STATUTORY RULES OF NORTHERN IRELAND

2010 No. 125

The Eggs and Chicks Regulations (Northern Ireland) 2010

PART 3

Eggs in shell for consumption: general requirements

Authorisation of packing centres to grade eggs

9.—(1) The Department 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 Department 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 Department 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 Department receives the application.

(3) The matters are—

(a) the Department'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 22 of these Regulations.

(4) Where the Department is not satisfied that an application should be granted, the Department 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 Department is not satisfied with the sufficiency of the data provided in support of the application, the Department may ask the applicant to provide further data;

(b) where the Department 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 Department may ask the applicant to comply with any outstanding requirement; and

(c) the Department may give the applicant an opportunity to provide oral or written explanations to the Department in respect of the application.

(5) Where the Department 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 Department 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 Department'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 22 of these Regulations.

(7) Where the Department 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 sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008, the Department may (before making a final decision about whether or not to withdraw the authorisation) give a notice to P notifying them that the Department 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 sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008 is continuing, the Department may ask P to take specified steps to ensure that those requirements are met; and

(b) the Department may give P an opportunity to provide oral or written explanations to the Department in respect of the matter.

(8) Where the Department gives a notice to an applicant under paragraph (4), or to P under paragraph (7), the Department must specify a deadline in the notice by which any action mentioned 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) For the purposes of calculating the 28-day time limit mentioned in paragraph (2), time does not run during any period that the Department gives to an applicant to take any action mentioned in a notice under paragraph (4).