
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 395

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

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Eggs and Chicks (Scotland) (No. 2) Regulations 2008.

(2) These Regulations come into force on 19th December 2008.

(3) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised officer” means any person who has written authority from an enforcement authority to act in matters arising under or in relation to the Act or these Regulations;

“breeding establishment” has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No. 617/2008;

“chicks” has the meaning given by Article 1(2) of Commission Regulation (EC) No. 617/2008;

“Commission Regulation (EC) No. 617/2008” means Commission Regulation (EC) No. 617/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks(1), as amended from time to time;

“Commission Regulation (EC) No. 589/2008” means Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs(2), as amended from time to time;

“Single CMO Regulation” means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(3), as amended from time to time;

“Council Directive 1999/74/EC” means Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens(4), as amended from time to time;

(1) O.J. No. L 168, 28.6.2008, p.5.

(2) O.J. No. L 163, 24.6.2008, p.6. This Regulation has been amended by Commission Regulation (EC) 598/2008 O.J. No. L 164, 25.6.2008, p.14.

(3) O.J. No. L 299, 16.11.2007, p.1. This Regulation was last amended by Council Regulation (EC) 510/2008 (O.J. No. L 149, 7.6.2008, p.61).

(4) O.J. No. L 203, 3.8.1999, p.53. The Directive has been amended by Council Regulation (EC) 806/2003 (O.J. No. L 122, 16.5.2003, p.1).

“Directive [2000/13/EC](#)” means Directive [2000/13/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽⁵⁾, as amended from time to time;

“eggs” has the meaning given by sub paragraph (k) of the second paragraph of Article 1 of Commission Regulation [\(EC\) No. 589/2008](#);

“eggs for hatching” has the meaning given by Article 1(1) of Commission Regulation [\(EC\) No. 617/2008](#);

“enforcement authority” means an authority exercising a function conferred on it by regulation 15;

“final consumer” has the meaning given by sub paragraph (r) of the second paragraph of Article 1 of Commission Regulation [\(EC\) No. 589/2008](#);

“food authority” has the same meaning as in section 5(2)(6) of the Act;

“hatchery” has the meaning given by Article 1(3)(c) of Commission Regulation [\(EC\) No. 617/2008](#);

“packing centre” has the meaning given by sub paragraph (q) of the second paragraph of Article 1 of Commission Regulation [\(EC\) No. 589/2008](#);

“pedigree breeding establishment” has the meaning given by Article 1(3)(a) of Commission Regulation [\(EC\) No. 617/2008](#); and

“production site” has the meaning given by sub paragraph (p) of the second paragraph of Article 1 of Commission Regulation [\(EC\) No. 589/2008](#).

(2) Any expression not defined in paragraph (1) and used in Part 2 of, or Schedule 1 to, these Regulations, and in Part C of Annex XIV to the Single CMO Regulation has the same meaning in those provisions of these Regulations as it does in the Single CMO Regulation.

(3) Any expression not defined in paragraph (1) and used in regulation 3(2) or Part 3 of, or Schedule 2 to, these Regulations and in Part A of Annex XIV to the Single CMO Regulation or Commission Regulation [\(EC\) No. 589/2008](#), has the same meaning in those provisions of these Regulations as it does in the EC Regulation in which it is used.

(4) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 1 means a contravention or failure to comply with any provision of—

- (a) the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) Commission Regulation [\(EC\) No. 617/2008](#) mentioned in column 1 of Part 2 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(5) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 2 means a contravention of or failure to comply with any provision of—

- (a) the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) Commission Regulation [\(EC\) No. 589/2008](#) mentioned in column 1 of Part 2 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(5) O.J. No. L 109, 6.5.2000, p.29. The Directive has been amended by Commission Directive [2001/101/EC](#) (O.J. No. L 310, 28.11.2001, p.19), Directive [2003/89/EC](#) of the European Parliament and of the Council (O.J. No. L 308, 25.11.2003, p.15), Council Directive [2006/107/EC](#) (O.J. No. L 363, 20.12.2006, p.411), Commission Directive [2006/142/EC](#) (O.J. No. L 368, 23.12.2006, p.110) and Commission Directive [2007/68/EC](#) (O.J. No. L 310, 28.11.2007, p.11).

(6) Section 5(2) was amended by paragraph 163(2) of Schedule 13 to the Local Government etc (Scotland) Act [1994 \(c. 39\)](#).

Products to which these Regulations apply

3.—(1) These Regulations apply to—

- (a) eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 617/2008 apply; and
- (b) eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008 apply (eggs in shell for consumption produced by hens of the species *Gallus gallus*).

(2) But they do not apply to—

- (a) establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation;
- (b) the sale of eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer—
 - (i) on the production site; or
 - (ii) by door to door selling in the region of production; or
- (c) except in so far as they relate to the requirement imposed by point III(3) of Part A of Annex XIV to the Single CMO Regulation, the sale of eggs to which point I(1) of Part A of Annex XIV to that Regulation and Commission Regulation (EC) No. 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.

(3) In paragraph (2)(b)(ii) “door to door selling” means a sale which is made during an unsolicited visit by a producer to the home of the final consumer, or to the home of another person, or to the place of work of the final consumer.