Revs. by SR 1995 No. 382

1987 No. 407

EUROPEAN COMMUNITIES

Eggs (Marketing Standards) Regulations (Northern Ireland) 1987

Made . . . . . 30th October 1987

Coming into operation . . 14th December 1987

The Department of Agriculture, being a Department 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, 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) 1987, and shall come into operation on 14th December 1987.

Interpretation

2.—(1) In these regulations—

"Community provision" means any provision of the regulations of the European Communities referred to in the Schedule;

"the Department" means the Department of Agriculture;

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

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

(3) The Interpretation Act (Northern Ireland) 1954(**c**), except section 24, shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Enforcement authorities

3.—(1) It shall be the duty of the Department of Economic Development to secure the enforcement and execution of the Community provisions and these regulations in so far as they relate to the sale by a retailer of eggs.

(**a**) S.I. 1972/1811

(**b**) 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.R. 1984 No. 253

(**c**) 1954 c. 33 (N.I.)

(2) The foregoing provisions of this regulation are without prejudice to the duties of the Department of Economic Development under the provisions of the Weights and Measures (Northern Ireland) Order 1981(a).

(3) It shall be the duty of the Department 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 Department, 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 (Northern Ireland) Order 1981 to an inspector for the purpose of ascertaining whether any offence under that Order has been committed may be 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

5. 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

(a) S.I. 1981/231 (N.I. 10). *See also* S.I. 1982/846 (N.I. 11) Art. 4

provision and shall provide the Department with such information derived therefrom as the Department 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; and 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.

Official mark

7. 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 Department or of the Department of Economic Development 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,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,000.

Defences

9. Sections 51 (which relates to a contravention due to default of some other person) and 52 (which relates to the conditions under which a warranty may be pleaded as a defence) of the Food and Drugs Act (Northern Ireland) 1958(**a**) shall apply for the purposes of these regulations as if references therein to a prosecution under that Act included references to a prosecution 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.

(**a**) 1958 c. 27 (N.I.) amended by 1962 c. 7 (N.I.) sections 5, 6 and Sch.