
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 395

The Eggs and Chicks (Scotland) (No. 2) Regulations 2008

PART 2

Eggs for hatching and chicks

Compliance with Community provisions on eggs for hatching and chicks

4. Any person who contravenes, or fails to comply with, any provision mentioned in Schedule 1 commits an offence.

Registration of establishments

5.—(1) The Scottish Ministers are designated as the competent agency for the purpose of Article 2(1) of Commission Regulation (EC) No. 617/2008 (registration of pedigree breeding establishments, breeding establishments and hatcheries).

(2) Where an application is made to the Scottish Ministers pursuant to Article 2(1) of Commission Regulation (EC) No. 617/2008, they must notify the applicant in writing of the matters specified in paragraph (3) within 28 days.

(3) The specified matters for the purpose of paragraph (2) are—

- (a) the decision of the Scottish Ministers 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 17.

(4) Where the Scottish Ministers decide to withdraw a registration of an establishment because of a contravention of or failure to comply with any provision mentioned in Schedule 1, they must notify the person carrying on business at the establishment in writing of the matters specified in paragraph (5) within 28 days.

(5) The specified matters for the purpose of paragraph (4) are—

- (a) the decision of the Scottish Ministers 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 17.

(6) For the purposes of calculating the 28 day time limit specified in paragraph (2) no account is to be taken of any period—

- (a) during which the Scottish Ministers request an applicant to provide further data and the data have not been provided;
- (b) that the applicant is given—
 - (i) to provide oral or written explanations; or

(ii) to comply with any requirement laid down in Commission Regulation (EC) No. 617/2008.

(7) In this regulation anything to be done in writing–

- (a) may be done by an electronic communication within the meaning of the Electronic Communications Act 2000⁽¹⁾ if it is recorded and is subsequently capable of being reproduced;
- (b) must only, unless it is an application under paragraph (2), be sent to a person as an electronic communication if that person has consented to the use of that method of communication;
- (c) if done by electronic communication shall be regarded as sent when the text of it is received in legible form.

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–

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

(1) 2000 c. 7. Section 15(1) contains a definition of “electronic communication”, and was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).