

1990 No. 1323

FOOD

FOOD HYGIENE

The Ungraded Eggs (Hygiene) Regulations 1990

<i>Made - - - -</i>	<i>26th June 1990</i>
<i>Laid before Parliament</i>	<i>10th July 1990</i>
<i>Coming into force</i>	<i>31st July 1990</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 13 and 118 of the Food Act 1984(a) and now vested in them(b) and all other powers enabling them in that behalf, after consultation in accordance with section 118(6) of that Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations, hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Ungraded Eggs (Hygiene) Regulations 1990 and shall come into force on 31st July 1990.

Interpretation

2. In these Regulations unless the context otherwise requires—

“the Council Regulation” means Council Regulation (EEC) No. 2772/75 on marketing standards for eggs as amended(c);

“sell” includes offer or agree to sell or expose for sale and “sale” shall be construed accordingly;

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business.

Scope

3. These Regulations apply to the sale of eggs by retail for human consumption by their producer on his own farm, in a local public market or by door to door selling, which eggs are not packed in accordance with Articles 16 to 19 of the Council Regulation and in respect of which no use is made of any of the quality or weight gradings laid down by that Regulation.

Cracked eggs

4. No person shall sell by retail, in circumstances where these Regulations apply to that sale, any egg which contains a crack visible without candling to the naked eye.

(a) 1984 c.30; section 132(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(b) In the case of the Secretary of State for Health, by virtue of S.I. 1988/1843.

(c) OJ No. L282, 1.11.75, p.56. The amending instruments are Council Regulation (EEC) No. 1831/84 (OJ No. L172, 30.6.84, p.2), Council Regulation (EEC) No. 3341/84 (OJ No. L312, 30.11.84, p.7), Council Regulation (EEC) No. 3791/85 (OJ No. L367, 31.12.85, p.6) and Council Regulation (EEC) No. 3494/86 (OJ No. L323, 18.11.86, p.1).

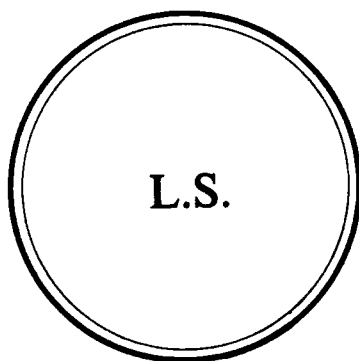
Penalties and enforcement

5.—(1) If any person contravenes regulation 4 of these Regulations he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale(a); and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

(2) Each local authority shall enforce and execute the provisions of these Regulations in their district.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd June 1990.



John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

26th June 1990

Kenneth Clarke
Secretary of State for Health

22nd June 1990

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the retail sale of cracked eggs by producers on their own farms, in local public markets or by door to door selling.

(a) Section 118 of the Food Act 1984, as read with section 52(4) of the Criminal Justice Act 1988 (c.33).

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