

1973. No. 23

[C]

EUROPEAN COMMUNITIES

Agriculture — Eggs

REGULATIONS, DATED THE 1ST DAY OF FEBRUARY 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972.

The Ministry of Agriculture, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 2 of the European Communities Act 1972(a) and the European Communities (Designation) Order 1972(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the European Communities, Eggs (Marketing Standards) Regulations (Northern Ireland) 1973, and shall come into operation on 1st February 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“Community provision” means any provision of the regulations of the European Communities referred to in Schedule 1 to these regulations, or any provision of these regulations, and includes any provision of any regulations by which those regulations of the European Communities are replaced or amended;

“inspector” has the meaning assigned to it by section 41(1) of the Weights and Measures Act (Northern Ireland) 1967(c);

“the Ministry” means the Ministry of Agriculture for Northern Ireland;

“sale by retail” means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business; and “manufacturing” means using eggs, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any other product, and corresponding expressions have corresponding meanings.

(2) Any expression used in these regulations which is defined in any other Community provision shall, unless the context otherwise requires, have the meaning assigned to it therein.

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Enforcement authorities

3.—(1) Subject to the following provisions of this regulation, it shall be the duty of the Ministry of Commerce to secure the enforcement and execution of the Community provisions in so far as they relate to the sale by retail of eggs.

(a) 1972. c. 68.

(b) S.I. 1972/1811 (1972. III, p. 5216).

(c) 1967. c. 6 (N.I.).

(d) 1954. c. 33.

(2) Nothing in this regulation shall be taken as authorising the Ministry of Commerce to institute or cause to be instituted proceedings for an offence against a Community provision committed before 1st February 1974, except with the consent of the Ministry.

(3) The foregoing provisions of this regulation are without prejudice to the duties of the Ministry of Commerce under the provisions of the Weights and Measures Act (Northern Ireland) 1967.

(4) It shall be the duty of the Ministry to secure the enforcement and execution of all other Community provisions.

Powers of authorised officers

4.—(1) For the purpose of enforcing any Community provision, an authorised officer of the Ministry, on producing if so required a duly authenticated document showing his authority, may—

- (a) at all reasonable times enter and inspect land and premises (other than premises used only as a dwelling) on which any activity regulated by a Community provision is being, or is reasonably suspected of being, carried on;
- (b) inspect and take samples of eggs found upon such land or premises;
- (c) carry out on such land or premises such other inspections or tests as may be reasonably necessary;
- (d) require any person not to remove or cause to be removed any eggs from any such land or premises for such a period as may be reasonably necessary for the purposes of his inspection;
- (e) require that any container of eggs which does not comply in any respect with the requirements of any Community provision, whether in relation to the eggs contained therein or otherwise, be made so to comply before it is removed from such land or premises;
- (f) require any person engaged in any activity regulated by any Community provision to produce any books or documents which that person is required to keep by virtue of any Community provision.

(2) An authorised officer entering any land or premises by virtue of this regulation may take with him such other persons as may appear to him necessary.

(3) The powers granted under the provisions of the Weights and Measures Act (Northern Ireland) 1967 to an inspector for the purpose of ascertaining whether any offence under that Act has been committed may be exercised in like manner for the purpose of enforcing any Community provision which the Ministry of Commerce has a duty to enforce under these regulations.

Keeping of records

5. If so required by notice in writing served on him by or on behalf of the Ministry, any person carrying on any activity regulated by a Community provision shall keep or cause to be kept such records as the Ministry may reasonably require for the purpose of enforcing or executing any such provision, and shall provide the Ministry with such information derived therefrom as the Ministry may from time to time require.

Service of notices

6. Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954 any notice required or authorised by these regulations to be given to or served on any person shall be sufficiently given or served if it is sent to him by post in a letter addressed to him at his last known place of abode or business.

Weight-grading

7.—(1) Notwithstanding the provisions of Article 10 (which relates to the grading for weight of eggs) of European Communities Regulation (EEC) No. 1619/1968 of the Council^(e) but in accordance with the provisions of Article 78 of the Act annexed to the treaty relating to the accession of the United Kingdom to the European Economic Community signed at Brussels on the 22nd January 1972, eggs may be graded for weight either in the weight grades set out in Part I of Schedule 2 to these regulations or in the weight grades (hereinafter called “the alternative weight grades”) set out in column 1 of Part II of that Schedule.

(2) When eggs are graded in the alternative weight grades, the marks used to indicate those weight grades in accordance with any Community provision shall be those set out in column 2 of Part II of Schedule 2 to these regulations.

Marks and labels

8. Any mark or label to which reference is made in any Community provision shall comply with the requirements relative to that mark or label, whether set out in that provision or in Schedule 3 to these regulations or in both, and no mark or label which does not so comply shall be used for any purpose for which a mark or label is required to be used under any Community provision.

Offences and penalty

9. Any person who

- (a) wilfully obstructs an officer of the Ministry or of the Ministry of Commerce acting in pursuance of these regulations, or
- (b) wilfully fails to comply with any requirement properly made to him by such an officer under these regulations, or
- (c) without reasonable cause fails to give such an officer so acting any other assistance or information which he may reasonably require of him for the purpose of the performance of his functions under these regulations, or
- (d) contravenes or fails to comply with any Community provision other than regulation 3 above,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

Defences

10. Sections 51 (which relates to a contravention due to some person other than the person charged) and 52 (which relates to the conditions under which a warrant may be pleaded as a defence) of the Food and Drugs Act (Northern Ireland) 1958^(f) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations and as if references therein to a contravention of a provision of that Act included references to a contravention of a Community provision.

Trade Descriptions Act 1968

11. The descriptions and marks applied in pursuance of any Community provision shall be deemed not to be trade descriptions for the purposes of the Trade Descriptions Act 1968^(g).

(e) O.J. No. L258 of 21.10.68 (p. 1).
(f) 1958. c. 27.

(g) 1968. c. 29.

The Trade Descriptions (Origin Marking) (Eggs) Order

12. The Trade Descriptions (Origin Marking) (Eggs) Order 1972(h) is hereby revoked.

Amendments to the Marketing of Eggs Act (Northern Ireland) 1957

13.—(1) Section 11(1) of the Marketing of Eggs Act (Northern Ireland) 1957(i) as amended by section 5 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965(j) shall have effect as if the words “or any regulation of the European Communities directly applicable in Northern Ireland is in force imposing requirements for securing that such eggs are marked with or accompanied by such an indication” were inserted after the words “indication of origin”.

(2) The Marketing of Eggs Act (Northern Ireland) 1957 as amended by section 4 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1960(k) and by sections 5 and 6 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965 and section 1(6) of the Egg Packing Industry (Reorganisation) Act (Northern Ireland) 1970(l) shall have effect subject to the following provisions of this paragraph:—

- (a) Sections 1, 2, 3, 4, 5, 6, 7, 14, 15, 16(1)(a) and (b), 17(1)(a), (b) and (e), 17(4), 23 are repealed;
- (b) in section 17(2) the words “wholesale transactions in eggs are carried on upon any premises not registered under section three, or that” and the words “under section three or as the case may be” shall cease to have effect;
- (c) in section 20(2)(a) the words “in connection with an application for a licence under this Act, or in connection with the payment of any fee or other sum in respect of such licence, or” shall cease to have effect;
- (d) in section 20(2)(b) the words “licence or other” shall cease to have effect;
- (e) in section 21 the words “the conditions under which eggs may be stored, prepared or exposed for sale by retail and” and the word “other” shall cease to have effect;
- (f) in section 24 the definitions of “Customs Acts”, “exempted eggs”, “exported”, “licence”, “retailer’s licence”, “wholesale dealer”, “wholesaler’s licence” shall cease to have effect, and
- (g) the first schedule is repealed.

Amendments to the Marketing of Eggs Rules (Northern Ireland) 1966

14. The Marketing of Eggs Rules (Northern Ireland) 1966(m) as amended by the Marketing of Eggs (Amendment) Rules (Northern Ireland) 1968(n), and the Marketing of Eggs (Amendment No. 2) Rules (Northern Ireland) 1969(o), the Marketing of Eggs (Amendment No. 3) Rules (Northern Ireland) 1970(p) and the Marketing of Eggs (Amendment No. 4) Rules (Northern Ireland) 1971(q) are hereby amended as follows:—

- (a) In rule 2—
 - (i) the definitions of “Carrying Company”, “licence-holder”, “Producer”, “test”, “flock” and “U value” shall be deleted;
 - (ii) in the definition of “The Act” there shall be substituted for words from “by Section 4” to “and 6” the words “by section 5”;
- (b) rules 5 to 38 and rules 42 to 55 are revoked;

(h) S.I. 1972/1041 (1972, II, p. 3139).

(i) 1957, c. 27.

(j) 1965, c. 3 (N.I.).

(k) 1960, c. 19.

(l) 1970, c. 3 (N.I.).

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

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

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

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

(q) S.R. & O. (N.I.) 1971, No. 96.

- (c) in paragraph (1) of rule 39, by substituting for the words from “on the shell” to the end of the paragraph the words “in accordance with the provisions of Article 12 of the European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time”;
- (d) in paragraph (3) of rule 39, by substituting for the words from “on the shell” to “three-quarters of an inch in diameter” the words “in accordance with the provisions of Article 12 of European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time”;
- (e) in paragraph (4) of rule 39, by substituting for the words from “indelibly” to the end of the paragraph the words “in accordance with such of the provisions of Article 6 and Article 7 of European Communities Regulation (EEC) No. 95/69 of the Commission as amended or replaced from time to time as may be appropriate to the eggs contained therein”;
- (f) in Schedule 2 forms No. 1, No. 2, No. 3 and No. 5 are revoked;
- (g) Schedule 3 is revoked.

Miscellaneous amendments

- 15. (a) Section 4 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1960 is hereby repealed;
- (b) Section 6 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965 is hereby repealed;
- (c) in the Marketing of Eggs (Amendment) Act (Northern Ireland) 1969(r)—
 - (a) sections 1, 2, 3, 4, 6(a), 7, 9(2), 9(4); and
 - (b) the definitions of “licensed wholesale dealer”, “notice”, “prescribed” and “producer” in section 9 shall cease to have effect.

Repeal

- 16. The Egg Packing Industry (Reorganisation) Act (Northern Ireland) 1970 is hereby repealed.

Revocations

- 17. The following Statutory Rules and Orders are hereby revoked:—
- (a) the Marketing of Eggs (Amendment) Rules (Northern Ireland) 1968;
- (b) the Marketing of Eggs (Amendment No. 2) Rules (Northern Ireland) 1969;
- (c) the Marketing of Eggs (Amendment No. 3) Rules (Northern Ireland) 1970;
- (d) the Egg Quality Certificate Scheme Order (Northern Ireland) 1970(s);
- (e) the Egg Packing Industry Reorganisation Scheme (Northern Ireland) 1970(t);
- (f) the Marketing of Eggs (Amendment No. 4) Rules (Northern Ireland) 1971.

Sealed with the Official Seal of the Ministry of Agriculture this 1st day of February 1973 in the presence of

(L.S.)

W. H. Jack,
Assistant Secretary.

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

(s) S.R. & O. (N.I.) 1970, No. 62.

(t) S.R. & O. (N.I.) 1970, No. 85.

SCHEDULE 1

Regulation 2

Community provisions

1. Regulation (EEC) No. 1619/68 of the Council(u) on marketing standards for eggs as last amended by Regulation (EEC) No. 1348/72 of the Council(v).

2. Regulation (EEC) No. 95/69 of the Commission(w) as last amended by Regulation (EEC) No. 2502/71 of the Commission(x) implementing Regulation (EEC) No. 1619/68.

3. Regulation (EEC) No. 1295/70 of the Commission(y) amplifying the provision relating to the marking of certain egg packaging subject to the provisions of Regulation (EEC) No. 1619/68.

4. Regulation (EEC) No. 1349/72 of the Council(z) concerning the production and marketing of eggs for hatching and farmyard poultry chicks.

5. Regulation (EEC) No. 2335/72 of the Commission(aa) implementing Regulation (EEC) No. 1349/72.

(u) O.J. No. L258 of 21.10.68 (p. 1).
(v) O.J. No. L148 of 30.6.72 (p. 5).
(w) O.J. No. L13 of 18.1.69 (p. 13).
(x) O.J. No. L258 of 23.11.71 (p. 9).

(y) O.J. No. L145 of 3.7.70 (p. 1).
(z) O.J. No. L148 of 30.6.72 (p. 7).
(aa) O.J. No. L252 of 8.11.72 (p. 1).

SCHEDULE 2

Regulation 7

Weight grades and weight grade marks

PART I

- Grade 1: 70g and over
 Grade 2: under 70g to 65g
 Grade 3: under 65g to 60g
 Grade 4: under 60g to 55g
 Grade 5: under 55g to 50g
 Grade 6: under 50g to 45g
 Grade 7: under 45g

PART II

Column 1 <i>Weight grades</i>	Column 2 <i>Weight grade marks</i>
Not less than $2\frac{3}{16}$ ounces	LARGE
Less than $2\frac{3}{16}$ ounces but not less than $1\frac{7}{8}$ ounces	STANDARD
Less than $1\frac{7}{8}$ ounces but not less than $1\frac{5}{8}$ ounces	MEDIUM
Less than $1\frac{5}{8}$ ounces but not less than $1\frac{1}{2}$ ounces	SMALL
Less than $1\frac{1}{2}$ ounces . . .	EXTRA SMALL

SCHEDULE 3

Regulation 8

Approved mark and labels

1. *Official mark*

The official mark referred to in paragraph 2 of Article 5 of Regulation (EEC) No. 95/69 (hereinafter in this Schedule called "the official mark") shall consist of the letters "UK", each letter being 1 cm. high, surrounded by a line describing an oval.

2. *Labels*

(a) The information required under the provisions of Article 17 of Regulation (EEC) No. 1619/68, together with the official mark, shall be set out on a label 15 cm. in length and 7.5 cm. in width in either Form A or B below:

FORM A

<u>Official Mark</u>	
<i>Name and Address of the Packing Station or undertaking which arranged for the packing</i>	<i>Packing Station Number</i>
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	PACKED: (<i>Date or Week Number</i>)
	QUALITY CLASS
	SIZE
	NUMBER OF EGGS PACKED

OR

FORM B

<u>Official Mark</u>	
<i>Name and Address of the Packing Station or undertaking which arranged for the packing</i>	
<i>Packing Station Number</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
NUMBER OF EGGS PACKED	
	PACKED: (<i>Date or Week Number</i>)
	QUALITY CLASS
	SIZE

(b) The information required under the provisions of Article 1 of Regulation (EEC) No. 1295/70 shall be set out on a label 20 cm. in length and 10 cm. in width in either Form C or D below:

FORM C

<i>Name and Address of Undertaking which Down-graded the Eggs</i>	<i>Registered Number of Packing Station which first Packed Eggs, or, for Imported Eggs, Country of Origin</i>
PACKED: Date or Week Number	QUALITY CLASS
REGRADED: Date or Week Number	SIZE
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	NUMBER OF EGGS PACKED

OR

FORM D

<i>Name and Address of Undertaking which Down-graded the Eggs</i>	PACKED: Date or Week Number REGRADED: Date or Week Number QUALITY CLASS SIZE
<i>Registered number of Packing Station which first Packed Eggs, or, for Imported Eggs, Country of Origin</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
NUMBER OF EGGS PACKED	

(c) The information required under the provisions of Article 2 of Regulation (EEC) No. 1295/70 shall be set out on a label 20 cm. in length and 10 cm. in width in either Form E or F below:

FORM E

<i>Name and Address of Undertaking which Re-packed Eggs</i>	<i>Registered Number of Packing Station which Re-packed Eggs</i>
	<i>Registered Number of Packing Station which First Packed Eggs, or, for Imported Eggs, Country of Origin</i>
PACKED: <i>Date or Week Number</i>	QUALITY CLASS
	SIZE
RE-PACKED: <i>Date or Week Number</i>	NUMBER OF EGGS PACKED
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	

OR

FORM F

<i>Name and Address of Undertaking which Re-packed Eggs</i>	PACKED: <i>Date or Week Number</i> REPACKED: <i>Date or Week Number</i> QUALITY CLASS SIZE
<i>Registered Number of Packing Station which Re-packed Eggs</i>	
<i>Registered Number of Packing Station which First Packed Eggs, or, for Imported Eggs, Country of Origin</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
NUMBER OF EGGS PACKED	

- (d) The information required under the provisions of Article 6(2)(a), (b) and (c) of Regulation (EEC) No. 95/69 shall be set out on a label 20 cm. in length and 10 cm. in width in Form G below:

FORM G

Name and Address of Undertaking which Despatched the Eggs

**INCUBATOR EGGS
FOR PROCESSING**

Name and Address of Processing Centre of Destination

NUMBER OR NET WEIGHT OF EGGS

- (e) The information required under the provisions of Article 6(2)(a), (b) and (d) of Regulation (EEC) No. 95/69 shall be set out on a label 20 cm. in length and 10 cm. in width in Form H below:

FORM H

Name and Address of Undertaking which Despatched the Eggs

**EGGS FOR THE
FOOD INDUSTRY**

NUMBER OR NET WEIGHT OF EGGS

- (f) The information required under the provisions of Article 7 of Regulation (EEC) No. 95/69 as amended by Article 1 of Regulation (EEC) No. 2502/71 shall be set out on a label 20 cm. in length and 10 cm. in width in Form J below:

FORM J

Name and Address of Undertaking which Despatched the Eggs

**INDUSTRIAL EGGS
UNFIT FOR HUMAN CONSUMPTION**

Name and Address of Undertaking for which the Eggs are Intended

- (g) The information required under the provisions of Article 5(2) of Regulation (EEC) No. 1349/72 shall be set out on a label 20 cm. in length and 10 cm. in width in Form K below:

FORM K

Producer Establishment number:

EGGS FOR HATCHING

Name of the species of poultry from which the eggs originate

EXPLANATORY NOTE

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

These regulations, which come into operation on 1st February 1973, supplement the provisions of specified regulations of the European Communities which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks.

The regulations:—

- (a) designate the authorities who are to enforce the European Communities regulations (regulation 3);
- (b) give certain authorised officers powers of entry, inspection, sampling and direction for the purpose of enforcing those regulations (regulation 4);
- (c) give the Ministry power to require certain persons to keep records and supply information (regulation 5);
- (d) prescribe weight-grades for eggs alternative to those prescribed in the European Communities regulations (regulation 7 and Schedule 2);
- (e) prescribe the form of the official mark and labels to be used under those regulations (regulation 8 and Schedule 3);
- (f) prescribe offences and a penalty (regulation 9);
- (g) provide for specified defences (regulation 10); and
- (h) revoke the Trade Descriptions (Origin Marking) (Eggs) Order 1972 (regulation 12) and make amendments to Northern Ireland legislation in respect of eggs consequential to the Common Agricultural Policy of the European Economic Community becoming applicable to Northern Ireland (regulations 13-17).

1973. No. 24

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.