1966. No. 150 [C]

MARKETING OF EGGS

RULES, DATED THE 30TH DAY OF JUNE, 1966, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 21 OF THE MARKETING OF EGGS ACT (NORTHERN IRELAND) 1957.

The Ministry of Agriculture in exercise of the powers conferred on it by Section 21 of the Marketing of Eggs Act (Northern Ireland) 1957(a) and of every other power enabling it in that behalf hereby makes the following Rules:—

PART I

GENERAL

Short Title and Commencement

1. These Rules may be cited as the Marketing of Eggs Rules (Northern Ireland) 1966 and shall come into operation on the 4th day of July, 1966.

Definitions

2. In these Rules, unless the context otherwise requires:—

"B.E.M.B. No." means in relation to a producer, that producer's registered number with the Board;

"Carrying Company" means any company, person or body of persons carrying eggs for hire or reward;

"Licence-holder" means the holder of a wholesale dealer's licence under Section 2 of the Act, or the holder of a retailer's licence under Section 5 of the Act;

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

"Producer" in relation to any eggs means the owner of the hens or ducks by which the eggs were produced;

"Registered Number" means in relation to a Class A licence-holder that licence-holder's registered number with the Board;

"Test" in relation to any eggs means test singly by artificial light by means of the apparatus known as "Daylight Tester" or by means of some other apparatus approved by the Ministry;

"The Act" means the Marketing of Eggs Act (Northern Ireland) 1957, as amended by Section 4 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1960(b) and by Sections 5 and 6 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1965(c);

"The Board" means the British Egg Marketing Board.

Revocation of Existing Rules

3. The Statutory Rules and Orders set out in Schedule 1 are hereby revoked.

Forms

4. The forms set out in Schedule 2 shall be used in the cases to which they are respectively expressed to be applicable, and shall for the purposes of the Act and of these Rules be deemed to be the prescribed forms.

(a) 1957. c. 27. (b) 1960. c. 19. (c) 1965. c. 3 (N.I.).

Application for Licences

5.—(1) Every applicant for a Class A licence or a Class B licence or a Class C licence or a Retailer's licence under Section 1 of the Act shall make application to the Ministry in the prescribed form.

(2) The fee for a Class A licence, payable upon the granting or renewal of the licence, shall be £10 in respect of each store registered by the applicant with the Ministry for the testing, grading and packing of eggs.

(3) The fee for a Class B licence, payable upon the granting or renewal of the licence, shall be £10.

(4) The fee for a Class C licence, payable upon the granting or renewal of the licence, shall be £10.

Exceptions under Section 7(2) of the Act

6. For the purpose of Section 7(2) of the Act the following classes of eggs shall not be deemed to be stale:—

(1) Cold-stored eggs.

(2) Chemically-stored eggs.

(3) Eggs with an air space greater than $\frac{1}{4}$" which conform to the standard of quality prescribed in Rule 20 for hen eggs of second quality.

Responsibility of Licence-holders

7. Anything in these Rules required to be done by a licence-holder may be done by the licence-holder, or, on his behalf and responsibility, by a person authorised by him in that behalf.

Exempted Days

8. For the purpose of calculating the periods prescribed in Rules 20, 27, 32 and 35, there shall not be taken into account Sundays, Easter Monday, the 12th July, Christmas Day, any other public general holiday or, where a five-day working week is being observed, Saturdays.

PART II

REGISTRATION OF PREMISES USED BY THE LICENSED WHOLESALE DEALERS

Application for Registration of Premises

9. An application for the registration under Section 3 of the Act of any premises used by a licensed wholesale dealer shall be made to the Ministry in the prescribed form.

Conditions

10. Premises shall be registered if they comply with the conditions of this Part, and the registration thereof may be cancelled if at any time the premises cease so to comply.

Premises

11.—(1) All premises owned or occupied by a licensed wholesale dealer for any purposes of his trade shall—

(*a*) afford such space and be furnished with such equipment as will enable the trade to be conducted efficiently and expeditiously;

(*b*) be sound, dry, well ventilated and of substantial construction, insulated against climatic extremes;

(*c*) be kept in a clean and sanitary condition, and be free from any odour likely to contaminate eggs or packing material.

(2) In addition, all premises owned or occupied by a licensed wholesale dealer of Class A shall—

(*a*) have suitable covered access for vehicles for the intake and despatch of eggs;

(*b*) have a grading floor on one level of such dimensions as will satisfy the Ministry that the operations connected with the intake, testing, grading, packing and disposal of eggs can be conducted with reasonable facility and despatch;

(*c*) be provided with a reliable supply of electricity and water and adequate drainage facilities;

(*d*) be provided with suitable separate equipment for the use of the Ministry's officers in carrying out quality tests.

(3) Any premises registered under Section 3 of the Act and used by a licensed wholesale dealer of Class A or of Class B for the purposes of his licence shall not be used for any other purpose, except with the permission of the Ministry.

(4) The owner or occupier of any premises registered under Section 3 of the Act shall give notice to the Ministry of any proposed structural alterations which would affect the registered premises.

Register of Premises

12.—(1) The Ministry shall prepare and keep a register of all premises registered under Section 3 of the Act and the register shall show in respect of any premises registered therein:—

(*a*) the name and address of the licensed wholesale dealer by whom the premises are used;

(*b*) the class of licence which has been granted to him under Section 2 of the Act;

(*c*) the address of the premises and such description of the premises as may be necessary for the purpose of identification; and

(*d*) the class of business in eggs for which the premises may be used.

(2) A licensed wholesale dealer shall forthwith notify the Ministry if any registered premises occupied by him have ceased to be used by him for the purpose of his trade as a licensed wholesale dealer, and the Ministry shall remove the entry relating to such premises from the register.

Certificates of Registration

13.—(1) The Ministry shall issue to the owner or occupier of any premises registered as aforesaid a certificate of registration, and such certificate shall include all the particulars required to be entered in the register kept by the Ministry in accordance with Rule 12.

(2) The licensed wholesale dealer using any registered premises shall cause the certificate of registration relating thereto to be displayed in those premises in a prominent manner.

PART III

CONDITIONS APPLICABLE TO LICENSED WHOLESALE DEALERS OF CLASS A AND CLASS B

Collection

14. Where a licence-holder provides an itinerant collection service, such service shall be made available to producers at regular intervals of not more than seven days. Where a licence-holder provides facilities for the receipt of eggs from producers who deliver their eggs to the licence-holder's registered premises, the facilities shall be such as to enable the producers to deliver their eggs at regular intervals of not more than seven days.

Collection Cases and Labels

15.—(1) A licence-holder who receives eggs from any producer shall, unless the eggs are tested on delivery by the producer at the premises of a licensed wholesale dealer of Class A, pack them or cause them to be packed, forthwith in a collection case constructed of such materials and complying with such specifications as the Ministry may approve in writing.

(2) A licence-holder shall use, or cause to be used, for the packing of eggs in a collection case packing material of such type and manufactured according to such specifications as the Ministry may approve in writing.

(3) A licence-holder shall not pack, or permit to be packed, hen eggs and duck eggs in the same collection case.

(4) A licence-holder shall pack all eggs broad-end uppermost.

(5) A licence-holder shall not use for the packing of eggs any collection cases, or packing material which have not been provided by him and are not his own property.

(6) Notwithstanding anything contained in this Rule the Ministry may approve in writing the use of any other container for the collection of eggs and may grant such approval subject to such conditions as it may consider necessary. For the purposes of Rules 15, 16, 17 and 25, any references to a collector's case shall be deemed to include a reference to any container approved under this paragraph.

Identification

16. A licence-holder shall identify all eggs received by him from producers in accordance with either Method 1 or Method 2 described in this Rule, but shall not employ a combination of both.

Method 1

(1) (*a*) He shall, before packing any eggs in a collection case, insert in the label-holder a label in the prescribed form containing the following particulars:—

(i) the name of the licence-holder (in block letters);

(ii) the packing number of the collection case as defined in (*b*);

(iii) the date of receipt from the producer (including day of the week); and

(iv) the initials of or other reference which shall identify the person by whom the eggs were received from the producer.

(*b*) He shall number consecutively in the order in which they are filled the collection cases used by him on any day for the packing of eggs,

and the number so applied to any case shall be the packing number of that case.

(*c*) He shall not pack in any collection case any eggs received by him on any date other than that set forth as the date of receipt on the label attached to the case.

(2) (*a*) He shall immediately on receipt of the eggs by him from a producer enter legibly and indelibly, on the first copy of an identification receipt the following particulars, and shall simultaneously, using carbon paper, so complete three further copies:—

(i) the name and licence number of the licence-holder;
(ii) the date of receipt;
(iii) the name and address of the producer; and
(iv) the number of the hen eggs received from the producer; or
(v) the number of duck eggs received from the producer.

(*b*) He shall identify hen eggs and duck eggs separately.

(*c*) He shall place three copies of the receipt referred to at (*a*) which shall be in the form prescribed in Schedule 2, Form No. 4, Part I, with the lot of eggs to which it refers in such a manner as will enable the said lot to be identified, and such copies shall not be removed until the eggs are being unpacked for the purpose of being tested in accordance with the provisions of these Rules.

(*d*) He shall himself retain for a period of two years the fourth copy of each identification receipt which shall be in the form prescribed in Schedule 2, Form No. 4, Part II(*a*), and such retained copy shall not at any time be detached from the book of which it forms part.

(*e*) He shall give to the producer a receipt in the form prescribed in Schedule 2, Form No. 4, Part II(*b*), containing the following particulars:—

(i) the quantity of hen eggs or the quantity of duck eggs received;
(ii) date of collection;
(iii) signature of collector.

Method 2

He shall place in each case three copies of a separate identification receipt in respect of each lot of eggs in that case and the identification receipts and copies shall be prepared, inserted with the eggs and distributed and retained in accordance with paragraph (2) of Method 1.

Collection and Packing of Eggs

17. A licence-holder shall ensure that:—

(1) All eggs received by him are packed, carried and stored under complete shelter from adverse weather conditions;

(2) no vehicle is used for the purpose of the collection of eggs, unless it is so constructed and furnished with such hood or other cover as will satisfy the Ministry that the eggs can be packed and carried in accordance with the provisions of this Rule;

(3) there is not carried on any vehicle used by him for the purpose of the collection of eggs, any commodity in such close proximity to the eggs as is likely to contaminate them;