1986 No. 334

AGRICULTURE

The Feeding Stuffs (No. 2) Regulations (Northern Ireland) 1986

Made	*10th November 1986*
Coming into operation . . .	*10th December 1986*

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The Department of Agriculture, being a Department designated by the European Communities (Designation) Order 1972(**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) and (3), 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:—

Title and commencement

1. These regulations may be cited as the Feeding Stuffs (No. 2) Regulations (Northern Ireland) 1986 and shall come into operation on 10th December 1986.

Interpretation

2.—(1) In these regulations—

"additive" means any substance, or preparation containing any substance, other than a premixture, which, when incorporated into a feeding stuff, is likely to affect its characteristics or livestock production;

"ash" means the matter which results from the treatment of the feeding stuff according to the procedure described in method 12 of Schedule 2 to the Sampling and Analysis Regulations;

"complementary feeding stuff" means a mixture of feeding stuffs which has a high content of certain substances and which, by reason of its composition, is sufficient for a daily ration only if it is used in combination with other feeding stuffs;

"complete feeding stuff" means a compound feeding stuff which, by reason of its composition, is sufficient to ensure a daily ration;

"compound feeding stuff" means a mixture of products of vegetable or animal origin in their natural state, fresh or preserved, or products derived from the industrial processing thereof, or organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feeding stuffs or complementary feeding stuffs;

"daily ration" means the average total quantity of feeding stuff, expressed on 12 per cent. moisture basis, required daily by an animal of a given kind, age group and level of production in order to satisfy all its nutritional needs;

"fibre" means the organic matter calculated as a result of treatment of the feeding stuff according to the procedure described in method 9 of Schedule 2 to the Sampling and Analysis Regulations;

"medicinal product" and "medicinal purpose" have the meanings assigned to them by section 130(1) and (2) respectively of the Medicines Act 1968(**e**);

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

(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to the Act and is to be read with Article 8 of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) and Article 2 of the Criminal Penalties etc. (Increase) Order (Northern Ireland) 1984. (S.R. 1984 No. 253)

(**c**) Inserted by 1972 c. 68 s. 4(1) and Sch. 4 para. 6

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

(**e**) 1968 c. 67

"mineral feeding stuff" means a complementary feeding stuff which is composed mainly of minerals and which contains at least 40 per cent. by weight of ash;

"molassed feeding stuff" means a complementary feeding stuff prepared from molasses and which contains at least 14 per cent. by weight of total sugar expressed as sucrose;

"moisture" means water and other volatile material determined according to the procedure described in method 2 of Schedule 2 to the Sampling and Analysis Regulations;

"name" in relation to an additive, means the name used in relation to that additive in the Table in Schedule 4;

"oil" means the extract obtained as a result of treatment of the feeding stuff according to the appropriate procedure described in method 3 of Schedule 2 to the Sampling and Analysis Regulations;

"pet food" means a feeding stuff for pet animals and "compound pet food" shall be construed accordingly;

"premixture" means a mixture of additives, or a mixture of one or more additives with a substance or substances used as a carrier, intended for the manufacture of feeding stuffs;

"protein" means the matter obtained as a result of treatment of feeding stuff according to the procedure described in method 4 of Schedule 2 to the Sampling and Analysis Regulations;

"protein equivalent of urea biuret, urea phosphate and diureidoisobutane" means the amount of urea, biuret, urea phosphate and diureidoisobutane nitrogen multiplied by 6·25;

"Sampling and Analysis Regulations" means the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982(**a**);

"straight feeding stuff" means a vegetable or animal product in its natural state, fresh or preserved, and any product derived from the industrial processing thereof, and any single organic or inorganic substance, whether or not it contains any additive, intended as such for oral animal feeding.

(2) Any reference in these regulations to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in the Agriculture Act 1970.

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

Descriptions of animals prescribed for the purpose of the definition of feeding stuff

3. For the purpose of the definition of feeding stuff in section 66(1), bulls, cows, steers, heifers, calves, sheep, goats, swine, horses, farmed deer, rabbits (other than pet rabbits), mink, partridges, pheasants, poultry, bees and farmed fish are prescribed animals.

Prescribed descriptions of material

4. The description of material prescribed for the purposes of sections 68(1) and 69(1) shall be any material usable as a feeding stuff other than a straight feeding stuff intended for use as a pet food.

(**a**) S.R. 1982 No. 338 as amended by S.R. 1984 No. 26 and S.R. 1985 No. 194
(**b**) 1954 c. 33 (N.I.)

Matters required and permitted to be contained in a statutory statement

5. For the purposes of subsections (1) and (1A) of section 68 the particulars, information and instructions required, and the particulars, information and instructions permitted, to be contained in a statutory statement shall be those set out in Schedule 1.

Form of statutory statement

6.—(1) In the case of material of a prescribed description delivered in a package or other container the statutory statement shall either—

(*a*) take the form of a label attached to that package or container, or

(*b*) be clearly marked directly thereon;

and in the case of such material delivered in bulk the statutory statement shall take the form of a document relating to each consignment.

(2) The particulars, information and instructions required by section 68(1) and permitted by section 68(1A) to be contained in a statutory statement shall—

(*a*) be clearly separate from any other information,

(*b*) be in English, and

(*c*) be legible and indelible.

(3) For the purposes of section 69 (marking of material prepared for sale), material of a prescribed description which is contained in a package or other container shall be labelled or marked in the manner prescribed in relation to such material in paragraph (1), and such material in bulk shall be marked by the display of a document relating thereto in as close proximity to the material as may be practicable.

Control of particulars concerning the ingredients of compound feeding stuffs

7.—(1) A person shall not—

(*a*) sell a compound feeding stuff in relation to which the statutory statement, label or any document given to the purchaser in connection with a particular delivery, refers to the presence of any ingredient (other than a substance required or permitted by regulation 5 to be named in the statutory statement or a substance controlled under regulation 15); or

(*b*) have on his premises for the purpose of selling it in the course of trade any compound feeding stuff which is ready for sale and marked so as to show the presence of any such ingredient,

unless the statutory statement or label or document or mark, as the case may be, lists all the ingredients present in the compound feeding stuff concerned, either individually or in appropriately described categories of ingredients of like characteristic or nature, or a combination thereof, in descending order of proportion by weight.

(2) Without prejudice to the provisions of paragraph (1), a person shall not, in any statutory statement relating to a compound feeding stuff intended for use as a pet food—

(*a*) use any description of any category of ingredients other than the appropriate description specified in relation to that category in the first column of Schedule 6, or

(*b*) include in any list of ingredients both a description of a category of ingredients and the name of an individual ingredient, except in the case of an individual ingredient which is not included in any category described and defined in Schedule 6.

Time by which a statutory statement relating to certain material must be given

8. For the purpose of section 68(3), any statutory statement required to be given on the sale of any material, delivered in bulk, not being a compound feeding stuff, additive or premixture, may be given as soon as practicable after delivery to the purchaser.

Register of marks

9.—(1) As respects any material (not being a compound feeding stuff, additive or premixture) of a prescribed description the matters required by section 69(1) to be marked on that material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(2) In the case of any compound feeding stuff, not being of a standard formulation on general sale by the seller concerned, which is specially manufactured or mixed to the order of a particular purchaser, there shall be an indication in a document, ticket or notice which is readily apparent and unequivocally associated with the material, of the type of feeding stuff and of the name or trade name, and of the address or registered office of the manufacturer. The other matters required by section 69(1) to be marked on the material may be denoted by a mark whose meaning can be ascertained by reference to a register kept in accordance with this regulation.

(3) The register shall show those matters to which the mark relates, being matters required to be contained in a statutory statement relating to the material to which the mark relates, and the date of entry of those particulars in the register, and entries relating to material of a kind mentioned in paragraph (2) shall include the name and address of the purchaser, the date of the order and the amount ordered. The register shall be kept as a separate record in book form marked on the outside "Register of marks under section 69(6) of the Agriculture Act 1970" and shall be kept on the premises where the material is held for the purpose of selling it in the course of trade for use as a feeding stuff, save that if the material is in a public store the register shall be kept on the premises of the person who has the material for sale.

(4) The period for which the register is to be preserved in accordance with section 69(7) shall be a period of six months commencing on the first day on which none of the materials referred to in the register remains on the premises for sale as aforesaid.

(5) The register shall be made and kept by the seller concerned.

Assigned meanings

10. For the purposes of section 70, the meaning assigned by these regulations to "complementary feeding stuff", "complete feeding stuff", "compound feeding stuff", "mineral feeding stuff" and "molassed feeding stuff" shall be in each case the meaning given to that name or expression by regulation 2(1).

Limits of variation

11. For the purpose of section 74, the limits of variation in relation to any mis-statement in a statutory statement or mark as to the nature, substance or quality of a feeding stuff which relates to an analytical constituent mentioned in the first column of Schedule 3 shall be as set out with respect to that constituent in the second column of the said Schedule.

Manner of packaging and sealing compound feeding stuffs, additives and premixtures

12.—(1) Subject to paragraphs (2), (3) and (4) a person shall not sell a compound feeding stuff or any additive or premixture unless it is in a bag or container and unless that bag or container is sealed in such a way that when the bag or container is opened the seal is damaged and cannot be re-used.