1982 No. 338

AGRICULTURE

The Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982

Made . . . . . *19th October 1982*

Coming into operation . . . *25th February 1983*

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The Department(**a**) of Agriculture, in exercise of the powers conferred on it by Sections 66(1), 74A(**b**), 75(1), 76(1), 77(4), 78(6), 79(1), (2) and (9), 84 and 86(2), (5), (6), (7) and (9) of the Agriculture Act 1970(**c**) and of all other powers 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, commencement and interpretation

1.—(1) These regulations may be cited as the Feeding Stuffs (Sampling and Analysis) Regulations (Northern Ireland) 1982, and shall come into operation on 25th February 1983.

(2) In these regulations, unless the context otherwise requires, "the Act" means the Agriculture Act 1970.

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

(**a**) Formerly Ministry: *see* 1973 c.36 s.40 Sch.5 para. 8(1)
(**b**) Inserted by 1972 c. 68 s. 4(1) and Sch. 4 para. 6
(**c**) 1970 c. 40
(**d**) 1954 c. 33 (N.I.)

Prescribed amount for the purposes of the definition of sampled portion

2.—(1) The prescribed amount of material for the purposes of the definition of sampled portion in section 66(1) of the Act shall be determined in accordance with the provisions of this regulation.

(2) In relation to solid feeding stuff in packages the prescribed amount shall be the quantity of material present or 5 tonnes, whichever is the less.

(3) In relation to solid feeding stuff in bulk containers, the prescribed amount shall be:—

(*a*) the contents of the lowest number of containers which together hold not less than 5 tonnes; or

(*b*) if all the containers together hold less than 5 tonnes or if all the feeding stuff is in one container, the quantity of material present; or

(*c*) if any such bulk containers hold not less than 5 tonnes, the content of any such bulk container.

(4) In relation to solid feeding stuff which is loose in heaps or bays, the prescribed amount shall be:—

(*a*) the contents of the lowest number of heaps or bays which together contain not less than 5 tonnes; or

(*b*) if all the heaps or bays together contain less than 5 tonnes or if all the feeding stuff is in one heap or bay, the quantity of material present; or

(*c*) if any such heaps or bays contain not less than 5 tonnes, the content of any such heap or bay.

(5) In relation to liquid or semi-liquid feeding stuff in containers, the prescribed amount shall be:—

(*a*) the contents of the lowest number of containers which together hold not less than 5000 litres; or

(*b*) if all the containers together hold less than 5000 litres or if all the feeding stuff is in one container, the quantity of material present; or

(*c*) if any such containers hold not less than 5000 litres, the content of any such container.

Manner of taking, dividing, marking, sealing and fastening of samples

3. The manner in which samples are to be taken, divided, marked, sealed and fastened in cases where under Part IV of the Act they are taken in the prescribed manner shall be as set out in Schedule 1.

Methods of sending part of a sample

4. Any part of a sample required to be sent to any person in pursuance of subsection (1)(*b*) or (2) of section 77 of the Act shall be sent by registered post or by recorded delivery or may be delivered or given by hand.

Application of the methods of analysis

5.—(1) In respect of substances for which methods of analysis are specified in Schedule 2, the methods by which analyses of feeding stuffs shall be made for the purposes of the Act shall be those set out in the said Schedule.

(2) Method 10b in Schedule 2 shall not be used after 25th February 1984.

Form of certificate of analysis

6. The certificate of an agricultural analyst of the analysis shall be in the form set out in Schedule 3. The notes and the numbers referring to them in Part II of the said Schedule are for guidance only and do not form part of and need not appear on the certificate.

Period within which analysis of the oil content of a feeding stuff must be carried out

7. Where a sample of a feeding stuff has been taken by an inspector in the prescribed manner and sent to an agricultural analyst for analysis, any such analysis of the oil content of that feeding stuff shall be disregarded unless it is carried out before the end of 3 weeks commencing with the date of sampling.

Modification of the Act as respects metrication

8. For the purposes of its application to feeding stuffs the Act shall be modified as follows:—

(*a*) in the definition of sampled portion in section 66(1) the words "five tonnes or 5000 litres" shall be substituted for the words "five tons or 1,000 gallons or the prescribed metric substitution";

(*b*) in section 68(2)(*b*) the words "to sales in quantities of not more than 25 kilograms" shall be substituted for the words "to sales of small quantities (that is to say, sales in quantities of not more than fifty six pounds or the prescribed metric substitution)"; and

(*c*) in section 76(5) the words "six kilograms" shall be substituted for the words "fourteen pounds or the prescribed metric substitution".

Sealed with the Official Seal of the Department of Agriculture on 19th October 1982.

(L.S.) *W. H. Parker*
Assistant Secretary

SCHEDULE 1 Regulation 3

MANNER OF TAKING, DIVIDING, MARKING, SEALING AND FASTENING OF SAMPLES

PART 1

DEFINITIONS

In this Schedule:—

"sampled portion" means a quantity of a material constituting a unit and having characteristics presumed to be uniform;

"incremental sample" means a quantity taken from one point in the sampled portion;

"aggregate sample" means an aggregate of incremental samples taken from the same sampled portion;

"reduced sample" means a representative part of the aggregate sample obtained from the latter by a process of reduction;

"final sample" means a representative part of the reduced sample or, where no intermediate reduction is required, of the aggregate sample; and

"unit" means a material identifiable as such by reason of its manufacturer, packer, uniform manner of packaging or labelling.

PART II

GENERAL INSTRUCTIONS FOR THE TAKING OF SAMPLES

1. In the case of feeding stuff in packages or containers, except where section 68(2)(*b*) of the Act applies, only unopened packages or containers which appear to the inspector proposing to take the sample to be the original packages or containers of the feeding stuff shall be selected for the purpose of the sample.

2. The sample shall be taken and prepared as quickly as possible having regard to the precautions necessary to ensure that it remains representative of the sampled portion. Instruments, surfaces and containers used in sampling shall be clean and dry.

3. No sample shall be drawn from any part of the sampled portion which appears to be damaged.

4. Where any appreciable portion of the feeding stuff appears to be mouldy, or is otherwise apparently unsuitable for feeding purposes, separate samples shall be drawn of the unsuitable portion and of the residue of the feeding stuff respectively. These shall be treated as separate sampled portions.

5. An inspector who intends to take a sample in accordance with the provisions of section 76(1)(*b*) of the Act on premises (not being premises used only as a dwelling) on which he has reasonable cause to believe that there is any feeding stuff which the occupier of the premises has purchased, shall:—

(*a*) satisfy himself that the conditions in which the feeding stuff is stored are not such as might cause undue deterioration of the said feeding stuff, and that the feeding stuff appears not to have been contaminated by any other material;

(*b*) where he has reasonable cause to believe that feeding stuff in packages or containers is only part of an original consignment, select the number of packages or containers to be sampled as if not less than the whole consignment were still present, except that sampling shall not take place if fewer than the minimum number of packages or containers prescribed in sub-paragraph 2(*a*) of Part III of this Schedule and in table 1 of Part VI for the purposes of paragraphs 2(*c*)(i) and 2(*d*)(i) of Part III of this Schedule are present.

The provisions of this paragraph shall not apply as respects any feeding stuff purchased for the purpose of resale in the course of trade.

6. The sampling apparatus shall be made of materials which cannot contaminate the feeding stuffs to be sampled.

7. In the case of a sampling spear its dimensions shall be appropriate to the characteristics of the sampled portion in all respects including dimensions of the container and particle size of the feeding stuff.

8. Notwithstanding the provisions of these regulations, a sampling spear shall not be used if, prior to the taking of a sample, objection is raised thereto by the manufacturer on the ground that the material is unsuitable.

9. Mechanical apparatus may be used for the sampling of moving feeding stuffs, provided that such equipment is capable of taking samples right across the flow of the product.

10. Apparatus designed to divide the sample into approximately equal parts may be used for taking incremental samples and for the preparation of reduced and final samples.

11. A sample taken according to the methods described below shall be considered as representative of the sampled portion.

PART III

Quantitative Requirements

1. Sampled Portion

The sampled portion in compliance with regulation 2 shall be such that each of its constituent parts can be sampled in accordance with the requirements of this Schedule.

2. Incremental Sample

The incremental samples shall be selected in the following manner:—

(*a*) in the case of pet foods in packages or containers where it appears to the inspector that to open the packages or containers and remove part or all of their contents may affect the composition or impede the proper analysis or other appropriate examination of the contents, the number of packages shall be selected in accordance with the following table:—

Number of packages or containers in the sampled portion	*Number to be selected for sampling*
12 to 144	not less than 12
145 to 256	not less than 16
257 and above	not less than 20

Provided that when the circumstances set out in section 77(2) of the Act are applicable the number of packages selected as incremental samples shall not be less than 16;

(*b*) in the case of feed blocks or mineral licks, a number of blocks or licks shall be selected in accordance with the following table:—

Number of blocks or mineral licks in the sampled portion	*Number to be selected for sampling*
1 to 25	not less than 1
26 to 50	not less than 2
51 to 75	not less than 3
76 or more	not less than 4