STATUTORY RULES OF NORTHERN IRELAND

# 1995 No. 382

# AGRICULTURE

## Eggs (Marketing Standards) Regulations (Northern Ireland) 1995

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| *Made - - - -* | *5th October 1995* |
| *Coming into operation* | *6th November 1995* |

The Department of Agriculture, being a Department 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 Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

### Citation and commencement

**1.** These Regulations may be cited as the Eggs (Marketing Standards) Regulations (Northern Ireland) 1995, and shall come into operation on 6th November 1995.

### Interpretation

**2.**—(1) In these Regulations—

"authorised officer" means any officer who is authorised by the Department or by a district council, either generally or specially, to act in relation to the enforcement and execution of Community provisions;

"Council Decision" means Council Decision 94/371/EC laying down specific public health conditions for the putting on the market of certain types of eggs(**3**);

"Community provision" means—

(a) any provision of a Regulation of the European Communities which is referred to in column 1 of the Schedule which is specified in column 3 thereof; and

(b) any provision of the Council Decision specified in regulation 3;

"the Department" means the Department of Agriculture for Northern Ireland.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the relevant Community provision.

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I.3) and S.I. 1994/2795 (N.I. 15)
(**3**) O.J. No. L168, 2.7.94, p. 34

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Requirements under the Council Decision**

**3.**—(1) In relation to the sale of any eggs, any person carrying on an activity regulated by a Community provision shall comply with Articles 2, 3(1) and (2) and 4 of the Council Decision.

(2) Any person using eggs in catering kitchens including restaurants and for the preparation of non-industrial scale egg products or products containing eggs shall comply with Article 5 of the Council Decision.

(3) In this regulation the expressions "eggs", "catering kitchens", "restaurants" and "non-industrial scale egg products" have the same meaning as in Articles 1(2) and 5 of the Council Decision respectively.

**Enforcement authorities**

**4.**—(1) It shall be the duty of the Department of Economic Development to enforce and execute the Community provisions in so far as they relate to the sale of eggs by a retailer.

(2) Paragraph (1) is without prejudice to the duties of the Department of Economic Development under the provisions of the Weights and Measures (Northern Ireland) Order 1981(**5**).

(3) It shall be the duty of each district council to enforce and execute within its district the Community provisions insofar as they relate to the use of eggs as described in regulation 3(2).

(4) The Department shall enforce and execute the Community provisions in all other respects.

**Powers of authorised officers**

**5.**—(1) For the purpose of enforcing any Community provision, an authorised officer, 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 land or premises for such period as he may reasonably specify as necessary for the purposes of his inspection of those eggs;

(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 eggs contained in it 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 any records (in whatever form they are held) which any person is required to keep by virtue of any Community provision and, where any such records are kept by means of a computer—

(**4**) 1954 c. 33 (N.I.)
(**5**) S.I. 1981/231 (N.I. 10). *See* also S.I. 1982/846 (N.I. 11) Article 4

(i) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and

(ii) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require;

(h) seize and detain any records which he has reason to believe may be. required as evidence in proceedings under these Regulations;

(i) where any records falling within sub-paragraph (h) are kept by means of a computer, require the records to be produced in a form in which they may be taken away.

(2) Any authorised officer entering any land or premises by virtue of this regulation may take with him such other persons as he considers necessary.

(3) The powers granted under the provisions of the Weights and Measures (Northern Ireland) Order 1981 to an inspector for the purpose of ascertaining whether any offence under that Order has been committed maybe exercised in like manner for the purpose of enforcing any Community provision which the Department of Economic Development has a duty to enforce under these Regulations.

**Keeping of records**

**6.** If so required by notice in writing served on him by or on behalf of the Department, any person carrying on any activity regulated by a Community provision shall keep or cause to be kept such records as the Department may reasonably require for the purpose of enforcing or executing any such provision, and shall provide the Department with such information derived from such records as the Department may from time to time require.

**United Kingdom official mark**

**7.** The official mark for the purposes of Article 19 of Commission Regulation (EEC) No. 1274/91(**6**) shall consist of the letters "UK", each letter being 1 centimetre high and surrounded by a line describing an oval.

**Offences and penalty**

**8.** Any person who—

(a) wilfully obstructs an authorised officer or an officer of the Department of Economic Development acting in pursuance of these Regulations, or

(b) 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, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(**6**) O.J. No. L121, 16.5.91, p. 11 the amendments to which are specified under item 2 in Column 1 of the Schedule to these Regulations; none of the amendments relate to Article 19