
STATUTORY INSTRUMENTS

2008 No. 1718

The Eggs and Chicks (England) Regulations 2008

PART 2

Eggs for hatching and chicks

Compliance with Community provisions

4. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 1.

Registration of pedigree breeding establishments, breeding establishments and hatcheries

5.—(1) The Secretary of State is designated as the competent authority for the purpose of Article 2(1) of [Commission Regulation \(EC\) No 617/2008](#) (registration of pedigree breeding establishments, other breeding establishments and hatcheries).

(2) Where an application is made to the Secretary of State pursuant to Article 2(1) of [Commission Regulation \(EC\) No 617/2008](#), the Secretary of State must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the Secretary of State's decision on the application;
- (b) the reasons for any refusal to grant the application; and
- (c) in the case of any refusal to grant the application, the right of appeal conferred by regulation 18 of these Regulations.

(4) Where the Secretary of State is not satisfied that an application should be granted, the Secretary of State may (instead of refusing the application) notify the applicant of the reason for this, and—

- (a) where the Secretary of State is not satisfied with the sufficiency of the data provided in support of the application, the Secretary of State may ask the applicant to provide further data;
- (b) where the Secretary of State is not satisfied that all of the provisions mentioned in Schedule 1 that are relevant to the type of establishment to be registered will be complied with following the registration of that establishment, the Secretary of State may ask the applicant to take steps to ensure that those provisions will be complied with; and
- (c) the Secretary of State may give the applicant an opportunity to provide oral or written explanations to the Secretary of State in respect of the application.

(5) Where the Secretary of State decides to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Secretary of State must notify the person carrying on business at the establishment concerned (“the operator”) of the matters mentioned in paragraph (6) within 28 days.

(6) The matters are—

- (a) the Secretary of State’s decision to withdraw the registration;
- (b) the date on which the withdrawal of the registration is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 18 of these Regulations.

(7) Where the Secretary of State is minded to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Secretary of State may (instead of withdrawing the registration) notify the operator that the Secretary of State is minded to withdraw the registration, and the reasons for this, and—

- (a) where the contravention of, or failure to comply with, any provision mentioned in Schedule 1 is continuing, the Secretary of State may ask the operator to take steps to ensure that that provision is complied with; and
- (b) the Secretary of State may give the operator an opportunity to provide oral or written explanations to the Secretary of State in respect of the matter.

(8) Where the Secretary of State gives a notice to an applicant under paragraph (4), or to an operator under paragraph (7), the Secretary of State must specify a deadline in the notice by which any action specified in the notice must be taken.

(9) Any deadline given by the Secretary of State under this regulation may be extended on one or more occasions.

(10) Any notice given by the Secretary of State under this regulation must be in writing.

(11) For the purposes of calculating the 28-day time limit specified in paragraph (2), time does not run during any period that the Secretary of State gives to an applicant to take any action specified in a notice under paragraph (4).

Derogation relating to the marking of eggs for hatching

6. Eggs for hatching may be marked in a different manner from that specified in Article 3(2) of [Commission Regulation \(EC\) No 617/2008](#) if the marking of the eggs—

- (a) is in black, indelible, clearly visible and at least 10 mm² in area: and
- (b) is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.