

---

STATUTORY INSTRUMENTS

---

**2009 No. 2163**

**FOOD, ENGLAND**

**The Eggs and Chicks (England) Regulations 2009**

*Made* - - - - *4th August 2009*

*Laid before Parliament* *10th August 2009*

*Coming into force* *14th September 2009*

**THE EGGS AND CHICKS (ENGLAND) REGULATIONS 2009**

**PART 1**

**General**

1. Title, commencement and application
2. Revocation
3. Interpretation

**PART 2**

**Eggs for hatching and chicks**

4. Application of this Part
5. Compliance with Community provisions
6. Registration of pedigree breeding establishments, breeding establishments and hatcheries
7. Derogation relating to the marking of eggs for hatching

**PART 3**

**Eggs in shell for consumption: general requirements**

8. Application of this Part
9. Compliance with Community provisions
10. Authorisation of packing centres to grade eggs
11. Derogations relating to the marking of eggs
12. Livestock grazing on open-air runs
13. Derogation relating to free-range eggs
14. Derogation relating to barn eggs

*Status: This is the original version (as it was originally made).*

#### PART 4

Eggs in shell for consumption: *salmonella* control related requirements

15. Application of this Part
16. Compliance with Community provisions

#### PART 5

Miscellaneous provisions

17. Enforcement
  18. Duty to give assistance and provide information
  19. Powers of entry
  20. Powers of an authorised officer
  21. Procedure on seizure
  22. Compliance notices
  23. Appeals
  24. Record-keeping requirements
  25. Publication of enforcement information
  26. Obstruction
  27. Fine
  28. Extended period for bringing prosecutions
  29. Offences by bodies corporate etc.
  30. Giving of penalty notice for penalty offence
  31. Contents of penalty notice
  32. Amount of penalty
  33. Restriction on proceedings for penalty offence
  34. Payment of penalty
  35. Certificate of payment or non-payment of a penalty
  36. Penalty receipts
  37. Withdrawal of penalty notice
  38. Giving of notices
  39. Application of various provisions of the Act
  40. Transitional provision
- Signature

---

SCHEDULE 1 — COMMUNITY PROVISIONS RELATING TO EGGS FOR  
HATCHING AND CHICKS CONTRAVENTION OF WHICH IS  
AN OFFENCE

PART 1 — PROVISIONS OF THE SINGLE CMO REGULATION

PART 2 — PROVISIONS OF COMMISSION REGULATION (EC) NO  
617/2008

SCHEDULE 2 — GENERAL COMMUNITY PROVISIONS RELATING TO EGGS  
IN SHELL FOR CONSUMPTION CONTRAVENTION OF  
WHICH IS AN OFFENCE

PART 1 — PROVISIONS OF THE SINGLE CMO REGULATION

PART 2 — PROVISIONS OF COMMISSION REGULATION (EC) NO  
589/2008

SCHEDULE 3 — COMMUNITY *SALMONELLA* RELATED CONTROLS ON  
EGGS IN SHELL FOR CONSUMPTION CONTRAVENTION OF  
WHICH IS AN OFFENCE

SCHEDULE 4 — FACTORS TO BE TAKEN INTO ACCOUNT IN DETERMINING  
THE AMOUNT OF A PENALTY

PART 1 — Aggravating factors

1. Seriousness of the non-compliance.
2. Harm or potential harm to human health.
3. Financial harm to consumers.
4. Financial harm to competitors.
5. Duration of non-compliance.
6. Evidence of intention behind the non-compliance.
7. History of non-compliance of the person (“P”) to whom the...
8. Financial gain made by P as a result of non-compliance....
9. Financial resources of P.
10. Size of P’s business.
11. Availability of non-compliant item, including the number of retail shops...
12. The conduct of P after the non-compliance is drawn to...
13. Previous action taken by the enforcement authority to help P...

PART 2 — Mitigating factors

1. Action taken to eliminate or reduce the risk of damage...
2. Action taken by P to repair the harm done by...
3. Any co-operation given to the enforcement authority by P in...
4. Whether P reported the non-compliance to the enforcement authority.
5. Financial resources of P.
6. Size of P’s business.
7. Availability of non-compliant item, including the number of retail shops...
8. The conduct of P after the non-compliance is drawn to...
9. Where the non-compliance was committed by an employee of P,...

Explanatory Note