1970. No. 62 [C]

MARKETING OF EGGS

ORDER*, DATED THE 9TH DAY OF MARCH 1970, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 5 OF THE MARKETING OF EGGS (AMENDMENT) ACT (NORTHERN IRELAND) 1969.

The Ministry of Agriculture in exercise of the powers conferred on it by Section 5 of the Marketing of Eggs (Amendment) Act (Northern Ireland) 1969(a) and of every other power enabling it in that behalf after such consultation as is required by Section 6 of that Act and with the approval of the Ministry of Finance hereby makes the following Order:

Citation

1. This Order may be cited as the Egg Quality Certificate Scheme Order (Northern Ireland) 1970.

2. There shall be a scheme to be known as the Egg Quality Certificate Scheme (hereinafter referred to as "the Scheme") which shall operate in accordance with the following provisions of this Order.

Definitions

3. In this Order:—

the expression "first quality" as applied to eggs has the meaning assigned to it in Rule 20(2)(*a*) of the Marketing of Eggs Rules (Northern Ireland) 1966(**b**);

"Haugh Unit" means a measure of egg albumen quality which is determined by the formula $100 \log (H - 1{\cdot}7W + 7{\cdot}57)^{0{\cdot}37}$, where W is the weight of the egg in ounces and H is the height of the albumen in millimetres when the egg is broken out.

Eligibility

4. A producer shall not be entitled to participate in the Scheme unless he has in the 6-week period prior to the date of his application to participate therein sold to a licensed wholesale dealer an average of 75 dozen or more eggs per week.

Application for Admission

5.—(1) A producer who wishes to participate in the Scheme shall complete Part I of the application set out in the First Schedule and procure the completion of Part II thereof by a licensed wholesale dealer of his choice.

(2) On completion of Parts I and II of the said form as aforesaid the said producer shall forward it to the Ministry and the Ministry may if it sees fit accept the application and permit the said producer to participate in the Scheme.

(a) 1969. c. 33 (N.I.). (b) S.R. & O. (N.I.) 1966, No. 150.

*This Order was affirmed by a Resolution of the Senate on 24th March 1970 and by Resolution of the House of Commons on 19th March 1970.

(3) Where a producer has more than one production unit the Ministry may at its discretion accept a separate application in respect of each unit provided that it is satisfied that the eggs from each unit are clearly identified.

Registration of Licensed Wholesale Dealers

6. Where an application under Article 5 is accepted by the Ministry the name of the licensed wholesale dealer who has completed that application shall be entered by the Ministry in a register which shall be maintained for purposes of the Scheme.

Conditions to be observed by Licensed Wholesale Dealers

7. Any licensed wholesale dealer who has been registered by the Ministry in accordance with Article 6 shall—

(*a*) provide at his own expense the staff, equipment and facilities required to carry out the testing of eggs for purposes of this Scheme;

(*b*) employ only sampling and testing techniques, testing equipment and facilities that have been approved by the Ministry;

(*c*) satisfy the Ministry that he has provided at each of his premises where testing is carried out such number of persons with adequate knowledge and experience of the testing of eggs as is in the opinion of the Ministry sufficient for the proper testing of eggs;

(*d*) carry out the tests prescribed in the Second Schedule on eggs supplied to him by any producer participating in the Scheme;

(*e*) as soon as possible notify the Ministry in the form set out in the Third Schedule of the results of tests carried out.

Issue of Certificate of Egg Quality

8.—(1) The Ministry shall issue a Certificate in the form set out in the Fourth Schedule to be known as a Certificate of Egg Quality to any producer participating in the Scheme if—

(*a*) following inspection of the producer's premises by one of its officers the Ministry is satisfied that the requirements of the Fifth Schedule are met;

(*b*) the eggs supplied by the said producer have passed the shell thickness and albumen quality tests prescribed in Part I of the Second Schedule; and

(*c*) a report in the form set out in the Sixth Schedule has been received by the Ministry from the licensed wholesale dealer.

(2) The Ministry shall notify the licensed wholesale dealer to whom a producer has undertaken to supply eggs of the issue of a Certificate of Egg Quality to that producer.

Testing by the Ministry

9. The Ministry may at its discretion on the premises of any licensed wholesale dealer who has been registered by it carry out on eggs supplied to that dealer by any producer participating in the Scheme any of the tests referred to in the Second Schedule. Such tests may be in lieu of or in addition to tests carried out by the licensed wholesale dealer.

Suspension or Withdrawal of Certificate

10.—(1) A Certificate of Egg Quality shall automatically be suspended from the beginning of any calendar month (or such other period as is referred to

in Part II of the Second Schedule) in which the producer's eggs fail to pass the quality tests prescribed in the said Part II or in which the average number of eggs of other than first quality in the consignments received from the producer by the licensed wholesale dealer exceeds 10%. A Certificate of Egg Quality that has been suspended shall automatically be reinstated from the beginning of the next calendar month (or such other period as aforesaid) in which the producer's eggs pass the said tests and in which the average number of eggs of other than first quality in the consignments received from the producer by the licensed wholesale dealer does not exceed 10%.

(2) The Ministry may at its discretion withdraw a Certificate of Egg Quality where the producer has failed to comply with any of the requirements of the Fifth Schedule. Such certificate shall not be re-issued until the Ministry is satisfied that the requirements of the Fifth Schedule are again being complied with. Where a Certificate of Egg Quality has been withdrawn the Ministry may, notwithstanding the producer's compliance with the requirements of the Fifth Schedule, refuse to re-issue such Certificate until a period not exceeding 6 months has elapsed from the date of withdrawal. An application for the re-issue of a Certificate of Egg Quality shall be dealt with in accordance with Article 5.

Cancellation of Registration

11. Where any licensed wholesale dealer who has been registered by the Ministry under this Scheme fails to comply with the requirements of the Scheme the Ministry may cancel the registration of the said licensed wholesale dealer and any producer who has entered into an arrangement to supply eggs to that dealer for purposes of this Scheme and who wishes to continue as a participant in the Scheme by supplying eggs to another licensed wholesale dealer who is either registered or who is prepared to become registered by the Ministry for purposes of the Scheme may apply to be permitted to do so. Such application shall be in the form prescribed in the First Schedule save that where the application is received by the Ministry within one month of the date of cancellation of the registration of the first mentioned licensed wholesale dealer the Ministry may waive the requirements in paragraphs 3 and 4 of Part II of the First Schedule. On receipt of such application completed to its satisfaction the Ministry shall notify the producer and the second mentioned licensed wholesale dealer of the continuance of the producer's Certificate of Egg Quality.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 9th day of March 1970.

(L.S.) *H. S. Oliver,*
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Scheme

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 9th day of March 1970.

(L.S.) *C. F. Darling,*
Assistant Secretary.

FIRST SCHEDULE

(Article 5)

MINISTRY OF AGRICULTURE

MARKETING OF EGGS ACTS (NORTHERN IRELAND) 1957 AND 1969
EGG QUALITY CERTIFICATE SCHEME (NORTHERN IRELAND) 1970

Application Form

PART I

(To be completed by the Producer)

1. I/We .....
of .....
.....

hereby undertake to supply eggs to

Enter name and address of licensed wholesale dealer

.....
of .....
.....

and to no other licensed wholesale dealer.

2. I/We agree to the Ministry and the licensed wholesale dealer taking without payment such eggs as may be required for testing under the above Scheme.

3. I/We undertake to comply with the requirements of the Scheme and I/We hereby apply for admission thereto.

Signature .....

Date .....

(When Part I has been completed the form should be passed to the licensed wholesale dealer named at paragraph 1 above).

PART II

(To be completed by the licensed wholesale dealer)

1. I/We .....
of .....
.....

hereby undertake for purposes of the Scheme to purchase eggs from

Enter name and address of producer

.....
of .....
.....

2. I/We hereby undertake to carry out such testing as is required for purposes of the Scheme on eggs purchased from the above-named producer(s).

3. I/We hereby certify that in the 6 week period prior to the date of this application the above-named producer(s) supplied to me/us an average of 75 dozen or more eggs per week.

4. I/We hereby certify that in each of the 3 consecutive consignments of eggs received from the above-named producer(s) immediately prior to the date of this application form the number of eggs of other than first quality did not exceed 10%.

5. I/We undertake to comply with the requirements of the Scheme and I/we request that my/our name(s) be registered by the Ministry for purposes of the Scheme.

Signature .....

Date .....

(When Part II of the form has been completed by the licensed wholesale dealer it should be returned to the producer for transmission to the Ministry).