

Statutory Rule 2000 No. 73

The Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 2000

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STATUTORY RULES OF NORTHERN IRELAND

2000 No. 73

FOOD

The Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 2000

<i>Made</i>	<i>10th March 2000</i>
<i>Coming into operation</i>	<i>13th March 2000</i>

The Department of Agriculture and Rural Development[1], being a Department designated[2] for the purposes of section 2(2) of the European Communities Act 1972[3] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Animal Feedingstuffs from Belgium (Control) Regulations (Northern Ireland) 2000 and shall come into operation on 13th March 2000.

Interpretation

2. - (1) In these Regulations -

"the Control Order" means the Food (Animal Products from Belgium) (Emergency Control) Order (Northern Ireland) 2000[4];

"controlled entity" means any product or material which is excluded from the definition of "relevant animal product" in the Control Order solely by reason that it is not food;

"the Department" means the Department of Agriculture and Rural Development;

"enforcement officer" means an officer of the Department authorised by it to enforce and execute these Regulations; and

"the Order" means the Food Safety (Northern Ireland) Order 1991[5].

(2) In these Regulations -

(a) other expressions which are also used in the Order have the same meaning as they have in that Order; and

(b) expressions which are also used in the Control Order have the same meanings as in that Order.

(3) The Interpretation Act (Northern Ireland 1954[6] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Exemptions

3. - (1) Regulation 4 shall not apply to -

(a) the importation into Northern Ireland of any controlled entity if, when imported, that controlled entity is accompanied by valid certification relating to it, as specified in paragraph (3);

(b) in relation to any controlled entity imported into the United Kingdom, any activity in Northern Ireland in relation to that entity, if it can be proven by the person carrying out the activity that at the time of importation into the United Kingdom it was so accompanied; or

(c) the return to Belgium, under cover of an official certificate in accordance with Article 4 of Commission Decision 1999/788/EC[7], as amended by Commission Decision 2000/150/EC[8], of any controlled entity.

(2) Regulation 6 shall not apply to any imported controlled entity which is accompanied by valid certification relating to it as specified in paragraph (3) but Article 8(1) of the Order shall apply in relation to any such controlled entity, with the same modifications as are set out in regulation 6(2)(a) and (d) and with the omission of the words "NOT OPEN" and paragraphs (3) to (9) shall apply where, on such an inspection, it appears to the authorised officer that any food fails to comply with food safety requirements".

(3) The certification referred to in paragraphs (1)(a) and (b) and (2) is the

certification which would have applied in relation to the controlled entity by virtue of the Control Order, had that Order extended to controlled entities.

Prohibitions and offences

4. - (1) Subject to paragraph (2) -

- (a) a person shall not sell any controlled entity for the purpose of its being used to feed to an animal or in the manufacture of a product for such use;**
- (b) a person shall not possess, offer, expose, advertise, prepare, present, label, wrap, store or transport any such controlled entity for sale for that purpose;**
- (c) a person shall not consign, deliver or serve any such controlled entity by way of sale for that purpose;**
- (d) a person shall not derive material from any controlled entity for that purpose; and**
- (e) a person shall not import or export any controlled entity.**

(2) Paragraph (1) shall not prohibit the bringing into Northern Ireland from a member State of any controlled entity in free circulation in that member State.

(3) A person who knowingly contravenes paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a period not exceeding three months.

Enforcement

5. - (1) These Regulations shall be enforced and executed by the Department

(2) For the purposes of the return from Northern Ireland to Belgium of any product as specified in regulation 3(1)(c), the Department shall be the competent authority for the purposes of the official certificate referred to in that sub-paragraph.

(3) An enforcement officer shall have the same powers of entry for the purposes of the exercise of his functions under these Regulations as are bestowed on an authorised officer by Article 33 of the Order for the purposes of the Order or regulations or orders made under the Order and shall also have, in relation to any business producing material to feed to animals, the same power as an authorised officer has under that Article in relation to a food business.

Application and modification of various provisions of the Order

6. - (1) Article 8 of the Order (Inspection and seizure of suspected food) shall apply for the purposes of these Regulations, subject to the modifications set out in paragraph (2).

(2) The modifications of Article 8 of the Order referred to in paragraph (1) are as follows -

- (a) paragraphs (1) and (2) shall extend to any product or material which appears to an enforcement officer to come within the definition of "controlled entity" in regulation 2(1); and**
- (b) paragraphs (3) to (8) shall apply -**

- (i) to any product or material falling within sub-paragraph (a) as it applies to food which appears to an enforcement officer to fail to comply with food safety requirements or to be likely to cause food poisoning or any disease communicable to human beings; and
- (ii) to any controlled entity as if it were food which failed to comply with food safety requirements;

(c) paragraphs (3) to (8) shall also apply as if -

- (i) each reference to human consumption was a reference to animal consumption;
- (ii) paragraph (6) applied in relation to the destruction or disposal of a live creature so as to prevent any material which may come to be derived from it from being used for animal consumption and had effect so that a justice of the peace may only decline to condemn any creature, product or material falling within that paragraph if it is proved to him that it does not compromise a controlled entity or is to be returned to Belgium as specified in regulation 3(1)(c);

(d) any reference to -

- (i) a district council or Northern Ireland Department shall be treated as if it were a reference to the department;
- (ii) an authorised officer shall be treated as if it were a reference to an enforcement officer; and

(e) paragraph (9) shall be omitted.

(3) The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed, for the purposes of these Regulations as a reference to these Regulations -

- (a) Article 34 (obstruction etc. of officers);
- (b) Article 36(1) (punishment of offences) in so far as it relates to offences under Article 34 as applied by sub-paragraph (a);
- (c) Article 36(2) in so far as it relates to offences under Article 8 as applied to paragraph (1); and
- (d) Article 43 (protection of public analyst acting in good faith).

Revocation

7. The Animals and Feedingstuffs from Belgium (Control) (No. 4) Regulations (Northern Ireland) 1999 [9] ???[10]SURPLUS FOOTNEOTE???are hereby revoked.

**Sealed with the Official Seal of the Department of Agriculture and Rural Development
on**

10th March 2000.

L.S.

R. S. Johnston

Senior Officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and re-enact, with certain changes, the Animal Feedingstuffs from Belgium (Control) (No. 4) Regulations (Northern Ireland) 1999 ("the revoked Regulations") and implement, in relation to products for animal feeding Commission Decision 2000/150/EC amending Decision 1999/788/EC on protective measures with regard to contamination by dioxins of certain products of animal origin intended for human or animal consumption (O.J. No. L50, 23.2.2000, p. 25).

Like the revoked Regulations, these Regulations -

- (a) define "controlled entity" (regulation 2) and prohibit, subject to exceptions (regulation 3), the carrying out of specified operations with respect thereto (regulation 4);
- (b) specify the enforcement authorities (regulation 5); and
- (c) apply, with modifications, provisions of food Safety (Northern Ireland) Order 1991 (regulation 6).

The Regulations make the following changes of substance -

- (a) they narrow the coverage of the revoked Regulations in that, from the range of products subject to the controls contained in those Regulations and to be used for feed, the following are removed, namely eggs, rendered fats, processed animal proteins, compound feedingstuffs and premixtures; and
- (b) they reflect changes (consequential on the changes referred to in paragraph (a) above) to the certification requirements for the importation from Belgium of products remaining subject to controls and for the return to Belgium of those products.

Notes:

[1] Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1), Article 3(4)[back](#)

[2] S.I. 1972/181[back](#)

[3] 1972 c. 68[back](#)

[4] S.R. 2000 No. 72[back](#)

[5] S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)[back](#)

[6] 1954 c. 33 (N.I.)[back](#)

[7] O.J. No. L310, 4.12.99, p. 62[back](#)

[8] O.J. No. L50, 23.2.00, p. 25[back](#)

[9] S.R. 1999 No. 420[back](#)

[10] S.R. 1999 No. 422[back](#)

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