1990 No. 151

AGRICULTURE

The Meat and Meat Products (Hormonal Substances) Regulations (Northern Ireland) 1990

Made	*20th April 1990*
Coming into operation . .	*21st May 1990*

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 the said section 2(2), and of every other power enabling it in that behalf hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Meat and Meat Products (Hormonal Substances) Regulations (Northern Ireland) 1990 and shall come into operation on 21st May 1990.

Interpretation

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

(2) In these Regulations—

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

"animal" means—

(*a*) a domestic animal of any of the following species, that is to say—

(i) bovine animals,

(ii) swine,

(iii) sheep,

(iv) goats,

(v) solipeds,

(vi) poultry;

(*b*) a wild animal of any of those species; or

(*c*) a wild ruminant of any other species which has been raised on a holding;

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)

"approved laboratory" means a laboratory designated by the competent authority for the purposes of these Regulations;

"authorised officer" means a person who is authorised by a district council to act in relation to the examination and seizure of meat;

"authorised substance" has the meaning assigned to it by regulation 3 of the Hormonal Substances Regulations;

"competent authority" means the Department;

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

"the Examination for Residues Regulations" means the Animals and Fresh Meat (Examination for Residues) Regulations 1988(**a**);

"the Food Order" means the Food (Northern Ireland) Order 1989(**b**);

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

"hormonal substance" has the meaning assigned to it by regulation 2 of the Hormonal Substances Regulations;

"the Hormonal Substances Regulations" means the Animals and Fresh Meat (Hormonal Substances) Regulations 1988(**c**);

"human consumption" has the meaning assigned to it by Article 2 of the Food Order;

"meat"—

(*a*) means the flesh or other edible part of an animal suitable for human consumption; but

(*b*) in relation to the procuring of a sample for the purposes of these Regulations, also extends to all other parts of an animal,

and for the purposes of this definition body fluids and excrement found within a dead animal shall be regarded as parts of that animal;

"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;

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

"prescribed", in relation to the maximum level for an authorised substance, means prescribed by or in implementation of Community law;

"primary analysis" means an analysis of a sample of meat or meat product carried out by, or under the direction of, an analyst;

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

(**a**) S.I. 1988/848
(**b**) S.I. 1989/846 (N.I. 6)
(**c**) S.I. 1988/849

"reference analysis" means an analysis carried out by, or under the direction of, an analyst to check the finding of a primary analysis;

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

"registered premises" has the same meaning as in section 22 of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962(**a**);

"sell" includes offer or expose for sale or have in possession for sale;

"slaughterhouse" has the meaning assigned to it by section 9 of the Slaughter of Animals Act (Northern Ireland) 1932(**b**);

"stain" shall be construed in accordance with the definition of "stained" contained in regulation 2 of the Meat (Sterilisation and Staining) Regulations (Northern Ireland) 1989(**c**);

"treatment", in relation to a meat product, means the treatment of meat, whether or not mixed with other food, by heating, salting, curing or drying, or a combination of two or more of these processes; and

"withdrawal period" has the meaning assigned to it by regulation 2 of the Hormonal Substances Regulations.

(3) For the purposes of these Regulations, the supply of any meat or meat product, otherwise than by sale, at, in or from any place where any meat or meat product is supplied in the course of a business shall be deemed to be a sale of that meat or meat product.

Appointment of new competent authority and transitional provisions

3.—(1) The Department shall be the competent authority for the purposes of the Examination for Residues Regulations and the Hormonal Substances Regulations insofar as they apply to Northern Ireland and accordingly the said Regulations shall so apply as if, in each case, for the definition of "competent authority" in regulation 2 thereof, there were substituted the following definition:—

" 'competent authority' means, in relation to England, the Minister of Agriculture, Fisheries and Food; in relation to Scotland or Wales, the Secretary of State and in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;".

(2) For the purposes of the Examination for Residues Regulations and the Hormonal Substances Regulations as they apply to Northern Ireland—

(*a*) any person appointed by the Secretary of State as an authorised officer for those purposes shall be deemed to have been appointed by the Department; and

(*b*) any notice given by, and any act or other thing done by or in relation to, the Secretary of State for those purposes, shall be deemed to have been given by or done by or in relation to the Department.

(**a**) 1962 c. 13 (N.I.)
(**b**) 1932 c. 9 (N.I.)
(**c**) S.R. 1989 No. 448

Prohibitions

4.—(1) Subject to paragraph (2), a person shall not sell for human or animal consumption any meat (whether or not mixed with other food) derived from an animal to which any hormonal substance has been administered.

(2) Nothing in paragraph (1) shall prohibit the sale of meat from an animal where—

(*a*) the hormonal substance administered to the animal is an authorised substance; and

(*b*) in the case of a sale for human consumption, the withdrawal period after the administration of that substance elapsed before the slaughter of that animal.

(3) A person shall not sell for human or animal consumption any meat product prepared from any meat the sale of which is prohibited by paragraph (1).

(4) A person shall not use as an ingredient in the preparation of any meat product intended for sale for human or animal consumption, any meat or meat product the sale of which is prohibited by paragraph (1) or (3).

Inspection and control

5.—(1) If an authorised officer has reasonable grounds for suspecting that any meat or meat product is material the sale of which would contravene regulation 4, he may give notice to the person in possession of such meat or meat product that, until that notice is withdrawn, the meat or meat product or any portion of it specified in the notice—

(*a*) shall not be sold or used as an ingredient in the preparation of any meat product intended for sale for human or animal consumption, as specified in the notice; and

(*b*) shall either not be removed, or shall not be removed except to a place or for a purpose specified in the notice.

(2) A person shall not sell, use or remove any meat or meat product in contravention of the requirements of a notice given under paragraph (1).

(3) A notice given under paragraph (1) may at any time be withdrawn by a further notice in writing given by an authorised officer to the person in possession of the meat or meat product in question and it shall be withdrawn if, as a result of the investigations carried out under these Regulations, an authorised officer is satisfied that the sale of that meat or meat product is not prohibited by regulation 4.

Power to procure samples

6.—(1) Subject to paragraphs (2) to (4), an authorised officer shall, for the purposes of his functions under these Regulations, have the power to procure samples bestowed on a sampling officer by Article 38(2) and (3) of the Food Order.

(2) The power of an authorised officer under paragraph (1) shall extend to the procuring of parts of meat which are not food for the purposes of the Food Order.

(3) Any sample procured under and for the purposes of these Regulations shall be treated for the purposes of the Food Order as if it were a sample taken under Article 38 of that Order for the purpose of bacteriological or other examination and not for analysis.

(4) Nothing in this regulation shall be taken to override any provision of regulations 7 to 12.

Primary analysis of samples

7.—(1) Where an authorised officer—

(*a*) procures a sample of meat or meat product; and

(*b*) considers that it should be analysed for the purpose of ascertaining whether it is material the sale of which is prohibited by regulation 4(1) or (3),

that sample shall be submitted for analysis at an approved laboratory and there dealt with in accordance with paragraph (2) or (3), as the case may be.

(2) Where the sample submitted under paragraph (1) is of meat or a meat product other than any such material to which paragraph (3) refers, the analyst shall subject part of the sample to a primary analysis and shall retain the remainder of the sample for any reference analysis.

(3) Where the sample submitted under paragraph (1) is of any meat or meat product containing the remains of any solid implant, the analyst shall prepare an extract of such implant, subject part of that extract to a primary analysis and retain the remainder of it for any reference analysis.

Results of primary analysis

8.—(1) Where the primary analysis of a sample submitted under Regulation 7(1) shows that—

(*a*) where the sample is of meat to which regulation 7(2) refers, that meat;

(*b*) where the sample is of a meat product to which regulation 7(2) refers, the meat contained in that sample; or

(*c*) where the sample is of any meat or meat product containing the remains of a solid implant, such remains of solid implant,

contains—

(i) a residue of a hormonal substance other than an authorised substance; or

(ii) in the case of a sample mentioned in sub-paragraph (*a*) or (*b*) a quantity of an authorised substance exceeding the maximum level prescribed for that substance,

the analyst shall give a primary analysis certificate to the owner of the meat or meat product and to the authorised officer who submitted the sample.

(2) Where the primary analysis of a sample submitted under regulation 7(1) does not show anything requiring a primary analysis certificate to be given under paragraph (1), the analyst shall notify the owner of the meat or meat product from which it was taken, and the authorised officer who submitted it, of the fact.