. 36

(*a*) stilbenes and thyrostatic substances;

(*b*) substances with oestrogenic, androgenic or gestagenic action;

"maximum residue limit", in relation to a concentration of an authorised substance in the tissues or body fluids of an animal or in any meat or meat product, means—

(*a*) in respect of each substance specified in column 1 of Schedule 1, and subject to regulation 2(3), the limit specified in column 2 thereof opposite the reference to such substance where such substance is contained in that part of the animal or in any meat or meat product derived from that part of the animal specified in column 3 thereof opposite the reference to such substance; and

(*b*) in respect of an authorised substance of a kind specified in regulation 3 of the Animals and Fresh Meat (Hormonal Substances) Regulations 1988(**a**) the maximum natural physiological level for that substance;

"meat" means the flesh or other part of an animal suitable for human consumption;

"meat product" means a product prepared from or with meat which has undergone treatment such that the cut surface shows that the product no longer has the characteristics of fresh meat;

"offal" means meat other than that of the carcase whether or not naturally connected to the carcase;

"official sample" means a sample, taken by an authorised officer for analysis for the purpose of these Regulations—

(*a*) from an animal, its excrement or body fluids or from its tissues or fresh meat and which bears a reference to the species, the type, the amount and the method of collection and the identification of the origin of the animal or the meat; or

(*b*) from any other meat or from any meat product;

"owner" includes, in relation to any animal, the person in charge of such animal and in relation to any meat or meat product the person in possession of such meat or meat product;

"primary analysis" means an analysis of an official sample carried out by an approved laboratory;

"primary analysis certificate" means an analyst's certificate specifying the finding of a primary analysis;

"prohibited substance" means any hormonal substance administered to an animal contrary to the prohibition in regulation 3;

"reference analysis" means an analysis carried out by an approved laboratory to check the finding of a primary analysis;

"reference analysis certificate" means an analyst's certificate specifying the finding of a reference analysis;

(**a**) S.I. 1988/849

"residue" means a residue of a transmissible substance;

"stilbenes" has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations (Northern Ireland) 1982(**a**);

"thyrostatic substances" has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations (Northern Ireland) 1982;

"transmissible substance" means any substance having a pharmacological action or any conversion product thereof or any other substance which if transmitted to meat would be likely to be dangerous to human health;

"unlicensed substance" means—

(*a*) in relation to a substance administered to an animal, in the United Kingdom, a transmissible substance in respect of which there is neither—

(i) any current veterinary medicinal product licence authorising its sale or supply for use in that animal in the United Kingdom; nor

(ii) any current animal test certificate authorising its use in that animal in the United Kingdom; and

(*b*) in relation to a substance administered to an animal in another Member State, a transmissible substance in respect of which there is no current authorisation issued in that State for its use in that animal in that State;

"veterinary medicinal product" has the same meaning as in the Medicines (Restriction on the Administration of Veterinary Medicinal Products) Regulations 1983(**b**) except that it excludes neither medicinal additives for feedingstuffs to which the provisions of Council Directive 70/524/EEC(**c**) apply nor medicated feedingstuffs;

"veterinary medicinal product licence" means a product licence granted under the Medicines Act 1968 in respect of a veterinary medicinal product;

"veterinary surgeon" means a person registered in the register of the veterinary surgeons or in the supplementary veterinary register;

"veterinary written direction" has the same meaning as in the Medicines (Medicated Animal Feedingstuffs) Regulations 1989(**d**);

"withdrawal period", in relation to a veterinary medicinal product administered to an animal, means the period, specified in a current veterinary medicinal product licence relating to the product or (in the

(**a**) S.R. 1982 No. 279
(**b**) S.I. 1983/1732
(**c**) O.J. No. L270, 14.12.70
(**d**) S.I. 1989/2320 to which there is an amendment not relevant to these Regulations

absence of any such specification) specified in a prescription or veterinary written direction given by a veterinary surgeon in respect of the administration of the product, from the cessation of the medication of the animal with the product to the slaughter of the animal for human consumption or to the taking of products derived from the animal for human consumption.

(3) For the purpose of ascertaining whether the maximum residue limit has been exceeded for the purposes of these Regulations, the drug or drug metabolite (or combination thereof) specified in column 4 of Schedule 1 opposite the reference to each substance specified in column 1 thereof 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 thereof opposite the reference to that substance and the maximum residue limit specified in column 2 thereof 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) In these Regulations any references to food or food sources shall be construed in accordance with Article 15(5) of the Food Safety (Northern Ireland) Order 1991.

Prohibition on administration to animals of hormonal substances

3.—(1) The administration to animals of hormonal substances is hereby prohibited as hereinafter provided.

(2) For the purposes of this regulation the provisions of—

(*a*) regulation 3 of the Medicines (Stilbenes and Thyrostatic Substances) Regulations (Northern Ireland) 1982 including paragraph (2) thereof; and

(*b*) regulation 3 of the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988(**a**) including paragraph (2) thereof,

shall have effect and be construed as if they were set out in this regulation.

Prohibition on administration to animals of unlicensed substances

4.—(1) Subject to paragraphs (2) and (3), no person shall 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 for any of the purposes specified in regulation 3(2) of the Medicines (Restriction on the Administration of Veterinary Medicinal Products) Regulations 1983.

(3) Nothing in paragraph (1) shall prohibit the administration to an animal of—

(**a**) S.I. 1988/705