Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Eggs and Chicks (Wales) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2010 No. 1671 (W.158)

FOOD, WALES

The Eggs and Chicks (Wales) Regulations 2010

Made - - - -	*22 June 2010*
Laid before the National Assembly for Wales - -	*25 June 2010*
Coming into force - -	*16 July 2010*

The Welsh Ministers are designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the common agricultural policy of the European Union.
These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for any reference to the following Regulations to be construed as a reference to those Regulations as amended from time to time—

(a) Council Regulation (EC) No 1234/2007[F3] establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

(b) Commission Regulation (EC) No 589/2008[F4] laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs; and

(c) Commission Regulation (EC) No 617/2008[F5] laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990 [F6], the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency as required by section 48(4A) [F7] of that Act.

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council [F8] laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
Accordingly, the Welsh Ministers make the following Regulations in exercise of the powers conferred by–

(a) section 2(2) of, and paragraph 1A [F9] of Schedule 2 to, the European Communities Act 1972; and

(b) sections 6(4) [F10], 16(1) [F11], 17 [F12], 26 [F13] and 48(1) [F14] of the Food Safety Act 1990 and now vested in the Welsh Ministers [F15].

F1 S.I. 2005/2766. By virtue of sections 59 and 162 and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), functions conferred upon the National Assembly for Wales by this designation are now vested in the Welsh Ministers.
F2 1972 c. 68.
F3 OJ No L 299, 16.11.2007, p. 1, last amended by Commission Regulation (EC) No 1140/2009 (OJ No L 312, 27.112009, p. 4).
F4 OJ No L 163, 24.6.2008, p. 6, last amended by Commission Regulation (EC) No 598/2008 (OJ No L 164, 25.6.2008, p. 14).
F5 OJ No L 168, 28.6.2008, p. 5.
F6 1990 c. 16.
F7 Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).
F8 OJ No L 31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No 202/2008 (OJ No L 60, 5.3.2008, p. 17).
F9 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
F10 Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), **paragraphs 7**, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999, and Schedule 2 to S.I. 2002/794.
F11 Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
F12 Section 17 was amended by paragraphs 7, 8 and 12 of Schedule 5 to the Food Standards 1999.
F13 Section 26(2) was amended by paragraph 13 of Schedule 8, and Part 1 of Schedule 23, to the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 26(3) was partially repealed by Schedule 6 to the Food Standards Act 1999.
F14 Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
F15 Functions of "the Ministers", so far as exercisable in relation to Wales, are now exercisable by the Welsh Ministers, having been transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999, and then transferred to the Welsh Ministers by section 162 of and paragraph 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Eggs and Chicks (Wales) Regulations 2010 and they come into force on 16 July 2010.

(2) They apply in relation to Wales.

Revocation

2. The Eggs and Chicks (Wales) Regulations 2009 [F16] Regulations are revoked.

F16 S.I. 2009/793.

Interpretation

3.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"authorised officer" ("*swyddog awdurdodedig*") 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" ("*sefydliad bridio*") has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No 617/2008;

"chicks" ("*cywion*") has the meaning given by Article 1(2) of Commission Regulation (EC) No 617/2008;

"Commission Regulation (EC) No 589/2008" ("*Rheoliad y Comisiwn (EC) Rhif 589/2008*") means Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs, as amended from time to time.

"Commission Regulation (EC) No 617/2008" ("*Rheoliad y Comisiwn (EC) Rhif 617/2008*") means Commission Regulation (EC) No 617/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks, as amended from time to time;

"Council Directive 1999/74/EC" ("*Cyfarwyddeb y Cyngor 1999/74/EC*") means Council Directive 1999/74/EC[F17] laying down minimum standards for the protection of laying hens;

[F18] ...

"door-to-door selling" ("*gwerthu o dŷ i dŷ*") means a sale which is made during an unsolicited visit by a producer to the final consumer's home, or to the home of another person, or to the final consumer's place of work;

"eggs" ("*wyau*") 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" ("*wyau deor*") has the meaning given by Article 1(1) of Commission Regulation (EC) No 617/2008;

"enforcement authority" ("*awdurdod gorfodi*") means an authority exercising a function conferred on it by regulation 17;

"final consumer" ("*defnyddiwr terfynol*") has the meaning given by sub-paragraph (r) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

"food authority" ("*awdurdod bwyd*") means a county council or a county borough council;

"hatchery" ("*deorfa*") has the meaning given by Article 1(3)(c) of Commission Regulation (EC) No 617/2008;

"local public market" ("*marchnad gyhoeddus leol*"), in relation to eggs laid at a production site, means—

(a) a public market that is within an 80 kilometre radius of the boundary of the production site; or

(b) where a public market is partly within an 80 kilometre radius of the boundary of the production site and partly outside an 80 kilometre radius of the boundary of the production site, the whole of that market;

"market" ("*marchnad*"), when used as a noun, means—

(a) a market or fair for which the right to hold it was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or subordinate legislation; and

(b) a temporary market—

(i) comprising of a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, with not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold; and

(ii) for which any notice required under section 37(2) of the Local Government (Miscellaneous Provisions) Act 1982 [F19] has been given;

"officer" ("*swyddog*")—

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and

(b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

"packing centre" ("*canolfan becynnu*") 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" ("*sefydliad bridio pedigri*") has the meaning given by Article 1(3)(a) of Commission Regulation (EC) No 617/2008;

"penalty" ("*cosb*") means the amount specified in a penalty notice;

"penalty notice" ("*hysbysiad cosb*") means a notice offering the opportunity, by payment of a specified amount in accordance with these Regulations, to discharge any liability to be convicted of the penalty offence to which the notice relates;

"penalty offence" ("*tramgwydd cosb*") means an offence for which a penalty notice may be given under regulation 30;

"production site" ("*safle cynhyrchu*") has the meaning given by sub-paragraph (p) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

"region" ("*rhanbarth*") means an electoral region within the meaning of section 1(2)(b) of the European Parliamentary Elections Act 2002;

"region of production" ("*rhanbarth cynhyrchu*"), in relation to eggs marketed by a producer direct to a final consumer by door-to-door selling or at a local public market, means—

(a) where the production site at which those eggs are produced is in one region—

(i) the area within a 80 kilometre radius of the boundary of the production site; and

(ii) any part of that region that is outside of that 80 kilometre radius of the boundary of the production site; and

(b) where the production site at which those eggs are produced is partly in one region and partly in one or more other regions—

(i) the area comprising of the area within a 80 kilometre radius of the boundary of the production site; and

(ii) any part of the largest region into which the site falls that is outside of the 80 kilometre radius of the boundary of the production site;

[[F20]"Regulation (EC) No 2160/2003" ("*Rheoliad (EC) Rhif 2160/2003*") means Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents;

"Regulation (EU) No 1169/2011" ("*Rheoliad (EU) Rhif 1169/2011*") means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004**]**;

[[F21]"Regulation (EU) 2013" ("*Rheoliad (EU) 2013*") means **[**[F22]Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products**]**, as amended from time to time;**]**[F23]...

"Single CMO Regulation" ("*y Rheoliad Sengl CMO*") 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), as amended from time to time.

(2) Any expression which is not defined in paragraph (1) but is 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 which is not defined in paragraph (1) but is used in Part 3 or 4 of, or Schedule 2 to, these Regulations and in **[**[F24]Part VI of Annex VII to Regulation (EU) 2013**]**, 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 expression which is not defined in paragraph (1) but is used in Schedule 3 to these Regulations and in Regulation (EC) No 2160/2003 has the same meaning in Schedule 3 as it does in Regulation (EC) No 2160/2003.

(5) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 1 means a contravention of or failure to comply with–

(a) any provision of the Single CMO Regulation **[**[F25]or Regulation (EU) 2013**]** 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) any provision of 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.

(6) 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–

(a) any provision of **[**[F26]the Single CMO Regulation or**]****[**[F27]Regulation (EU) 2013**]** 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) any provision of 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.

(7) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 3 means a contravention of, or failure to comply with, any provision of Regulation (EC) No 2160/2003 mentioned in column 1 of Schedule 3, as read with any provision mentioned in the corresponding entry in column 2 of that Schedule.

F17 OJ No L 203, 3.8.1999, p 53, last amended by Council Regulation (EC) No 806/2003 (OJ No L 122, 16.5.2003, p. 1).

F18 Words in reg. 3(1) omitted (13.12.2014) by virtue of The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 7 para. 52(a)**

F19 1982 c. 30 as read with section 17(5) of the Local Government (Wales) Act 1994 (c. 19).

F20 Words in reg. 3(1) substituted (13.12.2014) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3), **Sch. 7 para. 52(b)**

F21 Words in reg. 3(1) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **5(2)**