
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 395

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

PART 3

Eggs in shell for consumption

Compliance with Community provisions on eggs in shell for consumption

7. Any person who contravenes, or fails to comply with, any provision mentioned in Schedule 2 commits an offence.

Authorisation of packing centres to grade eggs

8.—(1) The Scottish Ministers are 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 Scottish Ministers 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, 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 an authorisation; and
- (c) in the case of any refusal to grant an authorisation, the right of appeal conferred by regulation 17.

(4) Where the Scottish Ministers decide to withdraw an authorisation of a packing centre to grade eggs because of a contravention of or 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, they must notify the person carrying on business at the packing centre 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 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 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; or
- (b) any period that the applicant is given—

- (i) to provide oral or written explanations; or
 - (ii) to comply with any requirements laid down in the first sub paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008.
- (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 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.

Derogations relating to the marking of eggs

9.—(1) The provisions in the second sub paragraph of point III(1) of Part A of Annex XIV to the Single CMO Regulation (requiring class B eggs to be marked) shall not apply where class B eggs are to be marketed exclusively in the United Kingdom.

(2) The provisions in the first sub paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation (requiring eggs sold by a producer to a final consumer in a local public market in the region of production to be marked with the producer code and/or with another indication in accordance with point III(1) of Part A of Annex XIV to the Council Regulation) shall not apply where a producer has no more than 50 laying hens if the name and address of the producer are indicated at the point of sale.

Livestock grazing on open-air runs

10.—(1) The Scottish Ministers are designated as the competent authority for the purpose of point 1(b) of Annex II to Commission Regulation (EC) No. 589/2008 (use of open air runs to which hens have access).

(2) For the purpose of point 1 of Annex II to Commission Regulation (EC) No. 589/2008 (setting down the minimum requirements that need to be met in order for eggs to be marketed as “free range eggs”) livestock grazing is authorised on open air runs to which egg producing hens have access.

Derogation relating to free-range eggs

11.—(1) By way of derogation from the provisions of point 1 of Annex II to Commission Regulation (EC) No. 589/2008, eggs to which paragraph (2) applies may be marketed as free range eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive 1999/74/EC (provisions applicable to alternative systems) are specified for the purpose of paragraph (1)–

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and

- (e) point 3(b)(i).

Derogation relating to barn eggs

12.—(1) By way of derogation from the provisions of point 2 of Annex II to Commission Regulation (EC) No. 589/2008, eggs to which paragraph (2) applies may be marketed as barn eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive 1999/74/EC are specified for the purpose of paragraph (1)—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).