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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 427**

**AGRICULTURE**

**The Feeding Stuffs (Amendment)  
Regulations (Northern Ireland) 2006**

*Made* - - - - - *24th October 2006*

*Coming into operation* *17th November 2006*

The Department of Health, Social Services and Public Safety<sup>(1)</sup> makes the following Regulations in exercise of the powers conferred by sections 66(1), 68(1), 69(1), 74(1) and 74A of the Agriculture Act 1970<sup>(2)</sup> (as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000<sup>(3)</sup>).

There has been open and transparent consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council<sup>(4)</sup> 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.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Feeding Stuffs (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 17th November 2006.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(5)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendments to the Feeding Stuffs Regulations (Northern Ireland) 2005**

2.—(1) Part I of Schedule 3 of the Feeding Stuffs Regulations (Northern Ireland) 2005<sup>(6)</sup> is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 18 insert the following paragraph —

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(1) Formerly the Department of Health and Social Services; *see* S.I.1999/283 (N.I. 1), Article 3  
(2) 1970 c. 40; Section 66(1) is modified in its application to Northern Ireland by section 86 of the Act. Section 66(1) contains definitions of the expressions “prescribed” and “regulations”; 74A was inserted by the European Communities Act 1972 (1972 c.68.), Schedule 4, paragraph 6  
(3) S.R. 2000 No. 78  
(4) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4)  
(5) 1954 c. 33 (N.I.)  
(6) S.R. 2005 No. 545

“**18A.** In the case of any compound feeding stuff for animals other than pet animals, all the feed materials must be declared in the statutory statement by their specific names and with an indication, in descending order, of the percentage by weight of each feed material in the compound feeding stuff, subject to a limit of variation of  $\pm 15\%$  in relation to each declared percentage.”

(3) In paragraph 23(1), omit “and by paragraph 19 of Schedule 4 to the 2001 Regulations”.

(4) In paragraph 26, for the expression “under paragraph 25 or under paragraph 19 of Schedule 4 to the 2001 Regulations” substitute “under paragraph 18A or 25”.

### **Revocations**

3. The following provisions are revoked —

- (a) regulation 17A of and paragraph 19 of Schedule 4 to the Feeding Stuffs Regulations (Northern Ireland) 2001<sup>(7)</sup>; and
- (b) regulations 5 and 8(c) of the Feeding Stuffs (Amendment No. 2) Regulations (Northern Ireland) 2003<sup>(8)</sup>.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 24th October 2006.



*Don Hill*  
A senior officer of the Department of Health,  
Social Services and Public Safety

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(7) S.R. 2001 No. 47, as amended for relevant purposes by S.R. 2003 No. 306

(8) S.R. 2003 No. 306

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Feeding Stuffs Regulations (Northern Ireland) 2005 ([SR 2005 No. 545](#)) (“the 2005 Regulations”) by inserting into them a provision requiring the percentage of each feed material contained in a compound feed to be declared, within a tolerance of  $\pm 15\%$ , on the label of the compound feed or on an accompanying document, (*regulation 2(2)*). This provision was formerly contained in the Feeding Stuffs Regulations (Northern Ireland) 2001 ([SR 2001 No. 47](#)) as amended by [SR 2003 No. 306](#) (“the 2001 Regulations”).

2. These Regulations also revoke a provision in the 2001 Regulations requiring the exact percentage of each feed material in a compound feed to be disclosed to customers on request (*regulation 3(a)*).

3. The provisions of the 2001 Regulations referred to in paragraphs 1 and 2 implemented, in relation to Northern Ireland, Article 1.4 and Article 1.1(b) respectively of Directive [2002/2/EC](#) of the European Parliament and of the Council amending Council Directive [79/373/EEC](#) on the circulation of compound feedingstuffs (OJ No. L63, 6.3.2002, p.23).

4. Following implementation, the provisions were suspended by order of the High Court pending the outcome of a referral to the European Court of Justice (ECJ). During the period of suspension, all of the 2001 Regulations other than the suspended provisions were revoked and replaced by the 2005 Regulations.

5. In response to the referral the ECJ has now ruled that Article 1.4 of Directive [2002/2/EC](#) is legally valid, whereas Article 1.1(b) is not.