

1981 No. 17

AGRICULTURE

Fertilisers and Feeding Stuffs (Amendment) Regulations
(Northern Ireland) 1981

Made 16th January 1981

Coming into operation 1st February 1981

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 66(1), 74A(b), 84 and 86(1) and (9) of the Agriculture Act 1970(c) and of every other power enabling it in that behalf, after consultation with such persons or organisations as appear to it to represent the interests concerned, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Fertilisers and Feeding Stuffs (Amendment) Regulations (Northern Ireland) 1981, and shall come into operation on 1st February 1981.

(2) In these regulations “the principal regulations” means the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1973(d).

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

Amendment of the principal regulations

2. There shall be inserted immediately after regulation 6 of the principal regulations the following new regulations—

“Restriction on importation of material containing Aflatoxin B₁

6A. No person shall import into Northern Ireland for use as a feeding stuff any material (not being material imported in pursuance of a contract to acquire it entered into on or before 18th December 1980) which is—

- (a) groundnut, or
- (b) a derivative of groundnut, or
- (c) cotton seed, or
- (d) a derivative of cotton seed,

and in which there is a detectable level of Aflatoxin B₁.

Modifications of the Act for the purposes of regulation 6A

6B.—(1) In relation to any material to which regulation 6A applies the operation of sections 66(2) and 82(1) of the Act shall be modified as provided for in the following paragraphs.

(2) Section 66(2) shall have effect as if the words “imported or” were inserted immediately before the word “sold” in both places where that word appears.

(a) Formerly Ministry: see 1973 c. 36 s. 40 Sch. 5 para. 8(1)

(b) Inserted by 1972 c. 68 s. 4(1) and Sch. 4 para. 6

(c) 1970 c. 40

(d) S. R. & O. (N.I.) 1973 No. 494 as amended by S.R. 1976 No. 255, S.R. 1977 No. 52 and S.R. 1980 No. 404

(e) 1954 c. 33 (N.I.)

(3) Section 82(1) shall have effect as if the words "73 and 74A" were substituted for the words "and 73".

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 16th January 1981.

(L.S.)

W. H. Parker

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made under Part IV of the Agriculture Act 1970 (as amended) after consultation with interested persons and organisations. They amend the Fertilisers and Feeding Stuffs Regulations (Northern Ireland) 1973 so as to prohibit the importation into Northern Ireland for use as feeding stuffs of groundnut and cotton seed and their derivatives if they contain a detectable level of Aflatoxin B₁.

They also modify the 1970 Act so that—

- (a) the prohibition extends to the import of the materials as ingredients (section 66(2)), and
- (b) the statutory defences relating to mistake, accident, etc., permitted by section 82 apply.

The regulations do not apply to material imported in pursuance of a contract to acquire it entered into on or before 18th December 1980, the date on which the Government's decision to prohibit imports was announced.