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 STATUTORY INSTRUMENTS
 

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1982 No. 980

## AGRICULTURE

## The Agriculture Act 1970 Amendment Regulations 1982

*Laid before Parliament in draft*

<i>Made</i>	- - - -	15th July 1982
<i>Coming into Operation</i>	- -	16th July 1982

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following regulations, a draft of which has been approved by resolution of each House of Parliament—

*Title and commencement*

1. These regulations may be cited as the Agriculture Act 1970 Amendment Regulations 1982 and shall come into operation on the day after they are made.

*Interpretation*

2.—(1) In these regulations “the Act” means the Agriculture Act 1970(b).

(2) Any reference in these regulations to a numbered section shall be construed as a reference to the section bearing that number in the Act.

*Amendment of the Agriculture Act 1970*

3. In the Act there shall be made the amendments provided for in regulations 4, 5, 6 and 7 below.

*Amendment of section 66*

4. In section 66(1)—

- (a) after the words “means feeding stuff” in the definition of “feeding stuff” there shall be inserted the words “for pet animals and”;
- (b) immediately after the definition of “the Ministers” there shall be inserted the following new definition—  
 ““pet animal” means any animal belonging to a species normally kept and nourished but not consumed by man, not being an animal which has been or may be prescribed for the purpose of the definition of “feeding stuff””.

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(a) 1972 c.68; the Minister of Agriculture, Fisheries and Food and the Secretary of State are Ministers designated in relation to the Common Agricultural Policy by virtue of the European Communities (Designation) Order 1972 (S.I. 1972/1811).

(b) 1970 c.40.

*Amendment of section 68*

5.—(1) After subsection (1) of section 68 there shall be inserted the following new subsection—

“(1A) A person selling material for use as feeding stuff may, in conjunction with the matters required by virtue of subsection (1) of this section, include in the statutory statement given under the said subsection (1) only such additional particulars, information or instructions as may be prescribed, and any such seller giving a statutory statement including additional particulars, information or instructions other than those prescribed shall be liable on summary conviction to a fine not exceeding £50.”.

(2) For sub-paragraph (ii) of section 68(4)(b) there shall be substituted the following sub-paragraph—

“(ii) contains any such particulars or, in the case of feeding stuffs, any of the additional particulars permitted to be contained in the statutory statement by virtue of subsection (1A) of this section, which are false to the prejudice of purchaser.”.

*Amendment of section 73*

6.—(1) At the end of section 73(1) there shall be added the words “or deleterious to pet animals or, through the consumption of products of an animal fed with the material, deleterious to human beings.”.

(2) For subsection (2) of section 73 there shall be substituted the following subsections—

“(2) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection that he intended to sell it, as suitable only for animals of a specified kind, then—

(a) in the case of proceedings for an offence of selling, or having for sale, material which is deleterious to animals he shall not be convicted by reason of the fact that a sampled portion of the material contains an ingredient which is deleterious only to animals of a kind different from that specified;

(b) in the case of proceedings for an offence of selling, or having for sale, material which is deleterious to human beings, he shall not be convicted by reason of the fact that a sampled portion of the material contains an ingredient which is deleterious to human beings only if fed to animals of a kind different from that specified; and

(2A) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection that he intended to sell it, for use in accordance with written instructions given by him to the purchaser he shall not be convicted by reason of the fact that the sampled portion of the material contains an ingredient which is deleterious only if used otherwise than in accordance with those instructions.”.

*New section 73A*

7. After section 73 there shall be inserted as section 73A the following new section—

“73A.—(1) Subject to the provisions of this section, any person who—

- (a) sells any material for use as a feeding stuff, or
- (b) has on his premises, for the purpose of selling it in the course of trade for such use, any material which is ready for sale,

shall be guilty of an offence if the material is found, or if a sampled portion of the material is shown by an analysis of the sample taken from it, to be unwholesome for or to be dangerous to animals of any description prescribed for the purpose of the definition of “feeding stuff” in section 66(1) of this Act, or to be unwholesome for or to be dangerous to, pet animals or, through the consumption of the products of an animal fed with the material, dangerous to human beings.

(2) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material in question or, in a case under paragraph (b) of that subsection, that he intended to sell it, as suitable only for animals of a specified kind, then—

- (a) in the case of proceedings for an offence of selling, or having for sale, material which is unwholesome for, or dangerous to animals he shall not be convicted by reason of the fact that the material is found, or a sampled portion of it is shown, to be unwholesome only for or, as the case may be, dangerous only to animals of a kind different from that specified;
- (b) in the case of proceedings for an offence of selling, or having for sale, material dangerous to human beings, he shall not be convicted by reason of the fact that the material is found, or the sampled portion of it is shown, to be dangerous to human beings only if fed to animals of a kind different from that specified.

(3) If in proceedings for an offence under subsection (1) of this section the person charged proves that he sold the material or, in a case under paragraph (b) of that subsection, that he intended to sell it for use in accordance with written instructions given by him to the purchaser he shall not be convicted by reason of the fact that the material is found, or the sampled portion of it is shown, to be unwholesome or, as the case may be, dangerous only if used otherwise than in accordance with the instructions given.

(4) A person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding £400 or imprisonment for a term not exceeding three months or both.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th July 1982.

(L.S.)

*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

15th July 1982.

*George Younger,*  
Secretary of State.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

1. These regulations form part of a series of regulations intended to replace completely the Fertilisers and Feeding Stuffs Regulations 1973 (S.I. 1973/1521), as amended.

2. These regulations amend Part IV of the Agriculture Act 1970 (the legislation under which fertilisers and feeding stuffs regulations are made) to implement, or enable the implementation of, certain provisions in Directive 77/101/EEC on the marketing of straight feeding stuffs (OJ No. L.32 of 3.2.1977) as amended Directive 79/373/EEC on the marketing of compound feeding stuffs (OJ No. L.86/30 of 6.4.1979) as amended, Directive 74/63/EEC on the fixing of maximum permitted levels for undesirable substances and products in feeding stuffs (OJ No. L. 38/31, of 11.2.1974) as amended, and Directive 70/524/EEC concerning additives in feeding stuffs (OJ No. L. 270/1 of 14.12.1970) as amended.

3. Regulation 4 amends section 66(1) of the 1970 Act to introduce a definition of "pet animal", and to extend the meaning of "feeding stuff" so that it includes pet food.

4. Regulation 5 inserts a new subsection (1A) in section 68 enabling regulations to provide for the inclusion of permitted particulars in a statutory statement given by a seller of feeding stuffs, as well as the particulars required under subsection (1).

5. Regulation 6 extends section 73(1) (which prohibits the sale, or possession for sale, of feeding stuffs deleterious to prescribed animals) so as to apply to ingredients deleterious to pet animals or human beings. A consequential amendment has been made to section 73(2), which provides for defences to charges under section 73(1).

6. Regulation 7 adds a new section 73A. This makes it an offence to sell or possess for sale a feeding stuff which is unwholesome for, or a danger to, prescribed animals or pet animals or a danger to human beings. It also provides for defences in certain circumstances to persons charged with such offences.

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