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S T A T U T O R Y   I N S T R U M E N T S

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**1973 No. 15**

**AGRICULTURE**

**The Eggs (Marketing Standards) Regulations 1973**

<i>Made - - - -</i>	<i>3rd January 1973</i>
<i>Laid before Parliament</i>	<i>10th January 1973</i>
<i>Coming into Operation</i>	<i>1st February 1973</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred upon them by section 2 of the European Communities Act 1972<sup>(a)</sup> and the European Communities (Designation) Order 1972<sup>(b)</sup>, and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation, commencement and extent*

**1.—(1)** These regulations may be cited as the Eggs (Marketing Standards) Regulations 1973, and shall come into operation on 1st February 1973.

**(2)** These regulations shall not extend to Northern Ireland.

*Interpretation*

**2.—(1)** In these regulations, unless the context otherwise requires—

“Community provision” means any provision of the regulations of the European Communities referred to in Schedule 1 to these regulations, or any provision of these regulations, and includes any provision of any regulations by which those regulations of the European Communities are replaced or amended;

“inspector” and “local weights and measures authority” have the same meaning as for the Weights and Measures Act 1963<sup>(c)</sup>;

“the Minister” means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland, the Secretary of State;

“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 purpose 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)** Any expression used in these regulations which is defined in any other Community provision shall, unless the context otherwise requires, have the meaning assigned to it therein.

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<sup>(a)</sup> 1972 c. 68.

<sup>(b)</sup> S.I. 1972/1811 (1972 III, p. 5216).

<sup>(c)</sup> 1963 c. 31.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if the order revoked by these regulations was an Act of Parliament.

*Enforcement authorities*

3.—(1) Subject to the following provisions of this regulation, it shall be the duty of each local weights and measures authority to secure the enforcement and execution of the Community provisions insofar as they relate to the sale by retail of eggs in their area, and section 37 of the Weights and Measures Act 1963 (power of local authorities to combine) shall apply with respect to the functions of such authorities under this regulation as it applies with respect to their functions under that Act.

(2) Nothing in this regulation shall be taken as authorising a local weights and measures authority in Scotland to institute proceedings for an offence against a Community provision; and no such authority in England or Wales shall institute proceedings for any such offence committed before 1st February 1974 except with the consent of the Minister.

(3) The foregoing provisions of this regulation are without prejudice to the duties of local weights and measures authorities under the provisions of the Weights and Measures Act 1963.

(4) It shall be the duty of the Minister to secure the enforcement and execution of all other Community provisions.

*Powers of authorised officers*

4.—(1) For the purpose of enforcing any Community provision, an authorised officer of the Minister, 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) carry out on such land or premises such other inspections or tests as may be reasonably necessary;
- (d) 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;
- (e) 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;
- (f) require any person engaged in any activity regulated by any Community provision to produce any books or documents which that person is required to keep by virtue of any Community provision.

(2) An 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.

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(a) 1889 c. 63.

(3) The powers granted under the provisions of the Weights and Measures Act 1963 to an inspector for the purpose of ascertaining whether any offence under that Act has been committed may be exercised in like manner for the purpose of enforcing any Community provision which a local weights and measures authority 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 Minister, any person carrying on any activity regulated by a Community provision shall keep or cause to be kept such records as the Minister may reasonably require for the purpose of enforcing or executing any such provision, and shall provide him with such information derived therefrom as he 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. For the purposes of these regulations 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.

#### *Weight-grading*

7.—(1) Notwithstanding the provisions of Article 10 (which relates to the grading for weight of eggs) of European Communities Regulation (EEC) No. 1619/68 of the Council (a) but in accordance with the provisions of Article 78 of the Act annexed to the treaty relating to the accession of the United Kingdom to the European Economic Community signed at Brussels on the 22nd January 1972, eggs may be graded for weight either in the weight grades set out in Part I of Schedule 2 to these regulations or in the weight grades (hereinafter called “the alternative weight grades”) set out in column 1 of Part II of that schedule.

(2) When eggs are graded in the alternative weight grades, the marks used to indicate those weight grades in accordance with any Community provision shall be those set out in column 2 of Part II of Schedule 2 to these regulations.

#### *Mark and labels*

8. Any mark or label to which reference is made in any Community provision shall comply with the requirements relative to that mark or label, whether set out in that provision or in Schedule 3 to these regulations or in both, and no mark or label which does not so comply shall be used for any purpose for which a mark or label is required to be used under any Community provision.

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(a) O.J. No. L258 of 21.10.68 (p.1).

*Offences and penalty***9.** Any person who—

- (a) wilfully obstructs an officer of the Minister or of a local weights and measures authority 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 other than regulation 3 above,

shall be guilty of an offence and shall be liable to a fine not exceeding four hundred pounds.

*Defences*

**10.**—(1) In England and Wales, sections 113 (which relates to a contravention due to some person other than the person charged) and 115 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act 1955(a) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought for an offence under these regulations.

(2) In Scotland, sections 45 (which relates to a contravention due to default of some other person) and 46 (which relates to conditions under which a warranty may be pleaded as a defence) of the Food and Drugs (Scotland) Act 1956(b) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought 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.

*Trade Descriptions Act 1968*

**11.** 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(c).

*Amendments*

**12.** The Eggs (Marking and Storage) Regulations 1965(d) and the Eggs (Marking and Storage) (Scotland) Regulations 1965(e) are each hereby amended as follows:—

- (a) in regulation 4, by substituting for the words from “on the shell” to the end of the regulation the words “in accordance with the provisions of article 12 of European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time”;

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(a) 4 & 5 Eliz. 2. c. 16.

(b) 1956 c. 30.

(c) 1968 c. 29.

(d) S.I. 1965/1000 (1965 I, p. 2450).

(e) S.I. 1965/1021 (1965 I, p. 2477).

- (b) in regulation 6, by substituting for the words from “on the shell” to “half an inch in diameter” the words “in accordance with the provisions of article 12 of European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time”;
- (c) in regulation 7, by substituting for the words from “indelibly” to the end of the regulation the words “in accordance with such of the provisions of Article 6 and Article 7 of European Communities Regulation (EEC) No 95/69 of the Commission as amended or replaced from time to time as may be appropriate to the eggs contained therein”.

*Revocation and consequential provision*

13.—(1) The Trade Descriptions (Origin Marking) (Eggs) Order 1972(a) is hereby revoked.

(2) Section 4(2) of the Agricultural Produce (Grading and Marking) Act 1928(b), as amended by section 41(1) of, and Schedule 1 to, the Trade Descriptions Act 1968, shall have effect as if the words “, or any regulation of the European Communities directly applicable in Great Britain,” were inserted after the words “Trade Descriptions Act 1968”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th December 1972.

(L.S.)

*Joseph Godber,*  
Minister of Agriculture,  
Fisheries and Food.

*Gordon Campbell,*  
Secretary of State.

3rd January 1973.

SCHEDULE 1

Regulation 2

COMMUNITY PROVISIONS

1. Regulation (EEC) No. 1619/68 of the Council(c) on marketing standards for eggs as last amended by Regulation (EEC) No. 1348/72 of the Council(d).
2. Regulation (EEC) No. 95/69 of the Commission(e) as last amended by Regulation (EEC) No. 2502/71 of the Commission(f) implementing Regulation (EEC) No. 1619/68.
3. Regulation (EEC) No. 1295/70 of the Commission(g) amplifying the provision relating to the marking of certain egg packaging subject to the provisions of Regulation (EEC) No. 1619/68.
4. Regulation (EEC) No. 1349/72 of the Council(h) concerning the production and marketing of eggs for hatching and farmyard poultry chicks.
5. Regulation (EEC) No. 2335/72 of the Commission (i) implementing Regulation (EEC) No. 1349/72.

(a) S.I. 1972/1041 (1972 II, p. 3139).

(c) O.J. No. L258 of 21.10.68 (p.1).

(e) O.J. No. L13 of 18.1.69 (p.13).

(g) O.J. No. L145 of 3.7.70 (p.1).

(i) O.J. No. L252 of 8.11.72 (p.1).

(b) 1928 c. 19.

(d) O.J. No. L148 of 30.6.72 (p.5).

(f) O.J. No. L258 of 23.11.71 (p.9).

(h) O.J. No. L148 of 30.6.72 (p.7).

## Regulation 7

## SCHEDULE 2

WEIGHT GRADES AND  
WEIGHT GRADE MARKS

## Part I

- Grade 1: 70g and over  
 Grade 2: under 70g to 65g  
 Grade 3: under 65g to 60g  
 Grade 4: under 60g to 55g  
 Grade 5: under 55g to 50g  
 Grade 6: under 50g to 45g  
 Grade 7: under 45g

## Part II

Column 1 Weight Grades	Column 2 Weight Grade Marks
Not less than $2\frac{3}{16}$ ounces	LARGE
Less than $2\frac{3}{16}$ ounces but not less than $1\frac{7}{8}$ ounces	STANDARD
Less than $1\frac{7}{8}$ ounces but not less than $1\frac{5}{8}$ ounces	MEDIUM
Less than $1\frac{5}{8}$ ounces but not less than $1\frac{1}{2}$ ounces	SMALL
Less than $1\frac{1}{2}$ ounces	EXTRA SMALL

## Regulation 8

## SCHEDULE 3

## APPROVED MARK AND LABELS

## 1. Official Mark

The official mark referred to in paragraph 2 of Article 5 of Regulation (EEC) No. 95/69 (hereinafter in this schedule called "the official mark") shall consist of the letters "UK", each letter being 1 cm. high, surrounded by a line describing an oval.

**2. Labels**

- (a) The information required under the provisions of article 17 of Regulation (EEC) No. 1619/68, together with the official mark, shall be set out on a label 15 cm. in length and 7.5 cm. in width in either form A or B below:

**FORM A**

<u>Official Mark</u>	
<i>Name and Address of the Packing Station or undertaking which arranged for the packing</i>	<i>Packing Station Number</i>
	<b>PACKED: (Date or Week Number)</b>
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
<b>QUALITY CLASS</b>	
<b>SIZE</b>	
<b>NUMBER OF EGGS PACKED</b>	

**OR****FORM B**

<u>Official Mark</u>	
<i>Name and Address of the Packing Station or undertaking which arranged for the packing</i>	
<i>Packing Station Number</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
<b>NUMBER OF EGGS PACKED</b>	
	<b>PACKED: Date or Week Number</b>
	<b>QUALITY CLASS</b>
	<b>SIZE</b>

- (b) The information required under the provisions of Article 1 of Regulation (EEC) No. 1295/70 shall be set out on a label 20 cm. in length and 10 cm. in width in either form C or D below:

## FORM C

<i>Name and Address of Undertaking which Down-graded the Eggs</i>	<i>Registered Number of Packing Station which first Packed Eggs, or, for Imported Eggs, Country of Origin</i>
PACKED: <i>Date or Week Number</i>	QUALITY CLASS
	SIZE
REGRADED: <i>Date or Week Number</i>	NUMBER OF EGGS PACKED
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	

OR

## FORM D

<i>Name and Address of Undertaking which Down-graded the Eggs</i>	PACKED: <i>Date or Week Number</i> REGRADED: <i>Date or Week number</i> QUALITY CLASS SIZE
<i>Registered number of Packing Station which first packed Eggs, or, for Imported Eggs, Country of Origin</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
NUMBER OF EGGS PACKED	



- (c) The information required under the provisions of Article 2 of Regulation (EEC) No. 1295/70 shall be set out on a label 20 cm. in length and 10 cm. in width in either form E or F below:

## FORM E

<i>Name and Address of Undertaking which Re-packed Eggs</i>	<i>Registered Number of Packing Station which Re-packed Eggs</i>
	<i>Registered Number of Packing Station which First Packed Eggs, or, for Imported Eggs, Country of Origin</i>
PACKED: <i>Date or Week Number</i>	QUALITY CLASS
	SIZE
RE-PACKED: <i>Date or Week Number</i>	NUMBER OF EGGS PACKED
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	

OR

## FORM F

<i>Name and Address of Undertaking which Re-packed Eggs</i>	PACKED: <i>Date or Week Number</i> REPACKED: <i>Date or Week Number</i> QUALITY CLASS SIZE
<i>Registered Number of Packing Station which Repacked Eggs</i>	
<i>Registered Number of Packing Station which First Packed Eggs, or, for Imported Eggs, Country of Origin</i>	
<i>Particulars of Refrigeration or Preservation, if appropriate</i>	
NUMBER OF EGGS PACKED	

- (d) The information required under the provisions of Article 6(2)(a)(b) and (c) of Regulation (EEC) No. 95/69 shall be set out on a label 20 cm. in length and 10 cm. in width in form G below:

Form G

*Name and Address of Undertaking which Despatched the Eggs*

# **EGGS FOR THE FOOD INDUSTRY**

NUMBER OR NET WEIGHT OF EGGS

- (e) The information required under the provisions of Article 6(2)(a)(b) and (d) of Regulation (EEC) No. 95/69 shall be set out on a label 20 cm. in length and 10 cm. in width in form H below:

FORM H

*Name and Address of Undertaking which Despatched the Eggs*

# **INCUBATOR EGGS FOR PROCESSING**

*Name and Address of Processing Centre of Destination*

NUMBER OR NET WEIGHT OF EGGS

(f) The information required under the provisions of Article 7 of Regulation (EEC) No. 95/69 as amended by Article 1 of Regulation (EEC) No. 2502/71 shall be set out on a label 20 cm. in length and 10 cm. in width in form J below:

## FORM J

*Name and Address of Undertaking which Despatched the Eggs*

**INDUSTRIAL EGGS**  
**UNFIT FOR HUMAN CONSUMPTION**

*Name and Address of Undertaking for which the Eggs are Intended*

(g) The information required under the provisions of Article 5(2) of Regulation (EEC) No. 1349/72 shall be set out on a label 20 cm. in length and 10 cm. in width in form K below:

## FORM K

*Producer Establishment number*

**EGGS FOR HATCHING**

*Name of the species of poultry from which the eggs originate*

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which come into operation on 1st February 1973, supplement the provisions of specified Regulations of the European Communities which relate to marketing standards for shell eggs and to the production and marketing of eggs for hatching and of farmyard poultry chicks.

The Regulations:—

- (a) designate the authorities who are to enforce the European Communities 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 Ministers power to require certain persons to keep records and supply information (Regulation 5);
- (d) prescribe weight-grades for eggs alternative to those prescribed in the European Communities Regulations (Regulation 7 and Schedule 2);
- (e) prescribe the form of the official mark and labels to be used under those Regulations (Regulation 8 and Schedule 3);
- (f) prescribe offences and a penalty (Regulation 9);
- (g) provide for specified defences (Regulation 10); and
- (h) amend the Eggs (Marking and Storage) Regulations 1965 and the Eggs (Marking and Storage) (Scotland) Regulations 1965, revoke the Trade Descriptions (Origin Marking) (Eggs) Order 1972 and include a consequential provision to keep alive relevant provisions in section 4(2) of the Agricultural Produce (Grading and Marking) Act 1928 (Regulations 12 and 13).

The Regulations do not extend to Northern Ireland.

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