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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 355**

**AGRICULTURE**

**<sup>F1</sup>The Animal Feed Regulations (Northern Ireland) 2010**

*Made* - - - - *26th October 2010*

*Coming into operation* *23rd November 2010*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred on it by sections 66(1), 68(1), 74A(1), (2) and (4) and 84 of the Agriculture Act 1970, as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000.

In so far as these Regulations cannot be made under the powers in the Agriculture Act 1970 specified above, the Department of Health, Social Services and Public Safety makes these Regulations in exercise of its powers as a department designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Community, measures in the veterinary and phytosanitary fields for the protection of public health and measures relating to feed produced for or fed to food-producing animals, as read with paragraph 1A of Schedule 2 to that Act.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for references to the Annexes to the EU instruments mentioned in regulation 2(3) to be construed as references to those Annexes as they may be amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

**F1** Regulations revoked in pt (14.2.2016) by [The Animal Feed \(Composition, Marketing and Use\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/4\)](#), **Sch. 2** (with reg. 2(4))

## PART 1

### Introductory and general

#### Citation and commencement

1. These Regulations may be cited as the Animal Feed Regulations (Northern Ireland) 2010 and come into operation on 23rd November 2010.

#### Commencement Information

**II** Reg. 1 in operation at 23.11.2010, see [reg. 1](#)

#### Interpretation

2.—(1) In these Regulations —

“the Act” means the Agriculture Act 1970;

“Directive 82/475” means Commission Directive [82/475/EEC](#) laying down the categories of feed materials which may be used for the purposes of labelling compound feedingstuffs for pet animals(1);

“Directive 2002/32” means Directive [2002/32/EC](#) of the European Parliament and of the Council on undesirable substances in animal feed(2);

“Regulation 1831/2003” means Regulation (EC) No. [1831/2003](#) of the European Parliament and of the Council on additives for use in animal nutrition(3);

“Directive 2008/38” means Commission Directive [2008/38/EC](#) establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes(4);

“Regulation 767/2009” means Regulation (EC) No. [767/2009](#) of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No [1831/2003](#) and repealing Council Directive [79/373/EEC](#), Commission Directive [80/511/EEC](#), Council Directives [82/471/EEC](#), [83/228/EEC](#), [93/74/EEC](#), [93/113/EC](#) and [96/25/EC](#) and Commission Decision [2004/217/EC](#)(5);

<sup>F2</sup>  
...

(2) Any expression used in these Regulations and in Regulation 1831/2003 or Regulation 767/2009 has the meaning in these Regulations that it bears in the Regulation concerned.

[<sup>F3</sup>(3) Any reference to an Annex to Directive 82/475, Directive 2002/32, Directive 2008/38 or Regulation 767/2009 is a reference to that Annex as it may be amended from time to time.]

(4) These Regulations do not apply to any feed additive in category (d) or (e) of Article 6(1) of Regulation 1831/2003, with the exception of those in the functional groups listed in paragraph 4(a), (b) and (c) of Annex 1 to that Regulation(6).

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(1) OJNo. L213, 21.7.1982, p.27. This Directive was last amended by Commission Directive [98/67/EC](#) (OJ No. L261, 24.9.1998, p.10)

(2) OJ No. L140, 30.5.2002, p.10. This Directive was last amended by Commission Directive 2010/6/EU (OJ No. L37, 10.2.2010, p.29)

(3) OJ No. L268, 18.10.2003, p. 29. This Regulation was last amended by Regulation (EC) No. [767/2009](#)

(4) OJ No. L62, 6.3.2008, p.9. This Directive was last amended by Commission Directive 2008/82 (OJ No. L202, 31.07.2008,p.48)

(5) OJ No. L229, 1.9.2009, p.1. This Regulation was last amended by Regulation (EU) No.568/2010 (OJ No. L163, 30.6.2010, p. 30.)

(6) Categories (d) and (e) of Article 6(1) comprise respectively zootechnical additives and coccidiostats and histomonostats. Functional groups listed in paragraphs 4(a), (b) and (c) of Annex I comprise preservatives, antioxidants and emulsifiers

(5) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

- F2** Words in [reg. 2\(1\)](#) omitted (12.1.2014) by virtue of [The Feed \(Hygiene and Enforcement\) and the Animal Feed \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/294\)](#), regs. 1(1), **3(2)(a)**
- F3** [Reg. 2\(3\)](#) substituted (12.1.2014) by [The Feed \(Hygiene and Enforcement\) and the Animal Feed \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/294\)](#), regs. 1(1), **3(2)(b)**

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**Commencement Information**

- I2** Reg. 2 in operation at 23.11.2010, see [reg. 1](#)

## <sup>F1</sup>PART 2

### Marketing and use of feed

#### Interpretation of this Part and Schedule 1

- 3. ....

#### Enforcement of requirements of Regulation 767/2009

- 4. ....

#### Competent authorities for the purposes of Regulation 767/2009

- 5. ....

## <sup>F1</sup>PART 3

### Feed additives

#### Interpretation of this Part

- 6. ....

#### Enforcement of requirements of Regulation 1831/2003

- 7. ....

## <sup>F1</sup>PART 4

### Undesirable substances in feed

#### Interpretation of this Part

- 8. ....

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(7) [1954 c.33 \(N.I.\)](#)

**Control of animal feeds containing undesirable substances**

9. ....

**<sup>F1</sup>PART 5**

**Feeds for particular nutritional purposes**

**Interpretation of this Part**

10. ....

**Control of feed intended for particular nutritional purposes**

11. ....

**<sup>F1</sup>PART 6**

**Administration and enforcement**

**Penalties for offences under these Regulations**

12. ....

**Duties to enforce**

13. ....

**PART 7**

**Amendments and modifications of the Agriculture Act 1970**

**Amendments and modifications of the Agriculture Act 1970**

14.—(1) The Act is amended or modified, as the case may be, in accordance with paragraphs (2) to (9).

(2) In section 66 (interpretation of Part IV) —

(a) in subsection (1), after the definition of Regulation (EC) No 178/2002 insert the following definitions —

““Regulation (EC) No 1831/2003” means Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition;”

“Regulation (EC) No 767/2009” means Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC;” and

(b) for subsection (2) substitute the following —

- “(2) For the purposes of this Part of this Act material shall be treated as sold for use as a fertiliser or feeding stuff whether it is sold to be so used by itself or as an ingredient in something which is to be so used.”
- (3) In section 68 (duty of seller to give statutory statement) —
- (a) after subsection (5) insert the following subsection —
- “(5A) Nothing in subsections (1) to (5) applies to anyone to whom the requirements of Article 16 of Regulation (EC) No 1831/2003 (labelling and packaging of feed additives and premixtures) or of Chapter 4 of Regulation (EC) No 767/2009 (labelling, presentation and packaging) apply.”;
- (b) after subsection (6) add the following subsection —
- “(7) Failure to comply with the labelling requirements of Article 16 of Regulation (EC) No 1831/2003 or of Chapter 4 of Regulation (EC) No 767/2009 shall not invalidate a contract of sale, but such labelling shall, regardless of any contract or notice to the contrary, have effect as a warranty by the person who gives it that the particulars contained in it are correct.”
- (4) In section 69 (marking of material prepared for sale), in subsection (1) omit the words “or feeding stuff”.
- (5) In section 70 (use of names or expressions with prescribed meanings) —
- (a) subsection (1)(a) in so far as it applies in relation to feeding stuffs shall apply as if the expression “under Regulation (EC) No 767/2009” were substituted for the expression “by regulations made for the purposes of this section”; and
- (b) after subsection (5) add the following subsection —
- “(6) Nothing in subsections (2) to (4) of this section shall apply to anyone to whom the labelling requirements of Regulation (EC) No 767/2009 apply.”
- (6) In section 71 (particulars to be given of certain attributes if claimed to be present) —
- (a) subsection (4) in so far as it applies in relation to feeding stuffs shall apply as if —
- (i) the expression “the requirements of Article 13 of Regulation (EC) No 767/2009” were substituted for the expression “subsection (1) of this section”; and
- (ii) “that Article” were substituted for “that subsection”;
- (b) after subsection (5) add the following subsection —
- “(6) Nothing in subsections (1) to (3) of this section shall apply to anyone to whom Article 13 (claims) of Regulation (EC) No 767/2009 applies.”
- (7) Sections 73 and 73A shall cease to have effect.
- (8) In section 74 (limits of variation) after subsection (2) add the following subsection —
- “(3) Nothing in subsection (2) shall apply to anyone to whom Article 11.5 and Annex IV (permitted tolerances) of Regulation (EC) No 767/2009 applies.”
- (9) In section 74A, subsection (3) shall not apply to regulations concerning feed.

#### **Commencement Information**

**I3** Reg. 14 in operation at 23.11.2010, see [reg. 1](#)

**<sup>F1</sup>PART 8**

**Amendments to Regulations**

**Amendment of the Feed (Hygiene and Enforcement) Regulations (Northern Ireland) 2005**

15. ....

**Amendment of the Official Feed and Food Controls Regulations (Northern Ireland) 2009**

16. ....

**Revocations**

17. ....

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on  
26th October 2010.



*L. Devlin*  
A senior officer of the Department of Health,  
Social Services and Public Safety

F<sup>1</sup>SCHEDULE 1

Regulation 4(1)

Specified Provisions of Regulation 767/2009

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SCHEDULE 2

Regulation 17

Revocations

1. The Feeding Stuffs Regulations (Northern Ireland) 2005(8)

**Commencement Information**

**I4** Sch. 2 para. 1 in operation at 23.11.2010, see [reg. 1](#)

2. The Feeding Stuffs and the Feeding Stuffs (Sampling and Analysis) (Amendment) Regulations (Northern Ireland) 2006(9)

**Commencement Information**

**I5** Sch. 2 para. 2 in operation at 23.11.2010, see [reg. 1](#)

3. The Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2006(10)

**Commencement Information**

**I6** Sch. 2 para. 3 in operation at 23.11.2010, see [reg. 1](#)

4. Regulation 2 of and the Schedules to the Feed (Specified Undesirable Substances) Regulations (Northern Ireland) 2006(11)

**Commencement Information**

**I7** Sch. 2 para. 4 in operation at 23.11.2010, see [reg. 1](#)

5. The Feed (Specified Undesirable Substances) Regulations (Northern Ireland) 2007(12)

**Commencement Information**

**I8** Sch. 2 para. 5 in operation at 23.11.2010, see [reg. 1](#)

6. The Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2008(13)

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(8) S.R. 2005 No. 545  
(9) S.R. 2006 No. 18  
(10) S.R. 2006 No. 427  
(11) S.R. 2006 No. 471  
(12) S.R. 2007 No. 450  
(13) S.R. 2008 No. 260

**Changes to legislation:** There are currently no known outstanding effects for the The Animal Feed Regulations (Northern Ireland) 2010. (See end of Document for details)

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**Commencement Information**

**I9** Sch. 2 para. 6 in operation at 23.11.2010, see [reg. 1](#)

7. The Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2009**(14)**

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**Commencement Information**

**I10** Sch. 2 para. 7 in operation at 23.11.2010, see [reg. 1](#)

8. The Feed (Specified Undesirable Substances) Regulations (Northern Ireland) 2009**(15)**

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**Commencement Information**

**I11** Sch. 2 para. 8 in operation at 23.11.2010, see [reg. 1](#)

9. Regulations 10, 13, 14 and 24 of, and Schedule 2 to, the Feed (Sampling and Analysis and Specified Undesirable Substances) Regulations (Northern Ireland) 2010**(16)**

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**Commencement Information**

**I12** Sch. 2 para. 9 in operation at 23.11.2010, see [reg. 1](#)

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**EXPLANATORY NOTE**

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**(14)** S.R. 2009 No. 27  
**(15)** S.R. 2009 No. 348  
**(16)** S.R. 2010 No. 323



**Changes to legislation:**

There are currently no known outstanding effects for the The Animal Feed Regulations (Northern Ireland) 2010.