

Statutory Instrument 1988 No. 849

The Animals and Fresh Meat (Hormonal Substances) Regulations 1988

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STATUTORY INSTRUMENTS

1988 No. 849

AGRICULTURE

The Animals and Fresh Meat (Hormonal Substances) Regulations 1988

Made 6th May 1988

Laid before Parliament 17th May 1988

Coming into force 7th June 1988

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by the said section 2(2), hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Animals and Fresh Meat (Hormonal Substances) Regulations 1988 and shall come into force on 7th June 1988.

Interpretation

2. In these Regulations, unless the context otherwise requires —

"animal" means a domestic animal of the following species: bovine animals, swine, sheep, goats, solipeds and poultry, or a wild animal of any of these species or a wild ruminant which has been raised on a holding;

"authorised substance" has the meaning assigned to it by regulation 3 of these Regulations;

"competent authority" means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, Northern Ireland or Wales, the Secretary of State;

"hormonal substance" means any substance within either of the following categories:—

(a) stilbenes and thyrostatic substances;

(b) substances with an oestrogenic, androgenic or gestagenic action;

"official veterinary surgeon" means a veterinary surgeon designated by the competent authority;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

"stilbenes" has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982^[3];

"therapeutic treatment" has the same meaning as in the Medicines (Hormone Growth Promoters) (Prohibition of Use) Regulations 1988^[4];

"thyrostatic substances" has the same meaning as in the Medicines (Stilbenes and Thyrostatic Substances) Regulations 1982;

"veterinary practitioner" means a person registered in the supplementary veterinary register;

"veterinary surgeon" means a person registered in the register of veterinary surgeons;

"withdrawal period", in relation to an authorised substance administered to an animal, means —

(a) in respect of such a substance used for therapeutic treatment, any waiting

period specified under Article 3(a) of Council Directive 88/146/EEC^[5], or

(b) in respect of such a substance used for any other purpose, any waiting period specified by Community law,

for the product in which that substance when administered to the animal was contained.

Authorised substance

3. In these Regulations "authorised substance" means a hormonal substance which has been administered to an animal —

(a) by a veterinary surgeon or veterinary practitioner —

(i) for therapeutic treatment in the form of an injection of oestradiol — 17 — beta, progesterone or testosterone or those derivatives of these substances which readily yield the parent compound on hydrolysis after absorption at the site of application, or

(ii) for the termination of unwanted gestation or the improvement of fertility; or

(b) by, or under the direct responsibility of, a veterinary surgeon or veterinary practitioner for the synchronisation of oestrus or the preparation of donors or recipients for the implantation of embryos.

Sale and slaughter of animals

4. No person shall sell or slaughter for human or animal consumption any animal to which has been administered any hormonal substance other than an authorised substance for which, in the case of sale or slaughter for human consumption, the withdrawal period has elapsed since that administration.

Application of the Animals and Fresh Meat (Examination for Residues) Regulations 1988

5. For the purposes of the Animals and Fresh Meat (Examination for Residues) Regulations 1988^[6]—

(a) any substance within the definition of authorised substance in regulation 3 above shall be an authorised substance;

(b) any hormonal substance other than a substance within the definition of authorised substance in regulation 3 above shall be a prohibited substance;

(c) the maximum natural physiological level for any substance within the definition of authorised substance in regulation 3 above shall be the maximum level prescribed for that substance.

6. The Animals and Fresh Meat (Examination for Residues) Regulations 1988 shall apply in relation to any hormonal substance subject to the following modifications:—

(a) in regulation 2(1) of those Regulations —

(i) there shall be substituted for the definition of animal the definition specified in regulation 2 of these Regulations;

(ii) there shall be added at the end of the definition of official sample the words "or a sample, taken by a competent authority, for the purposes of analysis in pursuance of Article 5 of Council Directive 85/358/EEC^[7]";

(iii) there shall be added at the end of the definition of primary analysis the words "in accordance with methods authorised by Commission Decision 87/410/EEC^[8]";

(iv) there shall be inserted in the definition of reference analysis after the words "approved laboratory" the words "in accordance with the methods determined under Article 5.2 of Council Directive 85/358/EEC";

(b) in regulations 4(1) and 12(b) of those Regulations there shall be inserted after the words "fresh meat" the words "or from the remains of any solid implants";

(c) in regulation 7(1) of those Regulations there shall be inserted after the words "prescribed for that substance" the words "or that an authorised substance has been used abusively";

(d) in regulation 8(5) of those Regulations there shall be inserted after the words "a notice given in accordance with paragraph (4) above shall be so withdrawn" the words "(except where the examination shows that the conditions of use of the authorised substance have not been respected)".

Offences and penalties

7. If any person without reasonable excuse contravenes regulation 4 of these Regulations he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £2000.

Offences by officers of bodies corporate

8.—(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or a similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and

punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on
6th May 1988.

L.S.

John MacGregor

Minister of Agriculture, Fisheries and Food

Sanderson of Bowden

Minister of State, Scottish Office

4th May 1988

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom, come into force on 1st May 1988. They implement in part Council Directive 81/602/EEC (OJ No. L222, 7.8.81, p.32) concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action, Council Directive 85/358/EEC (OJ No. L191, 23.7.85, p.46) supplementing Directive 81/602/EEC and Council Directive 88/146/EEC (OJ No. L70, 16.3.88, p.16) prohibiting the use in livestock farming of certain substances having a hormonal action.

Regulation 4 prohibits the sale and slaughter for consumption of animals to which have been administered hormonal substances other than authorised substances for which, in the case of slaughter for human consumption, the withdrawal period has elapsed since administration.

Regulations 5 and 6 make provision in relation to the application to hormonal substances of the Animals and Fresh Meat (Examination for Residues) Regulations 1988 (S.I. 1988/848). For the purposes of those Regulations, regulation 5 confirms the hormonal substances which are authorised substances and prohibited substances and the maximum level prescribed for authorised substances. In implementation of Directive 85/358/EEC, regulation 6 specifies modifications to the provisions of those Regulations.

Offences and penalties for contravention of regulation 4 are prescribed by regulation 7.

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Notes:

[1] S.I. 1972/1811.

[2] 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with sections 37, 40 and 46 of the Criminal Justice Act 1982 (c. 48), and S.I. 1984/447, as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21), as inserted by section 54 of the Criminal Justice Act 1982 and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R. (N.I.) 1984 No. 253.

[3] S.I. 1982/626.

[4] S.I. 1988/705.

[5] OJ No. L70, 16.3.88, p.16

[6] S.I. 1988/848.

[7] OJ No. L191, 23.7.85, p.46

[8] OJ No. L223, 11.8.87, p.18.