STATUTORY RULES OF NORTHERN IRELAND

2011 No. 248

FOOD

Eggs and Chicks (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*30th June 2011*
Coming into operation	*1st August 2011*

The Department of Agriculture and Rural Development is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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 Department 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(**3**) 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(**4**) 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(**5**) laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks.

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(**6**) 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 Department makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A(**7**) of Schedule 2 to, the European Communities Act 1972.

(**1**) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations
(**2**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7)
(**3**) O.J. No. L 299, 16.11.2007, p. 1, last amended by Regulation (EU) No. 1234/2010 of the European Parliament and of the Council (O.J. No. L 346, 30.12.2010, p. 11)
(**4**) O.J. No. L 163, 24.6.2008, p. 6, last amended by Commission Regulation (EU) No. 557/2010 (O.J. No. L 159, 25.6.2010, p. 13)
(**5**) O.J. No. L 168, 28.6.2008, p. 5, last amended by Commission Regulation (EU) No. 557/2010 (O.J. No. L 159, 25.6.2010, p. 13)
(**6**) O.J. No. L 31, 1.2.2002, p. 1, last amended by Regulation (EC) No. 596/2009 (O.J. No. L 188, 18.7.2009, p. 14)
(**7**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)

Citation and commencement

1. These Regulations may be cited as the Eggs and Chicks (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st August 2011.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Eggs and Chicks Regulations (Northern Ireland) 2010

3. The Eggs and Chicks Regulations (Northern Ireland) 2010(**9**) shall be amended in accordance with regulations 4 to 7.

4. In regulation 2(1) (Interpretation) after the definition of "eggs for hatching", there shall be inserted—

""electronic communication" has the same meaning as in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(**10**)

5. In paragraphs (2)(e) and 6(d) of regulation 21 (Compliance notices) the words "to an appointed person" shall be omitted.

6. For Regulation 22 there shall be substituted—

"**22.**—(1) A person may, within 21 days of the notification of a decision to which this regulation applies, make written representations to appeal against the decision to a person appointed for this purpose by the Department.

(2) The appointed person shall consider the representations and report in writing to the Department.

(3) The Department shall give the person who made representations written notification of its final determination and the reasons for it.

(4) A person who is aggrieved by the final determination of the Department under paragraph (3) may, within 21 days of the notification of the determination, appeal against that determination to a magistrates' court.

(5) This regulation applies to—

(a) a decision by the Department to refuse to register an establishment as a pedigree breeding establishment, other breeding establishment or hatchery under Article 2(1) of Commission Regulation (EC) No. 617/2008, or to withdraw such a registration;

(b) a decision by the Department to refuse to authorise an undertaking as a packing centre to grade eggs under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008, or to withdraw such an authorisation;

(c) a decision by an authorised officer to impose a regulation 21(1) compliance notice; and

(**8**) 1954 c. 33 (N.I.)
(**9**) S.R. 2010 No. 125
(**10**) 2001 c.9 (N.I.); section 4(1) was amended by section 406(1) and paragraph 170 of Schedule 17 of the Communications Act 2003 (c.21)