
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 360

FOOD

**The Animal Feedingstuffs from Belgium (Control)
(No. 3) Regulations (Northern Ireland) 1999**

Made - - - - 18th August 1999

Coming into operation 19th August 1999

The Department of Agriculture, being a Department 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 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) (No. 3) Regulations (Northern Ireland) 1999 and shall come into operation on 19th August 1999.

Interpretation

2.—(1) In these Regulations—

“the Control Order” means the Food (Animal and Animal Products from Belgium) (Emergency Control) (No. 3) Order (Northern Ireland) 1999(3);

“controlled entity” means any creature, product or material which is excluded from the definition of “relevant animal or animal product” in the Control Order solely by reason that it is neither food nor a food source;

“the Department” means the Department of Agriculture for Northern Ireland;

“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(4).

(2) In these Regulations—

(1) S.I. 1972/1811

(2) 1972 c. 68

(3) S.R. 1999 No. 357

(4) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)

- (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 meaning as in that Order;

(3) The Interpretation Act (Northern Ireland) 1954⁽⁵⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Exemptions

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

- (a) the importation of any controlled entity if, when imported, that controlled entity is accompanied by valid certification relating to it, as specified in paragraph (4);
- (b) any subsequent activity in relation to the controlled entity, if it can be proved by the person carrying out the activity that at the time of importation it was so accompanied; or
- (c) the return to Belgium, under cover of an official certificate in accordance with Article 5 of Commission Decision [1999/449/EC](#), as read with Article 2 of Commission Decision [1999/551/EC](#), of any controlled entity.

(2) Subject to paragraph (3), regulation 6 shall not apply to any imported controlled entity which is accompanied by valid certification relating to it as specified in paragraph (4).

(3) Article 8(1) of the Order with the modifications set out in regulation 6(2)(a) and (d) and with the omission of the words “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” shall apply to a controlled entity mentioned in paragraph (2).

(4) The certification referred to in paragraphs (1)(a) and (b) and (2) is the certification which would have applied to the controlled entity by virtue of the Control Order, had that Order extended beyond food and food sources.

Prohibitions and offences

4.—(1) Subject to paragraph (2)—

- (a) a person shall not sell any controlled entity, which is not a live creature, 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 standards scale or imprisonment for a period not exceeding three months.

(5) [1954 c. 33 \(N.I.\)](#)

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 creature, 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 creature, 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) paragraph (3) to (8) shall also apply as if—

(i) each reference to human consumption was a reference to animal consumption;

(ii) where a notice under paragraph (3)(a)(i) is given in relation to a live creature, the notice is to relate to material which may come to be derived from the live creature;

(iii) 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 comprise a controlled entity or is to be returned to Belgium as specified in regulation 3(1)(c); and

(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); and

- (b) Article 36(1) (punishment of offences) as 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 Animal Feedingstuffs from Belgium (Control) (No. 2) Regulations (Northern Ireland) 1999(6) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

18th August 1999.

R. S. Johnston
Assistant Secretary

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. 2) Regulations (Northern Ireland) 1999 (“the revoked Regulations”), and implement, in relation to products for animal feeding—

Commission Decision [1999/449/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. L175, 10.7.99, p. 70); and

Commission Decision [1999/551/EC](#) amending Commission Decision [1999/449/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. L209, 7.8.99, p. 42).

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 the Food Safety (Northern Ireland) Order 1991 (regulation 6).

In addition to making minor and drafting changes to the revoked Regulations, the regulations, by referring to Commission Decision [1999/449/EC](#) and Commission Decision [1999/551/EC](#), make the following changes of substance—

- (a) the definition of “controlled entity” now reflects the following changes made by Commission Decision [1999/551/EC](#)—
 - (i) the extension of the coverage of Commission Decision [1999/449/EC](#) so that it applies controls not just (as before) to live domestic fowls, hatching eggs, pigs and bovine animals and products derived from domestic fowls, pigs and bovine animals, but also to all other poultry, and hatching eggs and products derived therefrom;
 - (ii) alteration of the rearing periods on the basis of which the controls described in paragraph (i) apply, and the disapplication of the closure dates previously applicable to pigs and bovine animals, and products derived from them (3rd June 1999) and to live domestic fowls, and hatching eggs and products derived from them (1st June 1999); and
 - (iii) the removal of controls contained in Commission Decision [1999/449/EC](#), as amended, from live animals covered by that Decision where analysis shows absence of contamination by dioxins or a level for PCB’s not exceeding the relevant maximum level set out in Annex A to that Decision, as amended; and
- (b) they reflect changes in the certification requirements relating to the importation of products from Belgium covered by these Regulations.