

1987 No. 407

EUROPEAN COMMUNITIES

**Eggs (Marketing Standards) Regulations
(Northern Ireland) 1987**

Made 30th October 1987

Coming into operation 14th December 1987

The Department of Agriculture, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Eggs (Marketing Standards) Regulations (Northern Ireland) 1987, and shall come into operation on 14th December 1987.

Interpretation

2.—(1) In these regulations—

“Community provision” means any provision of the regulations of the European Communities referred to in the Schedule;

“the Department” means the Department of Agriculture;

“sale” means any offering, exposing or advertising for retail sale or having in possession for the purposes of retail sale.

(2) Any expression used in these regulations which is defined in any Community provision shall have the meaning assigned to it therein.

(3) The Interpretation Act (Northern Ireland) 1954(c), except section 24, shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Enforcement authorities

3.—(1) It shall be the duty of the Department of Economic Development to secure the enforcement and execution of the Community provisions and these regulations in so far as they relate to the sale by a retailer of eggs.

(a) S.I. 1972/1811

(b) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(c) 1954 c. 33 (N.I.)

(2) The foregoing provisions of this regulation are without prejudice to the duties of the Department of Economic Development under the provisions of the Weights and Measures (Northern Ireland) Order 1981(a).

(3) It shall be the duty of the Department to secure the enforcement and execution of all other Community provisions and all other provisions of these regulations.

Powers of authorised officers

4.—(1) For the purpose of enforcing any Community provision and these regulations an authorised officer of the Department, on producing, if so required, a duly authenticated document showing his authority, may—

- (a) at all reasonable times enter and inspect land and premises (other than premises used only as a dwelling) on which any activity regulated by a Community provision is being, or is reasonably suspected of being, carried on;
- (b) inspect and take samples of eggs found upon such land or premises;
- (c) inspect and take samples of any label made in pursuance or purported pursuance of any Community provision and found upon such land or premises;
- (d) carry out on such land or premises such other inspections or tests as may be reasonably necessary;
- (e) require any person not to remove or cause to be removed any eggs from any such land or premises for such a period as may be reasonably necessary for the purposes of his inspection;
- (f) require that any container of eggs which does not comply in any respect with the requirements of any Community provision, whether in relation to the eggs contained therein or otherwise, be made so to comply before it is removed from such land or premises, except as may be otherwise directed by an authorised officer;
- (g) inspect and take copies of any books, documents or records which any person is required to keep by virtue of any Community provision.

(2) Any authorised officer entering any land or premises by virtue of this regulation may take with him such other persons as may appear to him necessary.

(3) The powers granted under the provisions of the Weights and Measures (Northern Ireland) Order 1981 to an inspector for the purpose of ascertaining whether any offence under that Order has been committed may be exercised in like manner for the purpose of enforcing any Community provision which the Department of Economic Development has a duty to enforce under these regulations.

Keeping of records

5. If so required by notice in writing served on him by or on behalf of the Department, any person carrying on any activity regulated by a Community provision shall keep or cause to be kept such records as the Department may reasonably require for the purpose of enforcing or executing any such

(a) S.I. 1981/231 (N.I. 10). See also S.I. 1982/846 (N.I. 11) Art. 4

provision and shall provide the Department with such information derived therefrom as the Department may from time to time require.

Service of notices

6.—(1) Any notice required or authorised by these regulations 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 these regulations 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; and for the purposes of these regulations the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

Official mark

7. The official mark for the purposes of any Community provision shall consist of the letters "UK", each letter being 1 centimetre high surrounded by a line describing an oval.

Offences and penalty

8. Any person who—

- (a) wilfully obstructs an officer of the Department or of the Department of Economic Development acting in pursuance of these regulations, or
- (b) wilfully fails to comply with any requirement properly made to him by such an officer under these regulations, or
- (c) without reasonable cause fails to give such an officer so acting any other assistance or information which he may reasonably require of him for the purpose of the performance of his functions under these regulations, or

(d) contravenes or fails to comply with any Community provision, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.

Defences

9. Sections 51 (which relates to a contravention due to default of some other person) and 52 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act (Northern Ireland) 1958(a) shall apply for the purposes of these regulations as if references therein to a prosecution under that Act included references to a prosecution for an offence under these regulations and as if references therein to a contravention of a provision of that Act included references to a contravention of a Community provision or these regulations.

(a) 1958 c. 27 (N.I.) amended by 1962 c. 7 (N.I.) sections 5, 6 and Sch.

Trade Descriptions Act 1968

10. The descriptions and marks applied in pursuance of any Community provision shall be deemed not to be trade descriptions for the purposes of the Trade Descriptions Act 1968(a).

Revocation

11. The European Communities, Eggs (Marketing Standards) Regulations (Northern Ireland) 1973(b) and the European Communities Eggs (Marketing Standards) (Amendment) Regulations (Northern Ireland) 1978(c) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 30th October 1987.

(L.S.)

I. C. Henderson

Assistant Secretary

(a) 1968 c. 29

(b) S.R. & O. (N.I.) 1973 No. 23 as amended by S.R. 1978 No. 300

(c) S.R. 1978 No. 300

SCHEDULE

Community Provisions

<i>Regulations containing Community provisions</i>	<i>Official Journal of the European Communities: References</i>
1. Council Regulation (EEC) No. 2772/75 on marketing standards for eggs, as amended by—	OJ No. L282, 1.11.75, p. 56
(a) Council Regulation (EEC) No. 1831/84	OJ No. L172, 30.6.84, p. 2
(b) Council Regulation (EEC) No. 3341/84	OJ No. L312, 30.11.84, p. 7
(c) Council Regulation (EEC) No. 3791/85	OJ No. L367, 31.12.85, p. 6
(d) Council Regulation (EEC) No. 3494/86	OJ No. L323, 18.11.86, p. 1
2. Commission Regulation (EEC) No. 1295/70 amplifying provisions of Council Regulation (EEC) No. 2772/75, as amended by—	OJ No. L145, 3.7.70, p. 1
Commission Regulation (EEC) No. 36/85	OJ No. L5, 8.1.85, p. 5
3. Commission Regulation (EEC) No. 95/69 implementing Council Regulation (EEC) No. 2772/75, as amended by—	OJ No. L13, 18.1.69, p. 13
(a) Commission Regulation (EEC) No. 927/69	OJ No. L120, 21.5.69, p. 6
(b) Commission Regulation (EEC) No. 2502/71	OJ No. L258, 23.11.71, p. 9
(c) 1972 Act of Accession	OJ No. L73, 27.3.72, p. 1 (OJ/SE, 27.3.72, p. 1) at p. 65
(d) 1979 Act of Accession	OJ No. L291, 19.11.79, p. 1 at p. 78
(e) Commission Regulation (EEC) No. 1943/85	OJ No. L181, 13.7.85, p. 34
(f) Commission Regulation (EEC) No. 3759/85	OJ No. L356, 31.12.85, p. 64
(g) Commission Regulation (EEC) No. 3906/86	OJ No. L364, 23.12.86, p. 20
4. Council Regulation (EEC) No. 2782/75 on production and marketing of eggs for hatching and of farmyard poultry chicks, as amended by—	OJ No. L282, 1.11.75, p. 100
(a) Council Regulation (EEC) No. 3485/80	OJ No. L365, 22.12.80, p. 1

<i>Regulations containing Community provisions</i>	<i>Official Journal of the European Communities: References</i>
(b) Council Regulation (EEC) No. 3791/85	OJ No. L367, 31.12.85, p. 6
(c) Council Regulation (EEC) No. 3494/86	OJ No. L323, 18.11.86, p. 1
5. Commission Regulation (EEC) No. 1868/77 implementing Council Regulation (EEC) No. 2782/75, as amended by—	OJ No. L209, 17.8.77, p. 1
(a) 1979 Act of Accession	OJ No. L291, 19.11.79, p. 1 at p. 78
(b) Commission Regulation (EEC) No. 3759/85	OJ No. L356, 31.12.85, p. 64
(c) Commission Regulation (EEC) No. 1351/87	OJ No. L127, 16.5.87, p. 18

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations supersede the European Communities, Eggs (Marketing Standards) Regulations (Northern Ireland) 1973 ("the 1973 Regulations") as amended and supplement the provisions of the Community Regulations set out in the Schedule, which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks. They come into operation on 14th December 1987.

They—

- (a) designate the authorities who are to enforce the Community Regulations (regulation 3);
- (b) give certain authorised officers powers of entry, inspection, sampling and direction for the purpose of enforcing those Regulations (regulation 4);
- (c) give the Department power to require certain persons to keep records and supply information (regulation 5);
- (d) prescribe the form of the official mark for the purposes of the Community Regulations (regulation 7);
- (e) prescribe summary offences which carry the penalty of a fine not exceeding £2,000 (regulation 8);
- (f) apply certain provisions of the Food and Drugs Act (Northern Ireland) 1958 so as to provide for specified defences (regulation 9); and
- (g) revoke the 1973 Regulations and the European Communities Eggs (Marketing Standards) (Amendment) Regulations (Northern Ireland) 1978 (regulation 11).

The main changes compared to the 1973 Regulations as amended are—

- (a) the new definition of "sale" as opposed to the earlier definition of "sale by retail"; (regulation 2);
- (b) new powers to inspect and take samples of labels and to inspect and take copies of documents and books required to be kept (regulation 4);
- (c) a new power to give directions in relation to containers of eggs which do not comply with the Community Regulations (regulation 4);
- (d) new provisions on service of notices (regulation 6);
- (e) deletion of the requirements relating to labels set out in Schedule 3 to the 1973 Regulations;
- (f) an increase in maximum fines for offences from £400 to £2,000 (regulation 8); and
- (g) citation of more recent Community Regulations in the Schedule.

Copies of the Community Regulations cited in the Schedule are obtainable from Her Majesty's Stationery Office, 80 Chichester Street, Belfast BT1 4JY.