1976 No. 255

AGRICULTURE

The Fertilisers and Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1976

Made	*23rd August* 1976
Coming into operation—	
Regulations 2(1), (3), (4), (5), (7), (8), (15) and (17) . .	*29th September* 1976
Regulation 3	*30th September* 1976
Regulations 2(2), (6), (9), (10), (11), (12), (13), (14), (16) and (18) . . .	*1st October* 1976

The Department(a) of Agriculture, after consultation with such persons or organisations as appear to it to represent the interests concerned, in exercise of the powers conferred on it by sections 66(1), 68, 69(1), 69(3), 70(1), 74, 74A (inserted by section 4(1) of, and paragraph 6 of Schedule 4 to, the European Communities Act 1972(b)), 75(1), 76(1), 77(1), (2) and (4), 84 and 86 of the Agriculture Act 1970(c) and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Fertilisers and Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1976, and shall come into operation as respects regulations 2(1), (3), (4), (5), (7), (8), (15) and (17) on 29th September 1976, as respects regulation 3 on 30th September 1976 and as respects regulations 2(2), (6), (9), (10), (11), (12), (13), (14), (16) and (18) on 1st October 1976.

(2) In these regulations unless the context otherwise requires—

"the Act" means the Agriculture Act 1970, as amended by section 4(1) of, and paragraph 6 of Schedule 4 to, the European Communities Act 1972;

"the principal regulations" means the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1973(d).

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

(4) 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 Act.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1972 c. 68
(c) 1970 c. 40
(d) S.R. & O. (N.I.) 1973 No. 494 (II, p. 2862)
(e) 1954 c. 33

Amendment of the principal regulations

2. The principal regulations shall be amended as follows:—

(1) In regulation 3(2) for "which is packed in bags, sacks or", there shall be substituted "in".

(2) There shall be substituted for regulation 6—

"6.—(1) No person shall sell or have in possession with a view to sale—

(*a*) for use as a feeding stuff or use as a feeding stuff or import into Northern Ireland for such use any material containing any added antioxidant, colourant, emulsifier, stabiliser, binder, vitamin D_2 or D_3, copper, any added substance of a description specified in the first column of Part V of the table in Schedule 3, or any added substance of a description specified in the first column of Part VI of the table in Schedule 3, unless, in each case, the material complies with the provisions of that Schedule as respects content and, where appropriate, marking and it shall be an offence if a sampled portion of any such material does not comply with the provisions of the said Schedule 3 as respects content;

(*b*) to any keeper or any breeder of any kind of animal specified in regulation 2, for use as a feeding stuff, any material specified in the first column of the table in Schedule 3A comprised in a feeding stuff corresponding thereto in the second column thereof in excess of the quantity specified in relation thereto in the third column of the said Schedule:

Provided that where a feeding stuff is not specified in the second column in relation to a substance specified in the first column any material comprised in that feeding stuff, having regard to the nature of other feeding stuffs commonly used in compiling the daily feed intake of the animal for which the feed is intended, shall not contain more than the levels specified for whole feeding stuffs and it shall be an offence if a sampled portion of any such material comprised in a feeding stuff does not comply with the provisions of Schedule 3A as regards content.

(2) The provisions of paragraph (1) of this regulation shall not apply to any substance referred to in sub-paragraph (*a*) thereof or to any substances of a description referred to in sub-paragraph (*b*) thereof, which is—

(*a*) for use only in accordance with a prescription given by a veterinary surgeon or veterinary practitioner for the treatment of a particular animal or animals under his care;

(*b*) a medicinal product or for use for a medicinal purpose in a feeding stuff;

(*c*) for use only for the purpose of scientific research or experiment and is not generally available for sale, purchase or use in a feeding stuff;

(*d*) intended for exportation to any place outside the United Kingdom and is clearly marked or labelled to that effect.

In this regulation and in Part II of Schedule 2 the expressions "a medicinal product" and "a medicinal purpose" have the meanings assigned to them by section 130(1) and (2) respectively of the Medicines Act 1968(f).

(f) 1968 c. 67

(3) No person shall use as a feeding stuff or import into Northern Ireland for such use any material containing any added substance, not being a substance of a name or description specified in the table in Schedule 3 or in paragraph 2(*f*) or (*g*) of that Schedule, which is deleterious either to animals of any description specified in regulation 2 or to human beings, and it shall be an offence if a sampled portion of any such material is shown by an analysis of the sample taken from it to contain an added substance which is deleterious as aforesaid.

(4) In relation to any material to which this regulation, Schedule 3 or Schedule 3A applies the operation of the provisions of sections 66(2), 73(1), 80(2) and 82 shall be modified as follows:—

(*a*) section 66(2) shall have effect as if—

(i) the words "imported or" were inserted immediately before the word "sold" in both places where that word appears, and

(ii) the words "or as so used" were inserted immediately after the words "feeding stuff", and

(iii) the words "or is so used" were inserted immediately after the words "to be so used".

(*b*) section 73(1) shall have effect as if there were added at the end of that subsection the words "or to human beings".

(*c*) sections 80(2) and 82 shall apply in relation to proceedings for an offence under this regulation and section 74A(3) as they apply respectively to proceedings for an offence under any of the provisions mentioned in them."

(3) In paragraph (*c*) of regulation 8 for "packed in bags, sacks or" there shall be substituted "in".

(4) In paragraph (*c*) of regulation 10 for "packed in bags, sacks or" there shall be substituted "in".

(5)(*a*) In paragraph 1(*c*) of regulation 11 for "packed in bags, sacks or" there shall be substituted "in".

(*b*) Paragraph 3 of regulation 11 shall be deleted.

(6) For regulation 14 there shall be substituted:—

"14. In respect of substances for which methods of analysis are specified in Schedules 6 and 7, the methods by which analyses of fertilisers and feeding stuffs respectively shall be made for the purpose of the Act shall be those set out in the said Schedules."

(7) In regulation 16 for "recorded delivery service" there shall be substituted "recorded delivery service or by hand".

(8)(*a*) For paragraph 1 of Part I of Schedule 1 there shall be substituted:—

"1. In the case of material in packages or containers, only unopened packages or containers which appear to the inspector proposing to take the sample to be the original packages or containers of the material shall be selected for the purpose of the sample";

(*b*) For paragraph 4 of Part I of Schedule 1 there shall be substituted:—

"4. In every case the sampling shall be carried out in a manner which will protect the sample from contamination and shall be done as quickly as is possible, consistent with due care, and the material shall not be exposed any longer than is necessary.";

(*c*) In paragraph 8(*a*) of Part I of Schedule 1 "bottles or" shall be deleted wherever those words appear;

(*d*) In paragraph 8(*b*) of Part I of Schedule 1 "drums, kegs or other" shall be deleted;

(*e*) In paragraph 1(*a*)(i) of Part II of Schedule 1 "on a clean dry surface" shall be deleted;

(*f*) In the last sub-paragraph of paragraph 1(*a*) of Part II of Schedule 1 after "continue the quartering and rejection" there shall be inserted "if necessary";

(*g*) In Part II of Schedule 1 for paragraph 2(*a*) there shall be substituted:—

"(*a*) *In packages*

(i) The packages, selected according to the appropriate scale in paragraph 1, shall be emptied separately and worked up with a shovel and one shovelful taken from each; and

(ii) the shovelfuls so taken shall be crushed immediately and the whole passed through a sieve with meshes one and a quarter inch square. It shall be mixed thoroughly and rapidly and a sample of about 4lb. to 6lb. in weight drawn in the manner described in paragraph 1(*a*).";

(*h*) In paragraph 2(*b*) of Part II of Schedule 1 for "1(*a*)" there shall be substituted "2(*a*)(ii)";

(*i*) In the first sentence of paragraph 3(*a*) of Part II of Schedule 1 for "on a clean dry surface and the matted portions torn up" there shall be substituted "and the matted portions torn up and the whole shall be thoroughly mixed.";

(*j*) In the heading to paragraph 2 of Part III of Schedule 1 "whether in bags or in bulk" shall be deleted;

(*k*) In paragraph 4(*a*) of Part III of Schedule 1 "on a clean surface" shall be deleted;

(*l*) For paragraph 1 of Part IV of Schedule 1 there shall be substituted:—

"1. Where the sample has been taken in the prescribed manner the person taking the sample shall divide it into three parts, or, in the circumstances set out in section 77(2), four parts, as nearly as possible equal, in the following manner:—

(*a*) *In the case of dry or powdered substances*
The sample, drawn as described in the foregoing paragraphs shall be thoroughly mixed and divided into three or, as the case may be, four similar and approximately equal parts. Each of these parts shall be placed in an appropriate container such that the composition at the time of sampling of the fertiliser or feeding stuff is preserved.

(*b*) *In the case of substances in a liquid or semi-liquid condition*
The sample, drawn as described in the foregoing paragraphs, shall be thoroughly mixed and at once divided into similar and approximately equal parts by pouring successive portions into each of three or, as the case may be, four appropriate containers. The containers used shall be such that the composition at the time of sampling of the fertiliser or feeding stuff is preserved and shall be so fastened that spillage or evaporation of the contents is prevented.

Each of the containers referred to in sub-paragraphs (*a*) and (*b*) above shall be so secured and sealed that it cannot be opened without breaking the seal; or alternatively the container may be placed in a stout envelope or in a linen, cotton or plastic bag and the envelope or bag then secured and sealed in such a manner that the part of the sample

cannot be removed without breaking the seal or the envelope or the bag.".

(9) For Part II of Schedule 2 there shall be substituted Schedule 1.

(10)(*a*) In Schedule 3 for paragraph 2(*g*) there shall be substituted:—

"(*g*) any added non-protein nitrogenous compound save that material intended for use as a feeding stuff for the following kinds of ruminant animals namely, bulls, cows, steers, heifers, calves, sheep or goats may contain the non-protein nitrogenous compounds specified in Part VI of the table in Schedule 3.";

(*b*) In the tenth line of paragraph 3 immediately after "grammes per kilogramme" there shall be added "of the whole feeding stuff.";

(*c*) For the words "per ton" in the last line of paragraph (3) of Schedule 3 there shall be substituted "per ton or grammes per litre or grammes per tonne".

(*d*) At the end of the table in Part II of Schedule 3 "Red 6B" shall be deleted.

(11) In Schedule 3, Schedule 2 shall be added as Part VI of the table.

(12) Schedule 3 shall be inserted as Schedule 3A.

(13) In Part II of Schedule 4 there shall be added immediately below the entry for Pea Meal:—

"Poultry Waste	The waste from intensive poultry units which consists principally of excreta with or without litter and which has been suitably treated for use as a feeding stuff."

(14) For Part II of Schedule 5 there shall be substituted Schedule 4.

(15) Schedule 6 shall be amended:—

(*a*) At the end of the last item of sub-division 1.16 after "containing organic matter" there shall be added "and granular potassic basic slag";

(*b*) In the eighteenth line of sub-division 3.53 for "55" there shall be substituted "15";

(*c*) In the nineteenth line of sub-division 3.53 for "twenty" there shall be substituted "forty".

(*d*) In the first line of sub-division 4.171 immediately after the word "sample" there shall be inserted "as received";

(*e*) In the first line of sub-division 4.271 immediately after the word "sample" there shall be inserted "as received";

(*f*) In the eighth line of sub-division 15.3 for "3" there shall be substituted "1.5".

(16) For Schedule 7 there shall be substituted Schedule 5.

(17) In Part I of Schedule 8 for "Bo", which appears immediately after the word "Boron" there shall be substituted "B".

(18) For Part II of Schedule 8 there shall be substituted Schedule 6.