**1973. No. 23** **[C]**

# EUROPEAN COMMUNITIES

## Agriculture — Eggs

REGULATIONS, DATED THE 1ST DAY OF FEBRUARY 1973, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 2 OF THE EUROPEAN COMMUNITIES ACT 1972.

The Ministry of Agriculture, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 2 of the European Communities Act 1972(a) and the European Communities (Designation) Order 1972(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the European Communities, Eggs (Marketing Standards) Regulations (Northern Ireland) 1973, and shall come into operation on 1st February 1973.

*Interpretation*

**2.**—(1) In these regulations, unless the context otherwise requires—

"Community provision" means any provision of the regulations of the European Communities referred to in Schedule 1 to these regulations, or any provision of these regulations, and includes any provision of any regulations by which those regulations of the European Communities are replaced or amended;

"inspector" has the meaning assigned to it by section 41(1) of the Weights and Measures Act (Northern Ireland) 1967(c);

"the Ministry" means the Ministry of Agriculture for Northern Ireland;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business; and "manufacturing" means using eggs, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any other product, and corresponding expressions have corresponding meanings.

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

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

*Enforcement authorities*

**3.**—(1) Subject to the following provisions of this regulation, it shall be the duty of the Ministry of Commerce to secure the enforcement and execution of the Community provisions in so far as they relate to the sale by retail of eggs.

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(a) 1972. c. 68.
(b) S.I. 1972/1811 (1972. III, p. 5216).
(c) 1967. c. 6 (N.I.).
(d) 1954. c. 33.

(2) Nothing in this regulation shall be taken as authorising the Ministry of Commerce to institute or cause to be instituted proceedings for an offence against a Community provision committed before 1st February 1974, except with the consent of the Ministry.

(3) The foregoing provisions of this regulation are without prejudice to the duties of the Ministry of Commerce under the provisions of the Weights and Measures Act (Northern Ireland) 1967.

(4) It shall be the duty of the Ministry to secure the enforcement and execution of all other Community provisions.

*Powers of authorised officers*

**4.**—(1) For the purpose of enforcing any Community provision, an authorised officer of the Ministry, 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*) carry out on such land or premises such other inspections or tests as may be reasonably necessary;

(*d*) 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;

(*e*) 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;

(*f*) require any person engaged in any activity regulated by any Community provision to produce any books or documents which that person is required to keep by virtue of any Community provision.

(2) An 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 Act (Northern Ireland) 1967 to an inspector for the purpose of asertaining whether any offence under that Act has been committed may be exercised in like manner for the purpose of enforcing any Community provision which the Ministry of Commerce 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 Ministry, any person carrying on any activity regulated by a Community provision shall keep or cause to be kept such records as the Ministry may reasonably require for the purpose of enforcing or executing any such provision, and shall provide the Ministry with such information derived therefrom as the Ministry may from time to time require.

*Service of notices*

**6.** Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954 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 sent to him by post in a letter addressed to him at his last known place of abode or business.

*Weight-grading*

**7.**—(1) Notwithstanding the provisions of Article 10 (which relates to the grading for weight of eggs) of European Communities Regulation (EEC) No. 1619/1968 of the Council(e) but in accordance with the provisions of Article 78 of the Act annexed to the treaty relating to the accession of the United Kingdom to the European Economic Community signed at Brussels on the 22nd January 1972, eggs may be graded for weight either in the weight grades set out in Part I of Schedule 2 to these regulations or in the weight grades (hereinafter called "the alternative weight grades") set out in column 1 of Part II of that Schedule.

(2) When eggs are graded in the alternative weight grades, the marks used to indicate those weight grades in accordance with any Community provision shall be those set out in column 2 of Part II of Schedule 2 to these regulations.

*Marks and labels*

**8.** Any mark or label to which reference is made in any Community provision shall comply with the requirements relative to that mark or label, whether set out in that provision or in Schedule 3 to these regulations or in both, and no mark or label which does not so comply shall be used for any purpose for which a mark or label is required to be used under any Community provision.

*Offences and penalty*

**9.** Any person who

(*a*) wilfully obstructs an officer of the Ministry or of the Ministry of Commerce 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 other than regulation 3 above,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred pounds.

*Defences*

**10.** Sections 51 (which relates to a contravention due to some person other than the person charged) 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(f) shall apply for the purposes of these regulations as if references therein to proceedings taken or brought under that Act included references to proceedings taken or brought 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.

*Trade Descriptions Act 1968*

**11.** The descriptions and marks applied in pursuance of any Community provision shall be deemed not to be trade descriptions for the purposes of the Trade Descriptions Act 1968(g).

(e) O.J. No. L258 of 21.10.68 (p. 1).
(f) 1958. c. 27.
(g) 1968. c. 29.

*The Trade Descriptions (Origin Marking) (Eggs) Order*

**12.** The Trade Descriptions (Origin Marking) (Eggs) Order 1972(**h**) is hereby revoked.

*Amendments to the Marketing of Eggs Act (Northern Ireland) 1957*

**13.**—(1) Section 11(1) of the Marketing of Eggs Act (Northern Ireland) 1957(**i**) as amended by section 5 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965(**j**) shall have effect as if the words "or any regulation of the European Communities directly applicable in Northern Ireland is in force imposing requirements for securing that such eggs are marked with or accompanied by such an indication" were inserted after the words "indication of origin".

(2) The Marketing of Eggs Act (Northern Ireland) 1957 as amended by section 4 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1960(**k**) and by sections 5 and 6 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965 and section 1(6) of the Egg Packing Industry (Reorganisation) Act (Northern Ireland) 1970(**l**) shall have effect subject to the following provisions of this paragraph:—

(*a*) Sections 1, 2, 3, 4, 5, 6, 7, 14, 15, 16(1)(*a*) and (*b*), 17(1)(*a*), (*b*) and (*e*), 17(4), 23 are repealed;

(*b*) in section 17(2) the words "wholesale transactions in eggs are carried on upon any premises not registered under section three, or that" and the words "under section three or as the case may be" shall cease to have effect;

(*c*) in section 20(2)(*a*) the words "in connection with an application for a licence under this Act, or in connection with the payment of any fee or other sum in respect of such licence, or" shall cease to have effect;

(*d*) in section 20(2)(*b*) the words "licence or other" shall cease to have effect;

(*e*) in section 21 the words "the conditions under which eggs may be stored, prepared or exposed for sale by retail and" and the word "other" shall cease to have effect;

(*f*) in section 24 the definitions of "Customs Acts", "exempted eggs", "exported", "licence", "retailer's licence", "wholesale dealer", "wholesaler's licence" shall cease to have effect, and

(*g*) the first schedule is repealed.

*Amendments to the Marketing of Eggs Rules (Northern Ireland) 1966*

**14.** The Marketing of Eggs Rules (Northern Ireland) 1966(**m**) as amended by the Marketing of Eggs (Amendment) Rules (Northern Ireland) 1968(**n**), and the Marketing of Eggs (Amendment No. 2) Rules (Northern Ireland) 1969(**o**), the Marketing of Eggs (Amendment No. 3) Rules (Northern Ireland) 1970(**p**) and the Marketing of Eggs (Amendment No. 4) Rules (Northern Ireland) 1971(**q**) are hereby amended as follows:—

(*a*) In rule 2—

(i) the definitions of "Carrying Company", "licence-holder", "Producer", "test", "flock" and " 'U' value" shall be deleted;

(ii) in the definition of "The Act" there shall be substituted for words from "by Section 4" to "and 6" the words "by section 5";

(*b*) rules 5 to 38 and rules 42 to 55 are revoked;

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(**h**) S.I. 1972/1041 (1972. II, p. 3139).
(**i**) 1957. c. 27.
(**j**) 1965. c. 3 (N.I.).
(**k**) 1960. c. 19.
(**l**) 1970. c. 3 (N.I.).
(**m**) S.R. & O. (N.I.) 1966, No. 150.
(**n**) S.R. & O. (N.I.) 1968, No. 280.
(**o**) S.R. & O. (N.I.) 1969, No. 259.
(**p**) S.R. & O. (N.I.) 1970, No. 7.
(**q**) S.R. & O. (N.I.) 1971, No. 96.

(*c*) in paragraph (1) of rule 39, by substituting for the words from "on the shell" to the end of the paragraph the words "in accordance with the provisions of Article 12 of the European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time";

(*d*) in paragraph (3) of rule 39, by substituting for the words from "on the shell" to "three-quarters of an inch in diameter" the words "in accordance with the provisions of Article 12 of European Communities Regulation (EEC) No. 1619/68 of the Council as amended or replaced from time to time";

(*e*) in paragraph (4) of rule 39, by substituting for the words from "indelibly" to the end of the paragraph the words "in accordance with such of the provisions of Article 6 and Article 7 of European Communities Regulation (EEC) No. 95/69 of the Commission as amended or replaced from time to time as may be appropriate to the eggs contained therein";

(*f*) in Schedule 2 forms No. 1, No. 2, No. 3 and No. 5 are revoked;

(*g*) Schedule 3 is revoked.

*Miscellaneous amendments*

**15.** (*a*) Section 4 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1960 is hereby repealed;

(*b*) Section 6 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965 is hereby repealed;

(*c*) in the Marketing of Eggs (Amendment) Act (Northern Ireland) 1969(r)—

(*a*) sections 1, 2, 3, 4, 6(*a*), 7, 9(2), 9(4); and

(*b*) the definitions of "licensed wholesale dealer", "notice", "prescribed" and "producer" in section 9

shall cease to have effect.

*Repeal*

**16.** The Egg Packing Industry (Reorganisation) Act (Northern Ireland) 1970 is hereby repealed.

*Revocations*

**17.** The following Statutory Rules and Orders are hereby revoked:—

(*a*) the Marketing of Eggs (Amendment) Rules (Northern Ireland) 1968;

(*b*) the Marketing of Eggs (Amendment No. 2) Rules (Northern Ireland) 1969;

(*c*) the Marketing of Eggs (Amendment No. 3) Rules (Northern Ireland) 1970;

(*d*) the Egg Quality Certificate Scheme Order (Northern Ireland) 1970(s);

(*e*) the Egg Packing Industry Reorganisation Scheme (Northern Ireland) 1970(t);

(*f*) the Marketing of Eggs (Amendment No. 4) Rules (Northern Ireland) 1971.

Sealed with the Official Seal of the Ministry of Agriculture this 1st day of February 1973 in the presence of

(L.S.)

*W. H. Jack,*
Assistant Secretary.

(r) 1969. c. 33 (N.I.).
(s) S.R. & O. (N.I.) 1970, No. 62.
(t) S.R. & O. (N.I.) 1970, No. 85.