

1969 No. 187

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Eggs (Protection of Guarantees) Order 1969

<i>Made - - - -</i>	<i>17th February 1969</i>
<i>Laid before Parliament</i>	<i>20th February 1969</i>
<i>Coming into Operation</i>	<i>23rd February 1969</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland acting jointly in exercise of the powers conferred upon them by sections 5, 9(4) and 35(3) of the Agriculture Act 1957(a) and section 70 of the Agriculture Act 1967(b), and of all other powers enabling them in that behalf, hereby make the following order :—

Citation and commencement

1. This order may be cited as the Eggs (Protection of Guarantees) Order 1969 ; and shall come into operation on 23rd February 1969.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“ approved mark ” means, in relation to each of the descriptions of hen eggs and the description of duck eggs specified in column 2 of the Schedule to this order, the word relative to such description specified in column 3 of that Schedule, together with, in each case and in close proximity to that word, the registration number allotted by the Board to the packing station where the eggs are packed ;

“ the Board ” means the British Egg Marketing Board constituted by the British Egg Marketing Scheme 1956(c) which has effect as if made under the Agricultural Marketing Act 1958(d) ;

“ container ” means a container which is capable of holding not less than 15 dozen eggs ;

“ duck eggs ” means eggs in shell laid by domestic ducks in the United Kingdom ;

“ first quality ”, in relation to duck eggs, means fresh and free from taint, the shells being clean and unstained, sound and of good texture and shape, the contents being free from visible blemish and discolouration, the yolk being central and translucent and the white being translucent with the air space not exceeding one-quarter of an inch in depth ;

(a) 1957 c. 57.

(b) 1967 c. 22.

(c) S.I. 1956/2082 (1956 I, p. 66).

(d) 1958 c. 47.

“first quality”, in relation to hen eggs, means fresh and free from taint, the shells being clean and unstained, sound and of good texture and shape, the contents being free from visible blemish and discolouration, the yolk being central, translucent and faintly but not clearly defined and the white being translucent with the air space not exceeding one-quarter of an inch in depth ;

“fresh eggs” means hen eggs and duck eggs which have not been preserved by cold or chemical storage or any other means ;

“hen eggs” means eggs in shell laid by domestic fowls in the United Kingdom ;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland ;

“the Minister”, in relation to any part of the United Kingdom, means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and either or both of the others acting jointly ;

“packer” means any person appointed by the Board to purchase, grade and pack hen eggs on their behalf and includes the Board insofar as they exercise those functions ;

“sale by retail” means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business ; and “manufacturing” means using eggs, for the purposes of a trade or business (other than a catering business), in the composition, manufacture or preparation of any other product, and corresponding expressions have corresponding meanings.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament and as if this order and the order hereby revoked were Acts of Parliament.

Marking of containers

3.—(1) Every packer shall, as soon as practicable, pack all eggs to which this article applies in containers, being the containers in which the eggs are to be removed from the packing premises, and each such container shall bear the approved mark relating to the eggs packed therein and shall contain eggs of not more than one weight grade. The approved mark shall appear distinctly and legibly in letters and figures not less than half an inch high and shall be applied by means of stamping with indelible ink or printing or by means of a label affixed to the container, or by more than one of those methods.

(2) The eggs to which this article applies are—

(a) all hen eggs purchased by a packer on behalf of the Board which weigh not less than one and a half ounces each and which are either of first quality or dirty but otherwise of first quality ;

(b) all duck eggs sold to the Board by a packer which are either of first quality or dirty but otherwise of first quality.

Restriction on sale, etc. and use for hatching of certain eggs

4. No person shall sell, offer or expose for sale or have in possession for sale for hatching or shall use for hatching, or cause or permit to be so used—

- (a) any hen eggs which weigh not less than one and a half ounces each and which are either of first quality or dirty but otherwise of first quality and which he knows or has reason to believe have been purchased by a packer on behalf of the Board ;
- (b) any duck eggs which are either of first quality or dirty but otherwise of first quality and which he knows or has reason to believe have been sold by a packer to the Board.

Keeping and production of records

5.—(1) Every packer shall keep or cause to be kept and shall produce on demand by an authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland an accurate record of every purchase, sale and use of fresh eggs by him (whether or not on behalf of the Board), such record to distinguish between hen eggs and duck eggs and to include the following particulars :—

- (a) the date of each purchase, sale and use ;
- (b) the name and address of each person from whom he buys and to whom he sells any such eggs ;
- (c) in each case the description or descriptions and number of such eggs bought, sold and used respectively, showing separately (except where this is not reasonably practicable) the number of eggs of each quality and weight grade ;
- (d) the price or prices paid on each purchase and sale ;

and if so required by notice in writing served on him by or on behalf of the Minister or the said Ministry, as the case may be, any such record shall be kept in such form as shall be prescribed in the said notice.

(2) Every packer shall retain the record of any transaction and use of eggs required to be kept pursuant to this article for two years from the date of such transaction or use.

Right of entry

6. Any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all reasonable times enter upon the land used for the storage, grading, packing, or sale other than by retail of hen eggs or duck eggs and may inspect and take samples of any such eggs found upon land so used.

Right to demand production of books, accounts and records

7. Any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person concerned by way of trade or business in the storage, grading, packing, hatching or sale other than by retail of hen eggs or duck eggs to produce on demand any books, accounts and records in his possession or control relating to the purchase and sale of hen eggs or duck eggs in the course of the trade or business in which he is concerned.

Service of notices

8.—(1) Any notice required or authorised by this order to be given to or served on any person shall be sufficiently given or served if it is delivered

to him personally or left at his last known place of abode or business or sent to him by post in a letter addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purposes of this order and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

Delegation of functions as respects Northern Ireland

9. The functions conferred or imposed on the Minister by this order may be exercised in relation to Northern Ireland by the Minister of Agriculture for Northern Ireland.

Revocation

10. The Eggs (Protection of Guarantees) Order 1968(a) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th February 1969.

(L.S.)

Cledwyn Hughes,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 17th February 1969.

(L.S.)

William Ross,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 14th February 1969.

James Callaghan,
Secretary of State for the Home Department.

Article 2(1)

SCHEDULE
APPROVED MARKS

Column 1	Column 2		Column 3
Kind of Eggs	Description		Approved Mark
	State or Condition	Weight grade	
Hen eggs	First quality or dirty but otherwise of first quality	Not less than 2 3/16 ounces	LARGE
		Less than 2 3/16 ounces but not less than 1 7/8 ounces	STANDARD
		Less than 1 7/8 ounces but not less than 1 5/8 ounces	MEDIUM
		Less than 1 5/8 ounces but not less than 1 1/2 ounces	SMALL
Duck eggs	First quality or dirty but otherwise of first quality	All weights	DUCK

together with, in each case and in close proximity to the word, the registration number allotted by the Board to the packing station where the eggs are packed

EXPLANATORY NOTE

(This Note is not part of the order.)

This order supersedes the Eggs (Protection of Guarantees) Order 1968 which in turn superseded the Eggs (Protection of Guarantees) Order 1958 (S.I. 1958/957), as amended.

The principal change made by the order of 1968 was the inclusion of a requirement that packers pack into containers bearing approved marks all hen eggs and duck eggs which are eligible for subsidy and are sold to the British Egg Marketing Board through packing stations instead of being required to mark the eggs.

The present order re-enacts the order of 1968 with minor and drafting amendments relating principally to the production of records.