1973. No. 494 **[C]**

AGRICULTURE

Fertilisers and Feeding Stuffs

REGULATIONS, DATED THE 7TH DAY OF DECEMBER 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE AGRICULTURE ACT 1970.

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The Ministry of Agriculture, on behalf of the Secretary of State, in exercise of the powers conferred on it by sections 66(1), 68(1), (2) and (3), 69(1), (3), (6) and (7), 70(1), 74(1), 74A (inserted by section 4(1) of, and paragraph 6 of Schedule 4 to, the European Communities Act 1972(a)), 75(1), 76(1), 77, 78(2), (4) and (6), 79(1), (2) and (9), 84 and 86 of the Agriculture Act 1970(b) and of all other powers enabling it in that behalf, hereby makes the following regulations after consultation with such persons or organisations as appear to it to represent the interests concerned:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1973, and shall come into operation on 1st January 1974.

(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;

"compound feeding stuff" and "feed supplement" have the meanings assigned to them respectively by paragraph 4 of Part II of Schedule 2:

and other expressions have the same meaning as in the Act.

(3) The Interpretation Act (Northern Ireland) 1954(c) shall apply for the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(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) 1972. c. 68. (b) 1970. c. 40. (c) 1954. c. 33.

Descriptions of animals for the purposes of the definition of feeding stuff

2. The following descriptions of animals are hereby prescribed for the purposes of the definition of feeding stuff in section 66(1), that is to say, bulls, cows, steers, heifers, calves, sheep, goats, swine, horses, rabbits, mink, partridges, pheasants, poultry, bees, trout and salmon.

Prescribed amount for the purposes of the definition of sampled portion

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

(2) In relation to solid material which is packed in bags, sacks or packages, the prescribed amount shall be the quantity of material present or 5 tons, whichever is the less.

(3) In relation to solid material which is packed in bulk containers—

(*a*) if any of those containers holds not less than 5 tons of material, the prescribed amount shall be the contents of any such container;

(*b*) if all the containers together hold not less than 5 tons of material and every container holds less than 5 tons, the prescribed amount shall be the contents of the lowest number of containers which together hold not less than 5 tons;

(*c*) if all the containers together hold less than 5 tons of material or if all the material is in one container, the prescribed amount shall be the quantity of material present.

(4) In relation to solid material which is loose in heaps or bays—

(*a*) if the material is in more than one heap or bay, any of which contains not less than 5 tons of material, the prescribed amount shall be the contents of any heap or bay containing not less than 5 tons;

(*b*) if all the heaps or bays together contain not less than 5 tons of material and every heap or bay contains less than 5 tons, the prescribed amount shall be the contents of the lowest number of heaps or bays which together contain not less than 5 tons;

(*c*) if all the heaps or bays together contain less than 5 tons or if all the material is in one heap or bay, the prescribed amount shall be the quantity of material present.

(5) In relation to liquid material in containers—

(*a*) if any of those containers holds not less than 1000 gallons of material, the prescribed amount shall be the contents of any such container;

(*b*) if all the containers together hold not less than 1000 gallons of material and every container holds less than 1000 gallons, the prescribed amount shall be the contents of the lowest number of containers which together hold not less than 1000 gallons;

(*c*) if all the containers together hold less than 1000 gallons of material, the prescribed amount shall be the quantity of material present.

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

4. 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.

Prescribed descriptions of material and particulars and information to be contained in the statutory statement

5. The descriptions of material prescribed for the purposes of sections 68(1) and 69(1) shall be those set out in the first column of the tables in Parts I and II of Schedule 2 and the particulars or information required by the said section 68(1) to be contained in a statutory statement relating to any such material shall be the particulars or information specified in relation thereto in paragraph 1 of, and the second column of the table in, the said Part I or Part II as the case may be, subject to the provisions of the said Part I or Part II.

Control of feeding stuffs containing added substances

6.—(1) No person shall sell or have in possession with a view to sale 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 or urea or any added substance of a description specified in the first column of Part V of the table in Schedule 3 unless 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 that Schedule as regards content.

(2) The provisions of this regulation shall not apply as respects any antioxidant, colourant, emulsifier, stabiliser, binder, vitamin D_2 or D_3, copper or urea or substance as aforesaid 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 herd 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 a destination outside the United Kingdom and is clearly marked or labelled to that effect.

In this regulation 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(d).

(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 to animals of any description prescribed 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 or Schedule 3 applies the operation of the provisions of sections 66(2), 73(1), and 82 shall be modified as follows:—

(d) 1968. c. 67.

(*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*) Section 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.

Manner of marking particulars on sales of small quantities

7. The label of a parcel to which paragraph (*b*) of subsection (2) of section 68 relates shall bear, in block capital letters and figures of not less than half an inch in height, the particulars which would, apart from that subsection, be required to be contained in a statutory statement on the sale of the material.

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

8. For the purposes of section 68(3), any statutory statement required to be given on the sale of—

(*a*) any feeding stuff (not being a compound feeding stuff or a feed supplement) or

(*b*) any fertiliser of a description specified in group G in the first column of the table in Part I of Schedule 2, or

(*c*) any solid fertiliser, not packed in bags, sacks or packages, of a description specified in any of groups A to F and H in the first column of the table in Part I of Schedule 2, or

(*d*) any liquid or semi-liquid fertiliser in a container of a capacity in excess of 40 gallons

may be given as soon as practicable after delivery of the material to the purchaser.

Manner of marking material

9. Material required by section 69(1) to be marked shall be marked legibly in writing, printing or stencilling or in any other appropriate manner—

(*a*) on the material itself or on a label securely attached thereto, or

(*b*) where the material is packed in a single package, on the wrapper or container of, or on a label securely attached to, the package, or

(*c*) where the material is packed in a number of separate packages, on the wrapper or container of, or on a label securely attached to, each of the packages, or

(*d*) where the material is packed in a number of packages which are themselves enclosed in a larger package or packages, on the wrapper or container of, or on a label securely attached to—

(i) each of the packages, or

(ii) the larger package, or

(iii) each of the larger packages, or