Marketing of Eggs Act (Northern Ireland) 1957

1957 CHAPTER 27

An Act to amend and consolidate the Marketing of Eggs Acts (Northern Ireland), 1924 to 1937. [19th December 1957]

Ss. 1#7 rep. by SRO (NI) 1973/23

S. 8 rep. by 1958 c. 27 (NI)

PROVISION OF PACKING ACCOMMODATION AT MARKETS

9 [F1] **Provision of packing accommodation at markets.**

(1) The market authority of every market in which tolls are lawfully taken in respect of eggs shall provide and maintain such covered sheds or other accommodation as the Ministry considers suitable for the packing of eggs brought for sale at the market.

(2) If a market authority fails to comply with any requirement of the Ministry as to the provision of such accommodation, then, so long as such failure continues, it shall not be lawful for that authority to demand or recover tolls in respect of eggs brought for sale at the market.

(3) In this section the expression "market authority" means any person by whom the tolls in the market are authorised to be taken.

F1 Functions transf., SRO (NI) 1973/140

Changes to legislation: *There are currently no known outstanding effects for the Marketing of Eggs Act (Northern Ireland) 1957. (See end of Document for details)*

PRESERVATION OF EGGS AND PREPARATION OF LIQUID EGG

10 Registration of premises where eggs are preserved or rendered liquid.

(1) All premises used or intended to be used by way of trade or for purposes of gain for the preserving, cold-storage, chemical-storage or pickling of eggs, or the preparation of liquid egg, shall be registered by the owner or occupier thereof from time to time in such manner as may be prescribed, and no such owner or occupier shall carry on the preserving, cold-storage, chemical-storage or pickling of eggs or the preparation of liquid egg on premises not duly registered.

(2) The Ministry may make such rules as appear to the Ministry to be necessary for prescribing the requirements to be observed in the preparation of liquid egg in any premises registered for that purpose under sub-section (1) and any person who fails to comply with such requirements shall be guilty of an offence against this Act.

Ss. 11, 12 rep. by 1984 NI 2

13 Marking of egg packages and description of eggs.

(1) Every person dealing in preserved, cold-stored, chemically-stored or pickled eggs, whether by wholesale or retail, and whether as importer, consignor, consignee or commission agent or otherwise, shall mark in such manner as may be prescribed every package whether open or closed, containing any such eggs.

(2) A person shall not, contrary to the provisions of sub-section (1), deal in, sell, expose or offer for sale or have in his possession for the purposes of sale, any preserved, cold-stored, chemically-stored or pickled eggs.

(3) A warranty or invoice shall be available as a defence in a prosecution for an offence against this section in relation to the sale of any such eggs as aforesaid, in any case where a warranty or invoice would be so available if the prosecution had been taken under the Sale of Food and Drugs Acts in respect of the sale of an article of food, …[F2].

F2 SLR 1973

[F3]13A Cold storage of eggs.

For the purposes of sections ten,[F4]... thirteen and seventeen—

(a) eggs shall not be treated as being kept in cold storage in any premises unless the temperature at which they are kept there is artificially reduced to below**[**[F4] eight degrees celsius**]**[F4];

(b) premises shall not be treated as being used by way of trade or for purposes of gain for the cold storage of eggs by reason only that eggs intended to be sold in the course of a retail trade carried on there are kept there in cold storage in the ordinary course of that trade.]

F3 1965 c.3 (NI)
F4 1984 NI 2

Ss. 14,15 rep. by SRO (NI) 1973/23

PROVISIONS AS TO RECORDS, ADMINISTRATION, FINANCE AND OFFENCES

16 Records and returns.

(1) The following classes of persons shall keep such records as may be prescribed in relation to the matters hereafter in this sub-section respectively specified:—
Paras. (a)(b) rep. by SRO (NI) 1973/23

(c) owners or occupiers of premises registered under section ten, in relation to the delivery, dispatch and ownership of any such eggs as are referred to in that section;

(d) such persons as are referred to in section thirteen in relation to the delivery, dispatch and ownership of any such eggs as are so referred to.

(2) Persons required by sub-section (1) to keep records—

(a) shall furnish to the Ministry such returns in respect of such matters as may respectively be prescribed; and

(b) shall permit a duly authorised officer of the Ministry to inspect and take extracts from such records.

(3) No individual return or part of a return furnished under this section shall be published or disclosed except for the purpose of a prosecution under this Act or with the consent of the person who furnished it.

17 Powers of officers for carrying Act into execution.

(1) Any officer of the Ministry acting in the execution of this Act shall, without prejudice to any other provisions of this Act, have power—
Paras. (a)(b) rep. by SRO (NI) 1973/23

(c) to enter, at all reasonable times, any premises registered under section ten and to examine and take, for the purpose of examination, samples of eggs found on such premises;

(d) to examine eggs at any place at which they are offered for sale, or at which the officer has reason to believe that they are offered for sale, to take samples of those eggs and to remove eggs for examination from any such place;

Para. (e) rep. by SRO (NI) 1973/23

(f) to take stock and inspect any records kept at any premises entered by him under this section.

(2) If the Ministry has reason to believe that …[F5] the preserving, cold-storage, chemical-storage or pickling of eggs, or the preparation of liquid egg, by way of trade or for purposes of gain is carried on upon any premises not registered for that purpose under section ten, the Ministry may specially authorise any of its officers to enter the premises, and in such case the officer shall on production on demand of his special authority have the like powers of entry, inspection or taking samples as if the premises were registered …[F5] under section ten.

(3) An officer of the Ministry, if authorised by the Ministry in that behalf and on production on demand of his authority, may at any time during the hours when the premises are open for business enter any premises, if he has reasonable ground to believe that eggs are kept in cold-storage or chemical-storage or that liquid egg is prepared therein, or that the provisions of[F6]... section thirteen are being contravened,

Changes to legislation: *There are currently no known outstanding effects for the Marketing of Eggs Act (Northern Ireland) 1957. (See end of Document for details)*

and may search for and inspect and take for the purpose of examination samples of eggs in the premises, and may require any person whom he finds in or about the premises to give such information as may reasonably be demanded of him by the officer for the purpose of enabling him to carry out his duties under this Act, and a person shall not wilfully withhold any information which such officer is empowered to require of him.

Subs. (4) rep. by SRO (NI) 1973/23

F5 SRO (NI) 1973/23
F6 1984 NI 2

18 Powers of officers in connection with eggs in transit.

(1) An officer of the Ministry, duly authorised by the Ministry in that behalf either generally or in respect of a particular occasion, shall have power to examine eggs in transit including power—

(a) to enter at all reasonable times—

(i) the premises of any person engaged in the business of carrying goods for reward;

(ii) any pier, quay, wharf, jetty, dock, dock premises or aerodrome; and

(iii) any ship, boat, aircraft, railway wagon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods;

(b) to open, for the purpose of examination, cases of eggs marked in accordance with the provisions of this Act or with the rules for the time being prescribed, and cases which he has reason to believe ought to be so marked, which may be found by him in the course of the exercise of his powers under paragraph (*a*);

(c) to remove, for the purpose of examination, cases of eggs found by him in the course of the exercise of his powers under paragraph (*a*);

(d) to detain in his custody, for so long as may be reasonably necessary for the purpose of examination, cases of eggs removed as aforesaid;

(e) to remove, from a case of eggs forming part of any consignment, any eggs being in that case in contravention of the requirements of this Act or the rules made thereunder, or any eggs reasonably required as samples for examination.

(2) Where any case of eggs is examined by an officer under this section, the case shall be marked by the officer to that effect; and such mark shall be deemed to be a sufficient notification to the consignee that the case has been so examined, and the Ministry shall notify the consignor of the examination.

(3) Where an examination of a consignment of eggs is made under sub-section (1) and the Ministry is satisfied that the consignment or any part thereof does not conform to the requirements of this Act or the rules made thereunder, the Ministry may direct that such consignment or part shall be returned to the consignor, at his expense, at the place from which it was consigned, or, if the Ministry approves, at such place as the consignor may elect.

(4) Where any eggs are removed from a consignment under paragraph (*e*) of sub-section (1), the eggs shall, except such eggs as are reasonably required as samples, be delivered to the consignor at the place of examination or at such other place as the Ministry may elect, or, if the consignor fails to take delivery at such place, shall be sold and the proceeds, less any expenses incurred by the Ministry in connection with the removal