1968. No. 157 **[C]**

FERTILISERS AND FEEDING STUFFS

The Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1968

REGULATIONS, DATED THE 8TH DAY OF JULY 1968, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE FERTILISERS AND FEEDING STUFFS ACT 1926.

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The Ministry of Agriculture for Northern Ireland in exercise of the powers vested in it by Sections 23 and 29 of the Fertilisers and Feeding Stuffs Act 1926(**a**), and of every other power enabling it in that behalf, and acting on the advice of the Advisory Committee appointed for Great Britain under Section 23 of the said Act, hereby makes the following Regulations:—

Citation and Commencement

1.—(1) These Regulations may be cited as the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1968 and, except as provided in paragraph (2), shall come into operation on the 31st August 1968.

(2) As regards the obligations to give certain particulars in a statutory statement relating to, and to mark such particulars or indicate them by a mark upon a parcel of, a fertiliser which is sold or prepared for sale or consignment in a container which

(*a*) in the case of a liquid fertiliser does not contain more than 5 gallons of fertiliser and in the case of a non-liquid fertiliser does not contain more than 56 pounds by weight of fertiliser and

(*b*) is marked with the particulars to be given in a statutory statement,

these Regulations shall come into operation on the 1st October 1970.

Revocation of Previous Regulations

2. The Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1960(**b**), the Fertilisers and Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1963(**c**) and the Fertilisers and Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1964(**d**) are hereby revoked except that as regards the obligations referred to in Regulation 1(2) they shall remain in effect until the expiration of 30th September 1970.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires,

"the Act" means the Fertilisers and Feeding Stuffs Act 1926;

"agricultural analyst" and "deputy agricultural analyst" mean respectively an official agricultural analyst and a deputy agricultural analyst appointed in accordance with the Act;

"cattle" means bulls, cows, oxen, heifers, calves, sheep, goats and swine;

(**a**) 16 & 17 Geo. 5. c. 45.
(**b**) S.R. & O. (N.I.) 1960, No. 145.
(**c**) S.R. & O. (N.I.) 1963, No. 1.
(**d**) S.R. & O. (N.I.) 1964, No. 36.

"feeding stuff" means any article intended for use as food for cattle or poultry;
"fertiliser" means any article intended for use as a fertiliser of the soil;
"Ministry" means the Ministry of Agriculture for Northern Ireland.

Variation of the Schedules to the Act

4. Schedules 1, 2, 3, 4 and 5 to the Act are hereby varied by substituting for the same the Schedules set forth in Schedules 1, 2, 3, 4 and 5 respectively.

Manner of Marking Particulars on Sales of Small Quantities

5. The label of a parcel to which paragraph (ii) of the proviso to Section 1(1) of the Act relates shall bear the particulars required by the said Section 1 to be contained in the statutory statement in block capital letters and figures of not less than half an inch in height.

Manner of Marking Parcels

6. A parcel required by Section 4(1) of the Act to be marked shall be marked in writing, printing, stencilling or in any other appropriate manner either

(*a*) on the article itself,

(*b*) where the parcel consists of a single package, on the wrapper or container of, or on a label securely attached to or placed inside the package,

(*c*) where the parcel consists of a number of separate packages, either
  (i) on the wrapper or container of, or on a label securely attached to or placed inside, each of the packages, or
  (ii) otherwise in such a manner that the mark shall be readily apparent and unequivocally associated with the parcel,

(*d*) where the parcel consists of a number of packages themselves enclosed in a larger package or packages, on the wrapper or container of, or on a label securely attached to or placed inside,
  (i) each of the packages, or
  (ii) such larger package, or
  (iii) each of such larger packages, or

(*e*) where the parcel is in a bulk container or tanker, either
  (i) on the bulk container or tanker, or on a label securely attached thereto,
  (ii) where the bulk container or the tanker is a road vehicle, on a document clearly relating to the parcel and retained in the vehicle, and readily available for inspection, or
  (iii) otherwise in such a manner that the mark shall be readily apparent and unequivocally associated with the parcel;

provided that

(*a*) the marking shall be legible, and

(*b*) every parcel shall be marked in such a manner that it shall remain marked so long as it is on the premises where it has been marked.

Form of Register of Marks

7. A register of marks kept in accordance with Section 4(2) of the Act, specifying the particulars which the several marks entered in the register are used as indicating, shall be kept in such a form that the particulars required by the said Section 4, relating to each separate parcel, shall be readily ascertainable by an inspector.

Form of Register of Articles delivered or consigned ex ship or quay

8. The register of articles delivered or consigned direct from a ship or quay to a purchaser, required to be kept in accordance with Section 5(2) of the Act, shall be kept in such a form that the particulars required, relating to each separate article, shall be readily ascertainable by an inspector.

Period for which Registers and Statutory Statements are to be preserved

9. The period for which a register or statutory statement is to be preserved in accordance with Section 9(1) of the Act shall be four months.

Manner of Taking and Dividing Samples

10. The manner in which samples are to be taken and dealt with in cases where under the Act they are taken in the prescribed manner shall be as set forth in Schedule 6.

Method of Dealing with Third Part of Sample

11. Where a sample has been taken by an official sampler and divided by him into three parts in accordance with Section 13(1) of the Act and Regulation 10, the third part shall be delivered or sent by registered post or by the recorded delivery service to the last seller or his agent. Where a sample has been taken by an inspector and divided by him as aforesaid, the third part shall be delivered or sent by registered post or by the recorded delivery service to the person who would be liable to prosecution in the event of an offence being disclosed by the result of analysis of the sample, or to the representative of such person.

Period for which One Part of Sample is to be Retained by Agricultural Analyst

12. The period for which an agricultural analyst shall in accordance with Section 13(2) retain one part of a sample sent to him shall be six months from the date of his certificate of analysis of the sample unless he shall in the meantime have submitted such part of the sample to the Chief Agricultural Analyst for Northern Ireland pursuant to Section 13(3) or Section 20(1) of the Act.

Methods of Analysis of Fertilisers

13. The methods in which analyses of fertilisers shall be made for the purposes of the Act are as set forth in Schedule 7.

Methods of Analysis of Feeding Stuffs

14. The methods in which analyses of feeding stuffs shall be made for the purposes of the Act are as set forth in Schedule 8.

Limits of Variation

15. The limits of variation in relation to the particulars of the nature, substance or quality of an article or as to the amount of any ingredient, for the purposes of Section 2(5) and Section 26(5) of the Act, shall be as set out in Schedule 9.

Forms of Certificate of Analysis

16. The certificate of an agricultural analyst (*a*) of the analysis of a fertiliser and (*b*) of the analysis of a feeding stuff shall be in the forms respectively set forth in Parts I and II of Schedule 10.

Qualifications of Agricultural Analysts and Deputy Agricultural Analysts

17. Every person appointed in accordance with Section II of the Act as an agricultural analyst or deputy agricultural analyst shall furnish proof to the

satisfaction of the Ministry that he has competent knowledge of chemistry and of chemical analysis and microscopy, as applied to fertilisers and feeding stuffs. Such proof shall in every case comprise documentary evidence that such person holds a certificate or diploma attesting his possession of the requisite knowledge and given by a recognised competent body.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 8th day of July nineteen hundred and sixty-eight.

(L.S.)

A. E. W. Steen,
Assistant Secretary.