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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 451**

The Eggs and Chicks (No. 2)  
Regulations (Northern Ireland) 2008

PART 2

Eggs for hatching and chicks

**Compliance with Community provisions**

3. 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**

4.—(1) The Department 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 Department pursuant to Article 2(1) of [Commission Regulation \(EC\) No. 617/2008](#), it must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the Department'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 17 of these Regulations.

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

- (a) where the Department is not satisfied with the sufficiency of the data provided in support of the application, it may ask the applicant to provide further data;
- (b) where the Department is not satisfied that all 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, it may ask the applicant to take steps to ensure that those provisions will be complied with; and
- (c) may give the applicant an opportunity to provide oral or written explanations to it in respect of the application.

(5) Where the Department 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, it 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 Department’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 17 of these Regulations.

(7) Where the Department 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, it may (instead of withdrawing the registration) notify the operator that it 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, it may ask the operator to take steps to ensure that that provision is complied with; and
- (b) it may also give the operator an opportunity to provide oral or written explanations to it in respect of the matter.

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

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

(10) Any notice given by the Department 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 Department gives to an applicant to take any action specified in a notice given under paragraph (4).

#### **Derogation relating to the marking of eggs for hatching**

**5.** 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 10mm<sup>2</sup> in area; and
- (b) is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.