

S.I. 435 of 1999**European Communities (Marketing of Compound Feedingstuffs) Regulations, 1999**

I, Joe Walsh, Minister for Agriculture, Food and Rural Development, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Council Directive No. 79/373/EEC of 2 April 1979⁽¹⁾ as amended, Commission Directive No. 80/511/EEC of 2 May 1980⁽²⁾ as amended, Commission Directive No. 82/475/EEC of 23 June 1982⁽³⁾ as amended, Commission Directive No. 86/174/EEC of 9 April 1986⁽⁴⁾, and Commission Directive No. 91/357/EEC of 13 June 1991⁽⁵⁾ as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Marketing of Compound Feedingstuffs) Regulations, 1999.

2. (1) In these Regulations -

“authorised officer” means -

- (a) a person appointed by the Minister under Regulation 11 to be an authorised officer for the purposes of these Regulations, or
- (b) a member of the Garda Síochána;

“the Directive of 1979” means Council Directive 79/373/EEC of 2 April 1979 as amended;

“feed material” has the same meaning as it has in the Regulations of 1999;

“the Minister” means the Minister for Agriculture, Food and Rural Development;

“place on the market” means -

- (a) import,
- (b) sell,
- (c) offer or expose for sale,
- (d) invite the making by a person of an offer to purchase,
- (e) distribute free of charge, or

⁽¹⁾ O.J. No. L 86 of 6.4.1979, p. 30

⁽²⁾ O.J. No. L 126 of 21.5.1980, p. 14

⁽³⁾ O.J. No. L 213 of 21.7.1982, p. 27

⁽⁴⁾ O.J. No. L 130 of 16.5.1986, p. 53

⁽⁵⁾ O.J. No. L 193 of 17.7.1991, p. 34

(f) in the case of a manufacturer, supply for any of those purposes,
and cognate words shall be construed accordingly;

“the Regulations of 1999” means the European Communities (Putting into Circulation of Feed Materials) Regulations, 1999;

“State Chemist” means the head of the State Laboratory.

(2) A word or expression that is used in these Regulations and is also used in the Directive of 1979 has the same meaning in these Regulations that it has in the Directive of 1979.

(3) A reference in these Regulations to a regulation or Schedule is a reference to a regulation or Schedule of these Regulations unless it is indicated that a reference to some other regulation or Schedule is intended.

(4) A reference in these Regulations to a paragraph or subparagraph is a reference to the paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

3. These Regulations shall apply to all compound feedingstuff other than compound feedingstuffs that bear a mark indicating that they are -

(a) intended for export,

or

(b) intended for animals kept for scientific or experimental purposes.

4. (1) A person shall not place on the market compound feedingstuffs other than compound feedingstuffs that -

(a) are wholesome, unadulterated and of merchantable quality, and

(b) do not present a danger to animal or human health.

(2) A person shall not affix a mark or label to a compound feedingstuff that is likely to deceive other persons as to the nature or content of the feedingstuff.

(3) A person shall not place on the market a compound feedingstuff in such a manner as is likely to deceive other persons as to the nature or content of the feedingstuff.

5. (1) Subject to paragraphs (3) and (4), a person shall not place on the market a compound feedingstuff unless -

(a) it is in a sealed package or container that cannot be opened without the seal being damaged and rendered unusable,

- (b) the provisions of Part A of the Annex to the Directive of 1979 (substituted by Article 1(11) of Council Directive 90/44/EEC of 22 January 1990⁽⁶⁾ and amended by Article 3 of Commission Directive 97/47/EC of 28 July 1997⁽⁷⁾ and Article 1 of Commission Directive 99/61/EC of 18 June 1999⁽⁸⁾) have been complied with in respect of it, and
- (c) the requirements of Article 11 of the Directive of 1979 have been complied with in respect of it.

(2) A person shall not place on the market a compound feedingstuff containing, any substance specified in the Annex to Commission Decision 91/516/EEC of 9 September 1991⁽⁹⁾ (amended by Commission Decision 92/508/EEC of 20 October 1992⁽¹⁰⁾, Commission Decision 95/274/EC of 10 July 1995⁽¹¹⁾, and Commission Decision 97/582/EC of 28 July 1997⁽¹²⁾ and Article 1 of Commission Decision 99/420/EC of 18 June 1999⁽¹³⁾).

(3) A compound feedingstuff may be placed on the market in bulk or in unsealed packages or containers where -

- (a) the placing on the market consists of the sale or supply of the compound feedingstuff concerned by the producer thereof to another producer of compound feedingstuffs,
- (b) the compound feedingstuff concerned consists of a mixture of different types of grain or whole fruit.
- (c) the compound feedingstuff concerned is in the form of a lick or a block, or
- (d) the placing on the market consists of the sale or supply to a person for use in farming operations carried on by him or her of a compound feedingstuff not exceeding 50 kilograms in weight that has been taken from a package or container that immediately prior to such taking was sealed in accordance with paragraph (1)(a).

⁽⁶⁾ O.J. No. L 27 of 31.1.1990, p. 35

⁽⁷⁾ O.J. No. L 211 of 5.8.1997, p. 45

⁽⁸⁾ O.J. No. L162 of 26.6.1999, p. 67

⁽⁹⁾ O.J. No. L281 of 9.10.1991, p. 23

⁽¹⁰⁾ O.J. No. L 312 of 29.10.1992, p. 36

⁽¹¹⁾ O.J. No. L 167 of 18.7.1995, p. 24

⁽¹²⁾ O.J. No. L 237 of 28.8.1997, p. 39

⁽¹³⁾ O.J. No. L162 of 26.6.1999, p. 69

(4) A compound feedingstuff may be placed on the market in bulk or in unsealed containers but not in unsealed packages where -

- (a) the placing on the market consists of the sale or supply of the compound feedingstuff concerned to a person for use in farming operations carried on by him or her,
- (b) the compound feedingstuff concerned is a molassed feedingstuff consisting of not more than three feed materials, or
- (c) the compound feedingstuff concerned is a pelleted compound feedingstuff.

6. (1) Subject to this Regulation, a person shall not place a compound feedingstuff on the market unless the following particulars are shown (in the manner (if any) specified hereunder) in visible, legible and indelible form in a space provided for that purpose on its packaging or container or on a label attached thereto, or in the case of a small quantity of a compound feedingstuff intended for the final user in a notice displayed in a conspicuous position at the point of sale or, in the case of a compound feedingstuff that is placed on the market in a tanker or similar vehicle or otherwise in bulk, in an accompanying document, that is to say:

- (a) the description “complete feedingstuff”, “complementary feedingstuff”, “mineral feedingstuff”, “molassed feedingstuff”, “complete milk replacer feed” or “complementary milk replacer feed”, as may be appropriate;
- (b) the species or category of animal for which the compound feedingstuff is intended;
- (c) directions for the proper use of the compound feedingstuff;
- (d) the purpose for which the compound feedingstuff is intended;
- (e) in the case of a compound feedingstuff consisting of not more than 3 feed materials -
 - (i) the particulars specified in paragraphs (a), (b) and (c), or
 - (ii) a description of the feed materials of which the compound feedingstuff concerned consists;
- (f) in the case of a compound feedingstuff intended for animals other than pets but including a compound feedingstuff intended for dogs or cats, a declaration, that complies with Regulation 8, of the feed materials of which it consists,

- (g) where appropriate, the declaration of analytical constituents in respect thereof required by Part A of the Annex to the Directive of 1979 (substituted by Article 11(1) of Council Directive 90/44/EEC of 22 January 1990, and amended by Article 3 of Commission Directive 97/47/EC of 28 July 1997 and Article 1 of Commission Directive 99/61/EC of 18 June 1999),
- (h) where appropriate the declarations provided for in columns 1, 2 and 3 of Part B of the Annex to the Directive of 1979 (substituted by the said Article 1(11) and amended by Commission Directive 98/87/EC of 13 November, 1998⁽¹⁴⁾),
- (i) the name or business name and the address or principal place of business of the person who first placed the feedingstuff concerned on the market,
- (j) the net quantity of the compound feedingstuff concerned expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products,
- (k) the minimum storage life to be indicated in accordance with Article 5d of the Directive of 1979 (inserted by Article 1(5) of Council Directive 90/44/EC of 22 January 1990),
- (l) the batch number or the date of manufacture, of the compound feedingstuff,
- (m) where appropriate the approval number issued by the Minister in respect of the approved establishment or intermediary (within the meaning of the Approval and Registration of Establishments and Intermediaries operating in the Animal Feed Sector) Regulations, 1999 (S.I. No. 88 of 1999)), concerned.
- (n) the official code number of the manufacturer if the manufacturer is not an approved establishment and the particulars given under subparagraph (i) are not those of the manufacturer.

(2) The particulars specified in paragraphs (j), (k) and (l) of paragraph (1) may be shown outside the space reserved for the labelling particulars required by the said paragraph (1) provided that a sufficient indication is given in the space as to where such particulars may be found.

⁽¹⁴⁾ O.J. No. L 318 of 27.11.1998, p. 43

(3) In respect of a compound feedingstuff intended for pets other than dogs or cats the description “compound feedingstuff” may, in lieu of the description “complementary feedingstuff” or “complete feedingstuff”, be entered in the space, label, notice or accompanying document referred to in paragraph (1) and where that description is so entered the declarations required or permitted under Article 5 of the Directive of 1979 shall be those specified for complete feedingstuffs.

(4) In the case of compound feedingstuffs intended for pets -

- (a) the description “compound pet food” may, in lieu of the description “compound feedingstuff” be entered in the space, label, notice or accompanying document referred to in paragraph (1),
- (b) the description “complementary pet food” may, in lieu of the description “complementary feedingstuff”, be so entered,
- (c) the description “complete pet food” may, in lieu of the description “complete feedingstuff”, be so entered.

(5) In the case of whole grain mixes, the declarations referred to in subparagraph (g) and (h) of paragraph (1) of this Regulation shall not be required but they may be provided.

(6) Where a compound feedingstuff contains additives in respect of which different minimum storage lives are required under the European Communities (Additives in Feedingstuffs) Regulations, 1999 (S.I. 398 of 1999), the indication of the minimum storage life under paragraph (1)(k) shall not be longer than the shortest of those minimum storage lives.

7. (1) The space, label, accompanying document or notice referred to in paragraph (1) of Regulation 6 may, in addition to the particulars specified in that paragraph, contain the following particulars:

- (a) the trade mark or trade name of the person who first places the compound feedingstuffs on the market,
- (b) the name or the business name and the address or principal place of business of the manufacturer of the compound feedingstuff, if this is a person other than the person referred to in subparagraph (a),
- (c) the batch number where the date of manufacture has been indicated in accordance with Regulation 6(1)(l),
- (d) the name of the country in which the compound feedingstuff was produced or manufactured,
- (e) the price of the product,
- (f) the description or trade name of the product,

- (g) in the case of a compound feedingstuff intended for pets other than dogs or cats, a declaration in accordance with Regulation 8 of the feed materials of which the compound feedingstuff consists,
- (h) where appropriate, an indication that the compound feedingstuff conforms to a standard or standards regarding analytical characteristics which for the time being stand recommended by the Minister in relation to a particular category of compound feedingstuffs,
- (i) a description of the physical condition of the compound feedingstuff or the specific processing it has undergone,
- (j) where appropriate, the declarations of the analytical constituents in respect of the compound feedingstuff permitted by Part A of the Directive of 1979 (substituted by Article 11(1) of Council Directive 90/44/EEC of 22 January 1990 and amended by Article 3 of Commission Directive 97/47/EC of 28 July 1997 and Article 1 of Commission Directive 99/61/EC of 18 June 1999),
- (k) the declarations provided for in columns 1, 2 and 4 of Part B of the Annex to the Directive of 1979 (substituted by Article 1(11) of Council Directive 90/44/EEC of 22 January 1990 and amended by Article 1 of Commission Directive 98/87/EC of 13 November 1998),
- (l) the date of manufacture of the compound feedingstuff indicated in accordance with Article 5d(2) of the Directive of 1979 inserted by paragraph 5 of Article 1 of Council Directive 90/44/EEC of 22 January 1990.

(2) The space, label, accompanying document or notice referred to in paragraph (1) of Regulation 6 may, in relation to a compound feedingstuff intended for pets, contain an express declaration as to the presence or low content of one or more feed materials from which the compound feedingstuff concerned derives one or more of its essential characteristics.

(3) Where a space, label, accompanying document or notice referred to in paragraph (1) of Regulation 6 contains a declaration to which paragraph (2) applies, the following requirements shall be complied with, that is to say:

- (a) the weight of the feed material expressed as a percentage of the weight of the compound feedingstuff concerned shall be indicated opposite the declaration or in the list of feed materials of which the compound feedingstuff consists, or
- (b) the feed material and its weight expressed as a percentage of the weight of the compound feedingstuff concerned shall be specified opposite the category of feed materials concerned to which the feed material concerned belongs.

(4) A person shall not place a compound feedingstuff on the market where the space, label, accompanying document or notice referred to in Regulation 6(1) in respect thereof contains particulars other than those required by the said Regulation 6(1) or permitted by paragraph (1), or a declaration permitted by paragraph (2) that complies with paragraph (3).

8. (1) A declaration referred to in Article 6(1)(c) or Article 7(1)(g) or a record under Regulation 12 shall specify all the feed materials of which the compound feedingstuff concerned consists and shall -

- (a) in the case of a compound feedingstuff intended for animals other than pets list those feed materials in descending order according to their respective weights, or
- (b) in the case of a compound feedingstuff intended for pets
 - (i) specify the weight of each feed material, or
 - (ii) list those feed materials in descending order according to their respective weight.

(2) A feed material to which paragraph (1)(a) applies shall, in the declaration concerned, be described by its specific name¹⁵ or by reference to the category of feed materials (if any) specified in Commission Directive 91/357/EEC of 13 June 1991 (amended by Commission Directive 97/47/EC of 28 June 1997 and Commission Directive 98/67/EC of 7 September 1998¹⁶) to which it belongs but not both.

(3) A feed material to which paragraph (1)(b) applies shall, in the declaration concerned, be described by its specific name¹⁵ or by reference to the category of feed materials (if any) specified in Commission Directive 82/475/EEC of 23 June 1982 (amended by Commission Directive 91/334/EEC of 6 June 1991 and Commission Directive 98/67/EC of 7 September 1998) to which it belongs but not both.

- (4) Where a feed material contained in a compound feedingstuff,
- (a) corresponds to the description of a feed material specified in Column 3 of Part B of the Annex to Council Directive 96/25/EC of 29 April, 1996, as amended, and the feed material complies with the minimum composition requirements, if any, contained in the said Column 3, the name specified in Column 2 of the said Annex shall be regarded as the specific name for the purposes of paragraphs 2 and 3.

¹⁵ The specific name of a feed material is the name specified in column 2 of the Annex to Council Directive 96/25/EC (O.J. No L125, 23.5.1996, p. 35)

¹⁶ O.J. No. L 261 of 24.9.1998, p. 10

- (b) does not correspond to the description of a feed material specified in the said Column 3 or does not comply with the minimum requirements, if any, contained therein, the specific name given to the feed material for the purposes of paragraphs 2 and 3 shall comply with the provisions of Regulation 6 (2) of the European Communities (Putting into Circulation of Feed Materials) Regulations, 1999 (S.I. 390 of 1999).

9. The person who first places a compound feedingstuff on the market may provide information in addition to that required under Regulation 6 or permitted under Regulation 7 as he considers appropriate provided that such information shall -

- (a) not indicate the presence or content of analytical constituents other than those the declaration of which is provided for in Regulation 7(4) of the European Communities (Feedingstuffs Intended for Particular Nutritional Purposes) Regulations, 1996 (S.I. No. 59 of 1996), as amended,
- (b) not mislead the user, in particular by attributing to the feedingstuff effects or properties that it does not have or by indicating that it has characteristics that are unique to it when all similar feedingstuffs have such characteristics,
- (c) not claim that the feedingstuff will prevent, treat or cure a disease,
- (d) relate to objective or quantifiable factors which can be substantiated,
- (e) be clearly separated from the particulars to which Regulation 6 or 7 apply.

10. (1) The manufacturer of a compound feedingstuff shall keep a record of the following information in relation thereto, that is to say:

- (a) the description of the compound feedingstuff,
- (b) the feed materials, additives or premixtures and quantities thereof used in the manufacture of the compound feedingstuff,
- (c) the names of the persons from whom the manufacturer purchased the feed materials, additives or premixtures referred to in subparagraph (b) and the place at which they carry on business, or where the person is a body corporate its registered office or principal office as may be appropriate,
- (d) the date of manufacture of the compound feedingstuff,
- (e) the person to whom the compound feedingstuff was sold or supplied.

(2) A person (other than a manufacturer) who places on the market a compound feedingstuff shall keep a record of the following information in relation thereto, that is to say:

- (a) the name of the person from whom the compound feedingstuff was purchased and the place at which he or she carries on business in the State,
- (b) the description of the compound feedingstuff,
- (c) the net quantity of the compound feedingstuff,
- (d) the date of receipt of the compound feedingstuff,
- (e) the date of the placing on the market by him or her of the compound feedingstuff,
- (f) the person to whom the compound feedingstuff was sold or supplied and the place at which he carries on business in the State or in the case of a compound feedingstuff sold or supplied to a person for use by him or her in farming activities the place in the State at which he carries on those activities.

11. (1) The Minister may appoint one or more persons to be an authorised officer or authorised officers for the purposes of these Regulations.

(2) A person appointed under paragraph (1) shall, on his or her appointment, be furnished by the Minister, with a certificate of his or her appointment, and when exercising a power conferred by these Regulations shall, if requested by any person thereby affected, produce such certificate to that person for inspection.

(3) An authorised officer may, for the purposes of these Regulations and of the Directive of 1979 -

- (a) at all reasonable times enter, subject to paragraph (4), any premises at which he or she has reasonable grounds for believing that any compound feedingstuff is being manufactured, being subjected to any process or being stored, or any premises that are occupied in whole or in part by an undertaking engaged in the manufacture, processing or placing on the market of compound feedingstuffs.
- (b) at such premises inspect and take copies of, any books, records, other documents or extracts therefrom which he or she finds in the course of his or her inspection,

- (c) carry out or have carried out such examinations, tests, inspections and checks of the premises, of any compound feedingstuffs being manufactured, processed or stored at the premises, or of any equipment, machinery or plant at the premises as he or she reasonably considers to be necessary for the purposes of his or her functions under these Regulations or the Directive of 1979,
- (d) require any person at the premises or the owner or person in charge of the premises and any person employed there to give to him or her such assistance and information and to produce to him or her such books, documents or other records that are in that person's power or procurement as he or she may reasonably require for the purposes of his or her functions under these Regulations or the Directive of 1979,
- (e) take samples of compound feedingstuffs or feed materials at the premises for the purposes of analysis and examination,
- (f) direct that such compound feedingstuffs found at the premises as he or she, upon reasonable grounds, believes contravene a provision of these Regulations or the Directive of 1979 not be placed on the market or moved from the premises without his or her consent, or
- (g) take possession of and remove from the premises for examination and analysis compound feedingstuffs or feed materials found there and detain them for such time as he or she considers reasonable for the purposes of his or her functions under these Regulations or the Directive of 1979.

(4) An authorised officer shall not enter a dwelling, other than -

- (a) with the consent of the occupier, or
- (b) in accordance with a warrant issued under paragraph (5).

(5) On the application of an authorised officer, a judge of the District Court may, if satisfied that there are reasonable grounds for believing that a compound feedingstuffs is being subjected to any process or stored in any dwelling or that a dwelling is occupied in whole or in part by an undertaking engaged in the processing or putting into circulation of compound feedingstuffs, issue a warrant authorising a named authorised officer accompanied by such other authorised officers as may be necessary, at any time or times, within one month of the date of issue of the warrant, to enter the dwelling and perform the functions of an authorised officer under subparagraphs (b),(c),(d),(e),(f) and (g) of paragraph 3.

(6) In this Regulation "premises" means any place, ship or other vessel, aircraft, railway wagon or other vehicle, and includes a container used to transport compound feedingstuffs.

12. (1) The Minister may, on the application of a person who has purchased a compound feedingstuff for use in farming operations carried on by him or her, cause an authorised officer to take a sample of such compound feedingstuff for the purpose of having it analysed as to its composition.

(2) An application under this Regulation shall -

- (a) be in writing,
- (b) be made not later than 60 days after the feedingstuff has been delivered to the applicant, and
- (c) be accompanied by such fee, not exceeding the expense likely to be incurred in taking and analysing the sample concerned, as may from time to time be determined by the Minister.

(3) An authorised officer may refuse to take a sample of a compound feedingstuff on foot of an application under this Regulation where -

- (a) he or she is not satisfied -
 - (i) that the applicant purchased the compound feedingstuff to which the application relates,
 - (ii) that the applicant intends to use the compound feedingstuff in the course of farming operations carried on by him, or
 - (iii) that the compound feedingstuff presented for sampling by the applicant is not broadly representative of the compound feedingstuff delivered to the applicant, or
- (b) the applicant fails or refuses to provide the authorised officer with such information relating to the compound feedingstuff as he or she may reasonably require.

(4) The Public Offices Fees Act, 1879, shall not apply to fees under this Regulation.

(5) Subject to paragraph (6), all fees paid under this Regulation shall be paid into, or be disposed of for the benefit of, the Exchequer.

(6) The Minister may, where he or she considers it appropriate, refund a fee or part thereof paid in relation to an application under this Regulation.

13. (1) An authorised officer who takes a sample of a compound feedingstuff under Regulation 11(3), or a sample of a compound feedingstuff in respect of which an application under Regulation 12 has been made, shall -

- (a) in respect of such sample, comply with the Annex to Commission Directive No. 76/371/EEC of 1 March 1976¹⁷ establishing Community methods of sampling for the official control of feedingstuffs, and
- (b) forward a final sample thereof (within the meaning of the said Annex) to -
 - (i) the State Chemist, and
 - (ii) the person who placed the compound feedingstuff concerned on the market for the first time.

(2) As soon as practicable after he or she has received a final sample forwarded under paragraph (1), the State Chemist shall carry out an analysis of the sample and determine its composition.

14. (1) Where the Minister is of the opinion that a person has placed on the market or intends to place on the market a compound feedingstuff that does not comply with a provision of these Regulations or the Directive of 1979 he or she may, by direction in writing given to that person -

- (a) require him or her to take all reasonable steps to withdraw the compound feedingstuff from the market, or
- (b) prohibit him or her from placing the compound feedingstuff on the market.

(2) Where the Minister proposes to give a direction under paragraph (1) he shall by notice in writing -

- (a) so inform the person to whom he or she proposes to give the direction, and
- (b) invite him or her to make representations to the Minister concerning such proposal, within 21 days of the service of the notice,

and the Minister shall, in making a decision as to the giving of any such direction take into consideration any such representations.

(3) The Minister may, as he thinks fit, withdraw a direction given by him or her under paragraph (1).

¹⁷ O.J. No. 1102 of 15.4.1976, p. 1

15. (1) In proceedings for an offence consisting of a contravention of these Regulations, a certificate purporting to be signed by the State Chemist, or a person authorised by him or her in writing to perform the functions of the State Chemist under these Regulations, stating any one or more of the following, namely -

- (a) that he or she received a final sample submitted to the State Chemist under Regulation 13(1)(b),
- (b) that, for such period as is specified in the certificate, he or she had in his or her custody the final sample so submitted,
- (c) that he or she gave to such other person as is specified in the certificate the final sample so submitted, or
- (d) that on analysis thereof by him or her the sample was found to be composed of such substances as are specified in the certificate,

shall, unless the contrary is proved, be evidence of the matters stated in the certificate.

(2) In proceedings for an offence under these Regulations the court may, if it considers that the interests of justice so require, direct that oral evidence of the matters stated in a certificate under this Regulation be given, and the court may for the purpose of receiving oral evidence adjourn the proceedings to a later date.

16. (1) A direction or other document under these Regulations shall, subject to paragraph (2) be addressed to the person concerned by name, and may be served on or given to the person in one of the following ways:

- (a) by delivering it to the person,
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address,
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address,
- (d) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice, direction or other document relates to land, by delivering it to some person over 16 years of age resident or employed on the land or by affixing it in a conspicuous position on or near the land.

(2) Where a direction or other document under these Regulations is to be served on or given to a person who is the owner or occupier of land and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words the owner or, as the case may require, the occupier.

(3) It shall not be lawful for a person at any time during the period of 12 months after a direction or other document is affixed under paragraph (d) of paragraph (1) to remove, damage or deface the notice, direction or other document without lawful authority.

(4) For the purposes of this Regulation, a company within the meaning of the Companies Acts, 1963 to 1999, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

17. (1) Any person who -

- (a) contravenes Regulation 4, 5, 6, 7(3) or (4), 8, 9 or 10, of these Regulations,
- (b) fails or refuses to comply with -
 - (i) a direction of the Minister under Regulation 14,
 - (ii) a requirement of an authorised officer under Regulation 11(3)(d), or
 - (iii) a direction of an authorised officer under Regulation 11(3)(f), or
- (c) obstructs or interferes with an authorised officer in the course of exercising a power conferred on him or her by these Regulations or impedes the exercise by the officer of such power or fails or refuses to comply with a request made by, or to answer a question asked by, the officer pursuant to these Regulations, or in purported compliance with such request or in answer to such question gives information to the officer that he knows to be false or misleading in any material respect,

shall be guilty of an offence.

(2) Any person who forges, or utters knowing it to be forged, a direction, certificate or other document purporting to be issued, granted or given under these Regulations (hereafter in this Regulation referred to as “a forged document”), shall be guilty of an offence.

(3) Any person who alters with intent to defraud or deceive, or who utters knowing it to be so altered, a direction, certificate or other document issued, granted or given under these Regulations (hereafter in this Regulation referred to as “an altered document”), shall be guilty of an offence.

(4) Any person who, without lawful authority, has in his or her possession a forged document or an altered document shall be guilty of an offence.

- (5) Any person who, with intent to defraud or deceive -
- (a) tampers with any thing so as to procure that any sample taken pursuant to these Regulations does not correctly represent the substance sampled, or
 - (b) tampers or interferes with any sample taken under these Regulations,
- shall be guilty of an offence.

(6) A person guilty of an offence under this Regulation shall be liable on summary conviction to a fine not exceeding £1,500, or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

(7) Proceedings for an offence under this Regulation may be brought and prosecuted by the Minister.

(8) Where an offence under this Regulation is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

18. The following regulations are hereby revoked, that is to say:

- (a) the European Communities (Marketing of Feedingstuffs) Regulations, 1984 (S.I. No. 200 of 1984),
- (b) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1986 (S.I. No. 262 of 1986),
- (c) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1988 (S.I. No. 249 of 1988),
- (d) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1992 (S.I. No. 143 of 1992),
- (e) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1993 (S.I. No. 261 of 1993),
- (f) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations, 1994 (S.I. No. 143 of 1994), and
- (g) the European Communities (Marketing of Feedingstuffs) (Amendment) Regulations 1998 (S.I. No. 161 of 1998).

GIVEN under my Official Seal,
this 22 day of December, 1999.

L.S.

Joe Walsh
Minister for Agriculture, Food
and Rural Development

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations, which cover the marketing of compound feedingstuffs consolidate existing legislation and implement the following Regulations:-

Council Directive 79/373/EEC of 2 April, 1979¹, Commission Directive 80/509/EEC of 2 May 1980², Commission Directive No. 82/475/EEC of 23 June, 1983³, Commission Directive 80/511/EEC of 2 May, 1980⁴, Commission Directive 80/695/EEC of 27 June 1980⁵, Commission Directive 82/475/EEC of 23 June 1982⁶, Commission Directive 82/957/EC of 22 December 1982⁷, Commission Directive 86/174/EEC of 9 April, 1986⁸, Council Directive 86/354/EEC of 21 July, 1986⁹, Council Directive 87/235/EEC of 31 March 1987¹⁰, Council Directive 90/44/EEC of 22 January, 1990¹¹, Commission Directive 91/334/EEC of 6 June, 1991¹², Commission Directive 91/357/EEC of 13 June, 1991¹³, Commission Decision 91/516/EEC of 9 September, 1991¹⁴, Council Directive 91/681/EEC of 19 December, 1991¹⁵, Commission Directive 92/87/EEC of 26 October, 1992¹⁶, Commission Directive 92/89/EEC of 3 November 1992¹⁷,

¹ O.J. No L86, 6.4.1979, p 30

² O.J.No L126, 21.5.1980, p. 9

³ O.J. No L213, 21.7.1982, p. 27

⁴ O.J. No L126, 21.5.1980, p. 14

⁵ O.J. No L188, 22.7.1989, p. 23

⁶ O.J. No L213, 21.7.1982, p. 27

⁷ O.J. No.L386, 31.12.1982, p. 42

⁸ O.J. No. L130, 16.5.1986, p. 53

⁹ O.J. No. L212, 2.8.1986, p. 27

¹⁰ O.J. No. L102, 14.4.1987, p. 34

¹¹ O.J. No. L27, 31.1.1990, p. 35

¹² O.J. No. L184, 10.7.1991, p. 27

¹³ O.J. No. L193, 17.7.1991, p. 34

¹⁴ O.J. No. L281, 9.10.1991, p. 23

¹⁵ O.J. No. L376, 31.12.1991, p. 20

¹⁶ O.J. No. L319, 4.11.1992, p. 19

¹⁷ O.J. No. L344, 26.11.1992, p. 35

Commission Decision 92/508/EEC of 20 October, 1992¹⁸, Commission Directive 93/28/EEC of 4 June, 1993¹⁹, Council Directive 93/74/EC of 13 September 1993²⁰, Council Directive 95/69/EC of 22 December 1995²¹, Commission Decision 95/274/EC of 10 July, 1995²², Council Directive 96/24/EC of 29 April 1996²³, Commission Directive 97/47/EC of 28 July, 1997²⁴, Commission Decision 97/582/EC of 28 July, 1997²⁵, Commission Directive 98/67/EC of 7 September, 1998²⁶, Commission Directive 98/87/EC of 13 November 1998²⁷, Commission Directive 99/61/EC of 18 June 1999²⁸ and Commission Decision 99/420/EC of 18 June 1999²⁹.

The Regulations revoke the European Communities (Marketing of Feedingstuffs) Regulations, 1984 to 1998.

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¹⁸ O.J. No L312, 29.11.1992, p. 36

¹⁹ O.J. No L179, 22.7.1993, p. 8

²⁰ O.J. No. L237, 22.9.1993, p. 23

²¹ O.J. No. L332, 30.12.1995, p. 15

²² O.J. No. L167, 18.7.1995, p. 24

²³ O.J. No. L125, 23.5.1996, p. 33

²⁴ O.J. No. L211, 5.8.1997, p. 45

²⁵ O.J. No L237, 28.8.1997, p. 39

²⁶ O.J. No L261, 24.9.1998, p. 10

²⁷ O.J. No L318, 27.11.1998, p. 43

²⁸ O.J. No. L162, 26.6.1999, p. 67

²⁹ O.J. No. L162, 26.6.1999, p. 69