

1985 No. 1271

## AGRICULTURE

**The Eggs (Marketing Standards) Regulations 1985**

<i>Made</i>	- - - -	<i>7th August 1985</i>
<i>Laid before Parliament</i>		<i>20th August 1985</i>
<i>Coming into Operation</i>		<i>11th September 1985</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly, in exercise of the powers conferred upon them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Title, commencement and extent*

1.—(1) These regulations may be cited as the Eggs (Marketing Standards) Regulations 1985, and shall come into operation on 11th September 1985.

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

*Interpretation*

2.—(1) In these regulations—

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

“local weights and measures authority” has the same meaning as for the Weights and Measures Act 1963(c);

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

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

(a) S.I. 1972/1811.

(b) 1972 c. 68; section 2 is subject to Schedule 2 of that Act and is to be read, as regards England and Wales, with section 40 of the Criminal Justice Act 1982 (c. 48), and as regards Scotland, with sections 289F and 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21) which were inserted by section 54 of the said Act of 1982 and S.I. 1984/526.

(c) 1963 c. 31; sections 34 and 35(1) and (2) were replaced by subsections (2) to (4) of section 201 of the Local Government Act 1972 (c. 70) as amended by section 139 of and Schedule 12 to the Fair Trading Act 1973 (c. 41).

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

*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 and these regulations insofar as they relate to the sale by a retailer of eggs in their area.

(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 these regulations.

(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 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 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) 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 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 the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

#### *Mark and labels*

7.—(1) Any mark or label to which reference is made in any Community provision shall comply with the requirements relative to that mark or label and no mark or label which does not so comply shall be used for any purposes for which a mark or label is required to be used under any Community provision.

(2) 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 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 on summary conviction to a fine not exceeding £2000.

*Offences committed before 11th September 1985*

9. Nothing in these regulations shall affect the penalty which may be imposed for an offence against the Eggs (Marketing Standards) Regulations 1973(a) committed before 11th September 1985.

*Defences*

10.—(1) In England and Wales, sections 100 (which relates to a contravention due to another's default) and 102 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food Act 1984(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.

(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(c) 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 or these regulations.

*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(d).

*Revocation*

12. The Eggs (Marketing Standards) Regulations 1973 are hereby revoked.

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(a) S.I. 1973/15, amended by S.I. 1978/1248 and 1983/1600.  
(b) 1984 c. 30.  
(c) 1956 c. 30.  
(d) 1968 c. 29.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st August 1985.



*Michael Jopling,*  
Minister of Agriculture, Fisheries  
and Food.

*Nicholas Edwards,*  
One of Her Majesty's Principal Secretaries of State.

7th August 1985.

**SCHEDULE**  
**COMMUNITY PROVISIONS**

Regulations containing Community provision	Official Journal of the European Communities: References
1. Council Regulation (EEC) No. 2772/75 on marketing standards for eggs as amended by— (a) Council Regulation (EEC) No. 1831/84 (b) Council Regulation (EEC) No. 3341/84 and amplified by (a) Commission Regulation (EEC) No. 1295/70 (b) Commission Regulation (EEC) No. 36/85 (c) Commission Regulation (EEC) No. 1943/85	OJ No. L282, 1.11.75, p.56. OJ No. L172, 30.6.84, p.2. OJ No. L312, 30.11.84, p.7. OJ No. L145, 3.7.70, p.1. OJ No. L5, 8.1.85, p.5. OJ No. L181, 13.7.85, p.34.
2. Commission Regulation (EEC) No. 95/69 as amended by— (a) Commission Regulation (EEC) No. 927/69 (b) Commission Regulation (EEC) No. 2502/71	OJ No. L13, 18.1.69, p.13. OJ No. L120, 21.5.69, p.6. OJ No. L258, 23.11.71, p.9.
3. Council Regulation (EEC) No. 2782/75 on production and marketing of eggs for hatching and of farmyard poultry chicks as amended by— Council Regulation (EEC) No. 3485/80.	OJ No. L282, 1.11.75, p.100. OJ No. L365, 22.12.80, p.1.
4. Commission Regulation (EEC) No. 1868/77 implementing Council Regulation (EEC) No. 2782/75.	OJ No. L209, 17.8.77, p.1.

## EXPLANATORY NOTE

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

These Regulations supersede the Eggs (Marketing Standards) Regulations 1973 and 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. They apply throughout Great Britain and come into operation on 11th September 1985. They—

- (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) regulate the form of marks and labels which may be used under the specified Community provisions and prescribe the form of the official mark (regulation 7);
- (e) prescribe summary offences which carry the penalty of a fine not exceeding £2000 (regulation 8); and
- (f) apply certain provisions of the Food Act 1984 and the Food and Drugs (Scotland) Act 1956 so as to provide for specified defences (regulation 10).

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