
STATUTORY INSTRUMENTS

2009 No. 2163

The Eggs and Chicks (England) Regulations 2009

PART 2

Eggs for hatching and chicks

Application of this Part

4.—(1) This Part applies to eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008 apply.

(2) But it does not apply to establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation.

Compliance with [F1EU] provisions

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

Textual Amendments

F1 Word in reg. 5 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3-6

Registration of pedigree breeding establishments, breeding establishments and hatcheries

6.—(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 give a notice to the applicant notifying them of the matters mentioned in paragraph (3) within a period of 28 days, beginning with the day after the day on which the Secretary of State receives the application.

(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 23 of these Regulations.

(4) Where the Secretary of State is not satisfied that an application should be granted, the Secretary of State may (before making a final decision about whether or not to refuse the application) give a notice to the applicant notifying them 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 specified 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 give a notice to the person carrying on business at the establishment concerned (“P”) notifying them of the matters mentioned in paragraph (6).
- (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 23 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 (before making a final decision about whether or not to withdraw the registration) give a notice to P notifying them 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 P to take specified steps to ensure that that provision is complied with; and
 - (b) the Secretary of State may give P 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 P under paragraph (7), the Secretary of State must specify a deadline in the notice by which any action mentioned 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) For the purposes of calculating the 28-day time limit mentioned in paragraph (2), time does not run during any period that the Secretary of State gives to an applicant to take any action mentioned in a notice under paragraph (4).

Derogation relating to the marking of eggs for hatching

7.—(1) Eggs for hatching may be marked with any abstract black mark, except for a spot, instead of being marked with the distinguishing number of the producer establishment (as otherwise required by Article 3(2) of Commission Regulation (EC) No 617/2008) if the conditions mentioned in paragraph (2) are complied with.

(2) The conditions are that—

- (a) the mark is indelible, clearly visible and at least 10 mm² in area: and

- (b) the marking of the eggs is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (England) Regulations 2009, PART 2.