

2003 No. 538

EUROPEAN COMMUNITIES

ANIMALS

**Registration of Establishments (Laying Hens) Regulations
(Northern Ireland) 2003**

Made - - - - - 18th December 2003

Coming into operation 1st January 2004

The Department of Agriculture and Rural Development, 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 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 Registration of Establishments (Laying Hens) Regulations (Northern Ireland) 2003 and shall come into operation on 1st January 2004.

Interpretation

2. In these Regulations –

“authorised officer” means any person who is authorised, either generally or specially, by the Department to act in matters arising under these Regulations;

“the Department” means the Department of Agriculture and Rural Development;

“the Directive” means Commission Directive 2002/4/EC on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC(c);

“establishment” means any site at which 350 or more laying hens are kept;

“laying hens” means hens of the species *Gallus gallus* which have reached maturity and are kept for the production of eggs not intended for hatching; and

“register” means the register of establishments maintained by the Department pursuant to regulation 3.

Creation of a register and provision of a distinguishing number

3.—(1) The Department shall create and maintain a register of establishments.

(a) S.I. 2000/2812

(b) 1972 c. 68

(c) O.J. No. L30, 31.1.2002, p. 44

(2) The Department shall, within a reasonable time after receipt of an application, note an establishment on the register, allocate to the establishment a distinguishing number composed in accordance with the Directive and communicate that number to the applicant.

Exchange of information

4. The Food Standards Agency and any district council shall have access to the register for the purpose of tracing eggs put on the market for human consumption.

Prohibition on operation or bringing into service of establishments

5.—(1) A person shall not continue to operate an establishment after 1st March 2004 unless an application has been made to the Department to note that establishment on the register.

(2) A person shall not bring an establishment into operation after 1st March 2004 unless an application has been made to note that establishment on the register and a distinguishing number communicated to the applicant by the Department.

(3) Applications shall contain the information set out in the Schedule and shall be in such form as the Department may require.

(4) The operator of an establishment shall notify the Department of any change to the information on the register within 28 days.

Powers of authorised officers

6.—(1) An authorised officer shall, on producing if required to do so some duly authenticated document showing his authority, have the right at all reasonable hours to enter any land or premises (other than premises used exclusively as a dwelling house) for the purposes of ascertaining whether there is or has been on or in respect of the premises any contravention of these Regulations.

(2) Such an officer shall have powers to carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may examine and copy documentary or data processing material.

Obstruction

7.—(1) A person shall not –

- (a) obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give any person acting in the execution of these Regulations any assistance or information which that person may reasonably require for the purposes of his functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he knows to be false.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Penalties

8.—(1) A person contravening any provision of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 18th December 2003.

(L.S.)

Liam McKibben

A senior officer of the Department of Agriculture and Rural Development

SCHEDULE

Regulation 5

INFORMATION REQUIRED FOR EACH ESTABLISHMENT

1.—(1) In respect of the establishment:

- (a) the name of the establishment;
- (b) the address of the establishment;
- (c) the farming method or methods (organic, free range, barn or caged) operated at the establishment as a whole and in each building forming part of the establishment;
- (d) the maximum capacity of the establishment as a whole and of each building forming part of the establishment.

(2) In paragraph (1)(d) capacity in relation to an establishment or building means the maximum number of laying hens that can be kept in the establishment or building stated as a global figure and broken down by reference to the numbers kept under each farming method.

2. In respect of the keeper:

- (a) the name of the keeper;
- (b) the address of the keeper;
- (c) where the keeper is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.

3. In respect of the owner, if different from the keeper:

- (a) the name of the owner;
- (b) the address of the owner;
- (c) where the owner is the owner or keeper of any other establishment registered under these regulations, the registration number of each such establishment.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement for Northern Ireland Commission Directive 2002/4/EC on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC.

The Regulations apply to establishments keeping 350 or more laying hens. The Department is required to create and maintain a register of such establishments recording the details listed in the Schedule and to allocate a distinguishing number to each establishment (regulation 3).

The information in the register will be made available to the Food Standards Agency and district councils where this is necessary to trace eggs put on the market for human consumption (regulation 4).

Establishments may not continue in operation after 1st March 2004 unless an application has been made to the Department to note the establishment on the register and new establishments may not be brought into operation after that date unless an application has been made to the Department to register the establishment and a distinguishing number has been communicated by the Department to the applicant. Applications made to the Department shall contain the information in the Schedule (regulation 5).

Regulations 6-8 provide for enforcement.

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Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1237. C2. 1/04. Gp. 130. 14567.

£1.75

ISBN 0-337-95343-0



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