
STATUTORY INSTRUMENTS

2009 No. 2163

The Eggs and Chicks (England) Regulations 2009

PART 3

Eggs in shell for consumption: general requirements

Authorisation of packing centres to grade eggs

10.—(1) The Secretary of State is designated as the competent authority for the purpose of the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 (authorisation of undertakings as packing centres to grade eggs).

(2) Where an application is made to the Secretary of State under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 to authorise an undertaking as a packing centre to grade eggs, 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 an authorisation; and
- (c) in the case of any refusal to grant an authorisation, 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 the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 that are relevant to the type of packing centre to be authorised have been met, the Secretary of State may ask the applicant to comply with any outstanding requirement; 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 an authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Secretary of State must give a notice to the person carrying on business at the packing centre (“P”) notifying them of the matters mentioned in paragraph (6) within 28 days, beginning with the day on which the decision is made.

(6) The matters are—

- (a) the Secretary of State's decision to withdraw the authorisation;

- (b) the date on which the withdrawal of the authorisation 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 the authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first subparagraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Secretary of State may (before making a final decision about whether or not to withdraw the authorisation) give a notice to P notifying them that the Secretary of State is minded to withdraw the authorisation, and the reasons for this, and—

- (a) where the failure to comply with any of the requirements mentioned in the first subparagraph of Article 5(2) of Commission Regulation (EC) No 589/2008 is continuing, the Secretary of State may ask P to take specified steps to ensure that those requirements are met; 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).

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (England) Regulations 2009, Section 10.