

1971. No. 96

[C]

**MARKETING OF EGGS**

RULES, DATED THE 24TH DAY OF MARCH 1971, MADE BY THE MINISTRY OF AGRICULTURE UNDER THE MARKETING OF EGGS ACTS (NORTHERN IRELAND) 1957 AND 1969.

The Ministry of Agriculture in exercise of the powers conferred on it by Section 21 of the Marketing of Eggs Act (Northern Ireland) 1957(a) and Sections 1, 2, 3 and 4 of the Marketing of Eggs (Amendment) Act (Northern Ireland) 1969(b) (hereinafter referred to as the "1969 Act") and of every other power enabling it in that behalf hereby makes the following Rules:—

*Citation and commencement*

1. These Rules may be cited as the Marketing of Eggs (Amendment No. 4) Rules (Northern Ireland) 1971 and shall come into operation on the 28th day of March 1971.

*Amendments to the 1966 Rules*

2. The Marketing of Eggs Rules (Northern Ireland) 1966(c) as amended by the Marketing of Eggs (Amendment) Rules (Northern Ireland) 1968(d), and the Marketing of Eggs (Amendment No. 2) Rules (Northern Ireland) 1969(e) and the Marketing of Eggs (Amendment No. 3) Rules (Northern Ireland) 1970(f) shall be further amended in accordance with these Rules.

3.—(1) The following definitions in Rule 2 thereof shall be omitted:—

"BEMB No." means in relation to a producer, that producer's registered number with the Board;

"registered number" means in relation to a Class A licence-holder that licence-holder's registered number with the Board;

"the Board" means the British Egg Marketing Board.

(2) To Rule 2 thereof the following definition shall be added:—

"flock" means a group of hens in the ownership of a producer and may include a group of hens whose eggs are identified by the producer separately from all other eggs produced by hens owned by him.

(3) In sub-paragraph (3)(b) of Rule 5 thereof the words "together with the total number of first quality duck eggs" shall be omitted.

(4) For sub-paragraph (3)(c) of Rule 5 thereof there shall be substituted the following sub-paragraph:—

"(c) The fees shall be payable in respect of the throughput of eggs during each weekly period ending on a Saturday."

(5) For Rule 16 thereof there shall be substituted the following Rule:—

(a) 1957. c. 27.

(b) 1969. c. 33 (N.I.).

(c) S.R. & O. (N.I.) 1966, No. 150.

(d) S.R. & O. (N.I.) 1968, No. 280.

(e) S.R. & O. (N.I.) 1969, No. 259.

(f) S.R. & O. (N.I.) 1970, No. 7.

*"Identification*

**16.** A licence-holder shall:—

- (1) ensure that each consignment of eggs received by him shall be accompanied by a document (in these Rules referred to as the document of identification) which shall clearly identify the eggs in the consignment as being from the producer who supplied such eggs; and
- (2) give the producer a receipt containing the following particulars:—
  - (a) the name and licence number of the licence-holder;
  - (b) the name and address of the producer;
  - (c) the quantity of hen eggs or the quantity of duck eggs received from that producer;
  - (d) the date of collection or delivery of such eggs;
  - (e) the signature of the collector of such eggs.
- (3) keep a copy of the document of identification used for the purposes of paragraph 1 of this Rule and a copy of the identification receipt used for the purposes of paragraph 2 of this Rule for a period of two years for record purposes."

(6) For Rule 21 thereof the following Rule shall be substituted:—

**"21.** A licensed wholesale dealer of Class A shall, forthwith after testing, grade all first quality hen eggs which are  $1\frac{1}{2}$  oz or more in weight and all soiled hen eggs otherwise of first quality which are  $1\frac{1}{2}$  oz or more in weight into such grades and in accordance with such directions as may be prescribed in the Eggs (Protection of Guarantees) Order 1971(g) or such substituting Order as may be, for the time being, in force."

(7) In paragraph (1) of Rule 22 thereof for the word "Board" there shall be substituted the word "Ministry".

(8) For Rule 23 thereof there shall be substituted the following Rule:—

*"Return of testing and grading results to each producer*

**23.—(1)** A licensed wholesale dealer of Class A shall, within eight days after a consignment of eggs has been tested, classified and graded in accordance with Rules 20 and 21, give a notification in writing (in this Rule and Rule 33 referred to as "a grading notification") to the producer who supplied such eggs of the number of eggs placed in each classification and in each grade and of the prices to be paid.

(2) A licensed wholesale dealer of Class A shall within three days after receipt of the eggs by him give to each licensed wholesale dealer of Class B from whom he received the eggs one copy of the grading notification relating to such eggs of the producer.

(3) A licensed wholesale dealer of Class A shall retain one copy of each grading notification relating to eggs received by him either direct from a producer or from a licensed wholesale dealer of Class B for a period of two years for record purposes."

(9) For paragraph (1) of the Rule 26 thereof there shall be substituted the following paragraph:—

- “(1) (a) Every case containing hen eggs which weigh not less than  $1\frac{1}{2}$  oz each and which are either of first quality or soiled but otherwise of first quality shall be marked—
- (i) on each end with the licence-holder’s licence number in a manner approved by the Ministry with letters which shall be not less than half an inch in height; and
  - (ii) in such manner and with such approved mark relating to the eggs packed therein as may be prescribed in the Eggs (Protection of Guarantees) Order 1971 or such substituting Order as may be, for the time being, in force; and
  - (iii) in a manner approved by the Ministry with the date of testing which may be indicated by means of a code approved by the Ministry on either each side or each end of the case with letters which shall be not less than half an inch in height.
- (b) Every case containing all other eggs shall be marked in such manner and with such mark as the Ministry may from time to time direct.”

(10) Rule 27 thereof is hereby revoked.

(11) For Rule 33 thereof there shall be substituted the following Rule:—

*“Return of testing and grading results to each producer*

33. A licensed wholesale dealer of Class B shall give to each person from whom he received eggs, within eight days of the date of their receipt by him, the grading notification relating to such eggs which was given to him by the licensed wholesale dealer of Class A to whom he delivered such eggs.”

(12) Form No. 4 in Schedule 2 thereof is hereby revoked.

4. At the end of Part IX there shall be added the following parts:—

#### “PART X

#### WASHED EGGS

##### *Producer’s declaration of washed eggs*

44.—(1) For the purposes of Section 4(1)(b) of the 1969 Act a producer supplying washed eggs to a licensed wholesale dealer shall place inside each container which contains the washed eggs a certificate signed by himself or his agent certifying that the eggs have been washed and giving the following particulars:—

- (a) the producer’s name and address;
- (b) the quantity of eggs in the container concerned:

Provided that a container in which washed eggs supplied by a producer to a licensed wholesale dealer have been packed shall have associated with it in the prescribed manner a certificate in the prescribed form if the following conditions are fulfilled, that is to say, if each copy of the document of identification in respect of such eggs has in addition to the particulars specified at (a) and (b) of this paragraph the words “WASHED EGGS” legibly and indelibly marked on it and the producer’s signature.

(2) A certificate as in (1) shall not be removed from the container until the eggs are being unpacked for the purpose of being tested in accordance with Rule 20, and such a certificate shall be retained by the licensed wholesale dealer for a period of two years as part of his records.

*Test for washed eggs*

45.—(1) The test for washed eggs under Section 4(3) of the Act shall be carried out in the manner and by means of the apparatus hereinafter described and shall be known as the ultra-violet light test.

(2) The apparatus used in the ultra-violet light test shall be a fluorescent lamp with the following specification:—

(a) Wave length—3,660 Angstrom units.

(b) Wattage—80 W minimum using a quartz tube.

(3) An egg being tested shall be placed under the light and shall be found to be a washed egg if it thereupon shows a characteristic fluorescence.

*Packing of washed eggs by a licensed wholesale dealer*

46. A licensed wholesale dealer shall not pack:—

(1) eggs which when received by him were packed in a container having associated with it a certificate under Section 4(1)(b) of the 1969 Act, or

(2) eggs with respect to which a notice has been served on him under Section 4(3) of the 1969 Act,

in a container in which any unwashed eggs are packed.

*Marking of a container packed with washed eggs*

47. Where a licensed wholesale dealer has packed a container with any washed eggs referred to in Rule 46(1) and (2) he shall mark on the outside of each end of such a container a diagonal “X” or shall mark the case in any other manner approved by the Ministry.

*Records*

48. A licensed wholesale dealer of Class A shall keep a record showing in respect of each week how he disposes of such washed eggs as were received by him during that week.

*Definition*

49. For the purpose of this Part a “container” means a container which is capable of holding not less than 15 dozen eggs.

## PART XI

## PROHIBITION FROM SHIPMENT OF EGGS OF INFERIOR QUALITY

*Records*

50. A licensed wholesale dealer of Class A shall keep a record showing in respect of each producer from whom he purchased more than 75 dozen eggs in any one week the date of housing in the laying house of the said producer's flock or flocks.

*Testing of eggs*

51. For the purpose of Section 2(I) of the 1969 Act eggs supplied to a licensed wholesale dealer of Class A by any producer shall comply with the prescribed standard of quality if the eggs in a sample taken and tested by the Ministry as prescribed in the Third Schedule hereto are in accordance with paragraphs 2(b) or 2(e) of that Schedule, deemed to have passed the shell thickness and albumen quality tests.

*Rate of compensation*

52. Where any eggs are taken under Section 1(2) of the 1969 Act the rate of compensation shall be 32p for 25 eggs.

*Marking of delivery cases*

53. A licensed wholesale dealer who has packed a case with eggs which in accordance with Section 2(1) of the 1969 Act he has been prohibited from sending out of Northern Ireland shall mark on the outside of each end of the case a diagonal "X" or shall mark the case in any other manner approved by the Ministry.

*Revocation of a shipping prohibition*

54. A shipping prohibition shall be revoked by the Ministry when eggs supplied by the producer concerned are deemed to have passed the shell thickness and albumen quality tests referred to in the Third Schedule or at the expiration of 8 weeks from the date of the tests as a result of which the prohibition was served, whichever is the sooner.

*Register of shipping prohibitions*

55. The following particulars shall be entered in any register established by the Ministry:—

- (a) the name and address of any producer who is specified in a shipping prohibition for the time being in force;
- (b) the average number of eggs in dozens supplied each week;
- (c) the date of the tests as a result of which the shipping prohibition was served and the date of the issue of such a shipping prohibition;
- (d) the date and results of a re-test or re-tests;
- (e) the date of issue of any notice revoking such a shipping prohibition."

5. After Schedule 2 thereof the Schedule to this Order shall be added.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 24th day of March 1971.

(L.S.)

H. S. Oliver,  
Assistant Secretary.

## SCHEDULE

"RULES 51 AND 54

SCHEDULE 3

*Taking of samples*

1. A random sample of 25 of the producer's eggs shall be taken by the Ministry at the premises of the licensed wholesale dealer of Class A before testing and grading are carried out in accordance with Rules 20 and 21.

*Testing of samples*

2. Samples shall be tested by the Ministry as follows:—

- (a) Of the sample of 25 eggs referred to in paragraph 1, 10 eggs shall be broken out and their shell thickness and albumen quality determined.
- (b) The eggs in the entire sample of 25 eggs shall be deemed to have passed the shell thickness and albumen quality tests where—
  - (i) the average shell thickness of the 10 eggs is at least 0.335 millimetres;
  - (ii) not more than three shells of the 10 eggs measure less than 0.300 millimetres;
  - (iii) the average albumen quality of the 10 eggs is at least 62 Haugh Units; and
  - (iv) the albumen quality of not more than 3 of the 10 eggs is less than 48 Haugh Units.
- (c) If when the 10 eggs are tested the standards prescribed in subparagraph (b)(ii) and (iv) are not reached the eggs in the entire sample shall be deemed to have failed the tests and the remaining 15 eggs shall not be broken out.
- (d) If when the 10 eggs are tested the standards prescribed in subparagraph (b)(ii) and (iv) are reached but the standards prescribed in (b)(i) and (iii) are not reached the remaining 15 eggs of the sample shall be broken out and their shell thickness and albumen quality determined.
- (e) The eggs in the entire sample of 25 eggs shall be deemed to have passed the shell thickness and albumen quality tests where—
  - (i) the average shell thickness of the 25 eggs is at least 0.330 millimetres;
  - (ii) not more than three shells in the entire sample of 25 eggs measure less than 0.300 millimetres;
  - (iii) the average albumen quality of the 25 eggs is at least 55 Haugh Units; and
  - (iv) the albumen quality of not more than 3 eggs in the entire sample of 25 eggs is less than 48 Haugh Units."

## EXPLANATORY NOTE

*(This note is not part of the Rules but is intended to indicate their general purport.)*

These Rules include changes to the Marketing of Eggs Rules made necessary by the winding-up of the British Egg Marketing Board.

They also prescribe how producers must certify washed eggs which they supply to licensed wholesale dealers and how wholesale dealers must pack such eggs.

In addition they prescribe the minimum standard of quality for producers' eggs suitable for sending out of Northern Ireland.