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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 451**

**AGRICULTURE**  
**EUROPEAN COMMUNITIES**

**Eggs (Marketing Standards) (Amendment  
No. 2) Regulations (Northern Ireland) 1997**

*Made - - - - 10th October 1997*

*Coming into operation 10th November 1997*

The Department of Agriculture, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Eggs (Marketing Standards) (Amendment No. 2) Regulations (Northern Ireland) 1997 and shall come into operation on 10th November 1997.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

**Amendment of the Eggs (Marketing Standards) Regulations (Northern Ireland) 1995**

2.—(1) The Eggs (Marketing Standards) Regulations (Northern Ireland) 1995(4) shall be amended as provided in paragraphs (2) to (4).

(2) For regulation 4 there shall be substituted the following regulation—

“4.—(1) It shall be the duty of each district council to enforce and execute within its district the Community provisions in so far as they relate to—

- (a) the sale of eggs by a retailer; and
- (b) the use of eggs as described in regulation 3(2).

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(1) S.I.1972/1811

(2) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)

(3) 1954 c. 33 (N.I.)

(4) S.R. 1995 No. 382 as amended by S.R. 1997 No. 108

(2) The Department shall enforce and execute the Community provisions in all other respects.

(3) In this regulation “sale” includes possession for sale and offer, exposure or advertisement for sale.”.

(3) For regulation 10 (Application of various Articles of the Food Safety (Northern Ireland) Order 1991) there shall be substituted the following regulation—

“**10.**—(1) The following provisions of the Food Safety (Northern Ireland) Order 1991<sup>(5)</sup> shall apply for the purposes of these Regulations as they apply for the purposes of that Order and, accordingly, any reference in those provisions to that Order shall be construed as a reference to these Regulations—

Articles 2(4) and 3 (extended meaning of “sale” and related expressions);

Article 4 (presumption that food is intended for human consumption);

Article 19 (offences due to fault of another person);

Article 20 (defence of due diligence);

Article 36(1) to (3) (punishment of offences) in so far as it relates to offences under section 34(1) and (2).

(2) The following provisions of the Food Safety (Northern Ireland) Order 1991 shall apply for the purposes of these Regulations as may apply for the purposes of that Order and any reference in those provisions to that Order shall be construed, for the purpose of those Regulations as including a reference to the Community provisions that is to say—

Article 33 (powers of entry);

Article 34 (obstruction etc. of officers).”.

(4) In the Schedule (Community provisions) there shall be inserted in paragraph 2 at the end the following entry—

“(h) Commission Regulation O.J. No. L189, 30.7.96, p. 91  
(EC) No. 1511/96”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

10th October 1997.

*L. McKibben*  
Assistant Secretary

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(5) S.I. 1991 No. 762 (N.I. 7) as amended by S.I. 1996 No. 1633 (N.I. 12)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Eggs (Marketing Standards) Regulations (Northern Ireland) 1995 (“the principal regulations”) to extend the enforcement responsibilities of district councils to include the sale of eggs by retailers. In addition, they make provision for the enforcement and execution of Commission Regulation (EC) No. 1511/96 amending Regulation (EEC) No. 1274/91 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs.

Regulation (EC) No. 1511/96 is concerned with the grading of eggs by weight, the confidentiality of certain information supplied and the optional use of the supplementary indications on egg packs regarding particular characteristics of the type of farming concerned.

These Regulations also make some technical and drafting amendments in respect of the application of specified provisions of the Food Safety (Northern Ireland) Order 1991 to the principal Regulations.