

1991 No. 470

EUROPEAN COMMUNITIES

**Eggs (Marketing Standards) (Amendment) Regulations
(Northern Ireland) 1991**

Made 23rd October 1991

Coming into operation 2nd December 1991

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic 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 Eggs (Marketing Standards) (Amendment) Regulations (Northern Ireland) 1991, and shall come into operation on 2nd December 1991.

Interpretation

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

Amendment of the Eggs (Marketing Standards) Regulations (Northern Ireland) 1987

3. The Eggs (Marketing Standards) Regulations (Northern Ireland) 1987(d) shall be amended as provided in regulations 4 to 6.

Powers of authorised officers

4. For regulation 4(1)(g) there shall be substituted the following sub-paragraphs—

- “(g) inspect any records (in whatever form they are held) which any person is required to keep by virtue of any Community provision and, where any such records are kept by means of a computer—
- (i) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and

(a) S.I. 1972/1811

(b) 1972 c. 68

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

(d) S.R. 1987 No. 407

- (ii) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require;
- (h) seize and detain any records which he has reason to believe may be required as evidence in proceedings under these Regulations;
- (i) where any records falling within sub-paragraph (h) are kept by means of a computer, require the records to be produced in a form in which they may be taken away.”.

Application of Food Safety (Northern Ireland) Order 1991

5. For regulation 9 there shall be substituted the following regulation—

“Application of Food Safety (Northern Ireland) Order 1991

9.—(1) The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 or 14 of the Order as if any reference therein to the Order, or any provision thereof, included a reference to these Regulations—

- (a) Article 2(4) and 3 (extended meaning of sale);
- (b) Article 19 (offences due to default of another person); and
- (c) Article 20 (defence of due diligence).

(2) In paragraph (1) “the Order” means the Food Safety (Northern Ireland) Order 1991(a).”.

Community provisions

6. For the Schedule there shall be substituted the Schedule set out in the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture on 23rd October 1991.

(L.S.)

I. C. Henderson

Assistant Secretary

Community Provisions

<i>Regulations containing Community provisions</i>	<i>Official Journal of the European Community References</i>
1. Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs	O.J. No. L173, 6.7.90, p. 5
2. Commission Regulation (EEC) No. 1274/91 introducing detailed rules for implementing Regulation (EEC) No. 1907/90 on certain marketing standards for eggs	O.J. No. L121, 16.5.91, p. 11
3. Council Regulation (EEC) No. 2782/75 on production and marketing of eggs for hatching and of farmyard poultry chicks, as amended by—	O.J. No. L282, 1.11.75, p. 100
(a) Council Regulation (EEC) No. 3485/80	O.J. No. L365, 31.12.80, p. 1
(b) Council Regulation (EEC) No. 3791/85	O.J. No. L367, 31.12.85, p. 6
(c) Council Regulation (EEC) No. 3494/86	O.J. No. L323, 18.11.86, p. 1
(d) Council Regulation (EEC) No. 3987/87	O.J. No. L376, 31.12.87, p. 20
4. Commission Regulation (EEC) No. 1868/77 implementing Council Regulation (EEC) No. 2782/75, as amended by—	O.J. No. L209, 17.8.77, p. 1
(a) 1979 Act of Accession	O.J. No. L291, 19.11.79, p. 1 at p. 78
(b) Commission Regulation (EEC) No. 3759/85	O.J. No. L356, 31.12.85, p. 64
(c) Commission Regulation (EEC) No. 1351/87	O.J. No. L127, 16.5.87, p. 18
(d) Commission Regulation (EEC) No. 2773/90	O.J. No. L267, 29.9.90, p. 25”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Eggs (Marketing Standards) Regulations (Northern Ireland) 1987 (“the principal Regulations”), which apply to Northern Ireland, supplement the provisions of certain Community Regulations which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks. Those Community Regulations were set out in the Schedule to the principal Regulations and, following the replacement of some of them, these Regulations amend the principal Regulations to cite the more recent Community Regulations (regulation 6). They came into operation on 1st July 1991, although Article 4(2) of Council Regulation (EEC) 1907/90 dealing with the disposal of eggs broken in packing centres, does not, by its terms, come into force until 1st January 1992.

These Regulations also amend the powers of authorised officers to inspect and seize records to follow those in Article 33(6) and (7) of the Food Safety (Northern Ireland) Order 1991 (regulation 4). They also apply certain provisions of the Food Safety (Northern Ireland) Order 1991 for the purpose of these Regulations so as to—

- (a) provide for specified defences to replace those contained in earlier legislation; and
- (b) extend the meaning of sale (regulation 5).