

EUROPEAN COMMUNITIES (FEEDING-STUFFS) (ADDITIVES) REGULATIONS 1974

I, MARK CLINTON, Minister for Agriculture and Fisheries, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), hereby make the following Regulations:

REG 1

1. (1) These Regulations may be cited as the European Communities (Feeding-Stuffs) (Additives) Regulations, 1974.

(2) These Regulations shall come into operation on the 30th day of December, 1974.

REG 2

2. In these Regulations—

"additive", "feeding-stuff" and "supplementary feeding-stuff" have the meanings assigned to them respectively by the Council Directive; "the Council Directive" means Council Directive No. 70/524/EEC of 23rd November, 1970,¹ as amended by Council Directive No. 73/103/EEC of 28th April, 1973,² by First Commission Directive No. 73/264/EEC and by Second Commission Directive No. 73/275/EEC both of 27th July, 1973,³ by Third Commission Directive No. 74/7/EEC of 13th December, 1973,⁴ by Fourth Commission Directive No. 74/38/EEC of 17th December, 1973,⁵ by Fifth Commission Directive No. 74/180/EEC, by Sixth Commission Directive No. 74/181/EEC and by Seventh Commission Directive No. 74/182/EEC all of 26th February, 1974,⁶ by Eighth Commission Directive No. 74/378/EEC of 1st July, 1974,⁷ and by Ninth Commission Directive No. 74/421/EEC of 23rd July, 1974⁸.

¹ OJ No. L270, 14-12-1970, p. 1.

² OJ No. L124, 10-5-1973, p. 17.

³ OJ No. L253, 10-9-1973, p. 12 and OJ No. L254, 11-9-1973, p. 16 respectively.

⁴ OJ No. L14, 17-1-1974, p. 21.

⁵ OJ No. L30, 4-2-1974, p. 21.

⁶ OJ No. L94, 4-4-1974, p. 14, p. 16 and p. 18 respectively.

⁷ OJ No. L199, 22-7-1974, p. 13.

⁸ OJ No. L221, 12-8-1974, p. 29.

"the Minister" means the Minister for Agriculture and Fisheries.

REG 3

3. Every person concerned shall comply with the provisions of the Council Directive regarding—

- (a) the incorporation of additives in feeding-stuffs,
- (b) the use of additives for the purposes of animal feeding,
- (c) mixing,
- (d) the levels of additives in supplementary feeding-stuffs and premixtures,
- (e) the placing on the market and packaging of feeding-stuffs or supplementary feeding-stuffs, and

(f) references to additives.

REG 4

4. A person who contravenes a requirement of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

REG 5

5. (1) The Minister may appoint such and so many of his officers as he thinks fit to be authorised officers for the purposes of these Regulations.

(2) An authorised officer shall be furnished with a warrant of his appointment as an authorised officer and when exercising any power conferred on an authorised officer by these Regulations shall, if requested by any person affected, produce the warrant to that person.

REG 6

6. (1) An authorised officer may at all reasonable times enter—

(a) any premises in which he has reasonable grounds for believing that feeding-stuffs are being either prepared for sale or export or offered or exposed for sale or kept for export, or

(b) any railway wagon, vehicle, ship, vessel or aircraft in which he has reasonable grounds for believing that feeding-stuffs are being either transported for sale or export or kept for the purposes of such transport, and there or at any other place—

(i) make such examinations, tests and inspections, and

(ii) take such reasonable samples of any feeding-stuffs which he finds in the course of his inspection,

as he may consider appropriate for the purpose of these Regulations and the Council Directive.

REG 7

7. If any person fraudulently—

(a) tampers with any feeding-stuff so as to procure that any sample of it taken under these Regulations does not correctly represent the feeding-stuff, or

(b) tampers or interferes with any sample taken under these Regulations,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

REG 8

8. An offence under these Regulations may be prosecuted by the Minister.

REG 9

9. In any proceedings for an offence under these Regulations, it shall not be necessary to negative by evidence the existence of any derogation pursuant to the Council Directive.

REG 10

10. These Regulations shall, during any period ending on a day not later than the 31st day of December, 1977, have effect subject to the Animal and Poultry Compound Feeding-Stuffs (Control of Antibiotics) Regulations, 1972 (S.I. No. 335 of 1972).

GIVEN under my Official Seal, this 11th day of October, 1974.
MARK CLINTON,
Minister for Agriculture and
Fisheries.

EXPLANATORY NOTE.

The Regulations give statutory effect to the provisions of the EEC Directives governing the use of additives in feeding-stuffs.