Rules.

RULES DATED THE 10TH DAY OF FEBRUARY, 1938, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION SEVEN OF THE MARKETING OF EGGS ACT (NORTHERN IRELAND), 1924.

1938. No. 10.

The Ministry of Agriculture for Northern Ireland in exercise of the powers conferred on it by Section Seven of the Marketing of Eggs Act (Northern Ireland), 1924, and of every other power enabling it in that behalf, hereby makes the following Rules, that is to say :—

PART I.

GENERAL.

Short Title.

1.—These Rules may be cited as the Marketing of Eggs Rules (Northern Ireland), 1938.

Interpretation.

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

" Act of 1928 " means the Marketing of Eggs Act (Northern Ireland), 1928;

" Acts " means the Marketing of Eggs Acts (Northern Ireland), 1924 to 1937;

" British eggs " means eggs produced in the United Kingdom of Great Britain and Northern Ireland;

" 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 one of the principal Act or the holder of a retailer's licence under section six of the Marketing of Eggs Act (Northern Ireland), 1936;

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

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

" Test " in relation to any eggs means test singly by artificial light by means of the apparatus known as a

"Daylight Tester" or by means of some other apparatus approved by the Ministry.

(2) The Interpretation Act, 1899, (a) as applied to Northern Ireland by the Interpretation Act, 1921, (b) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

Repeal of Existing Rules.

3.—The Marketing of Eggs Rules (Northern Ireland), 1931, (c) the Marketing of Eggs (Amendment) Rules (Northern Ireland), 1932, (d) the Marketing of Eggs Rules (Northern Ireland), 1933, (e) the Marketing of Eggs (Amendment) Rules (Northern Ireland), 1934, (f) the Marketing of Eggs (Amendment) Rules (Northern Ireland), 1935, (g) the Marketing of Eggs (Amendment) Rules (Northern Ireland), 1937, (h) and the Marketing of Eggs (Amendment) (No. 2) Rules (Northern Ireland), 1937, (i) are hereby revoked, but such revocation shall not—

(1) affect the previous operation of those Rules or anything duly done or suffered thereunder; or

(2) affect any obligation or liability incurred thereunder; or

(3) affect any penalty incurred in respect of any offence committed against those Rules; or

(4) affect any investigation, legal proceeding or remedy in respect of any such obligation, liability or penalty as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed, as if these Rules had not been made.

Forms.

4.—The forms set forth in the First Schedule hereto, or forms to the like effect, shall be used in the cases to which they are respectively expressed to be applicable, and shall for the purposes of the Acts and of these Rules be deemed to be the prescribed forms.

(a) 52-3 V., c. 63.
(b) 12 Geo. 5, c. 4 (N.I.).
(c) S.R. & O. (N.I.) 1931, No. 91.
(d) S.R. & O. (N.I.) 1932, No. 18.
(e) S.R. & O. (N.I.) 1933, No. 17.
(f) S.R. & O. (N.I.) 1934, No. 24.
(g) S.R. & O. (N.I.) 1935, No. 117.
(h) S.R. & O. (N.I.) 1937, No. 48.
(i) S.R. & O. (N.I.) 1937, No. 77.

PART II.

Wholesale Dealers' Licences.

Applications.

5.—Every applicant for a Class A licence or a Class B licence under section one of the principal Act shall make application to the Ministry in the prescribed form, and such application shall be accompanied, in the case of an application for a Class A licence, by a fee of £3, or, in the case of an application for a Class B licence, by a fee of £1.

Suspensions and Revocations.

6.—Before suspending or revoking a wholesale dealer's licence, the Ministry shall send to the holder a notice in writing stating the grounds upon which it is proposed to suspend or revoke the licence, and shall afford him a reasonable opportunity of making such representations to the Ministry in regard thereto as he may think fit.

Registration of Premises used for Wholesale Dealings.

Applications for registration of premises.

7.—An application for the registration under section three of the Act of 1931 of any premises used by a licensed wholesale dealer shall be made to the Ministry in the prescribed form.

Conditions applicable to registered premises.

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

(*a*) afford such space and be furnished with such equipment as will enable the trade, for the purpose of which the premises are used by the licensed wholesale dealer, to be conducted efficiently and expeditiously;

(*b*) be weatherproof and be provided with dry floors and suitable arrangements for the regulation of light, ventilation and temperature;

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

(2) Any premises registered under section three of the Act of 1931 and used by a licensed wholesale dealer of Class A for the testing, grading or packing of eggs shall not be used for any other purpose, except with the permission of the Ministry.

(3) The owner or occupier of any premises registered under section three of the Act of 1931 shall give notice to the Ministry of any proposed structural alterations which would affect the registered premises.

Register of Premises.

9.—(1) The Ministry shall prepare and keep a register of all premises registered under section three of the Act of 1931, 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 one of the principal Act as amended by section one of the Act of 1931;

(*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.

10.—(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 the last preceding Rule.

(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 and Holders of Retailers' Licences.

Collection Cases and Labels.

11.—(1) A licence-holder who purchases eggs from any producer shall, unless the eggs are tested on delivery, pack them forthwith

in a collection case complying with the specification for No. 1 or No. 2 Collection Case as prescribed in the Second Schedule to these Rules :

Provided that this Rule shall not apply to any eggs delivered by a producer at premises used by the holder of a retailer's licence for the purpose of his business as a retailer of eggs, if the eggs are purchased by the licence-holder for re-sale by retail at such premises.

(2) A licence-holder shall not pack duck eggs in a No. 1 Collection Case, nor shall he pack hen eggs and duck eggs in the same collection case.

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

(4) A licence-holder 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 paragraph (5) of this Rule ;
(iii) the date of delivery by the producer (including day of the week) ; and
(iv) the name of the person to whom the eggs were delivered by the producer.

(5) A licence-holder, or any person who accepts delivery of eggs on his behalf, 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.

(6) A licence-holder shall not pack in any collection case any eggs delivered to him on any date other than that set forth as the date of delivery on the label attached to the case.

Identification Tickets.

12.—(1) A licence-holder who purchases eggs from any producer for the purpose of re-sale shall, on delivery of the eggs to him by the producer, place with each lot of eggs an identification ticket in the prescribed form containing the following particulars :—

(*a*) the name and licence number of the licence-holder ;
(*b*) the name of the person to whom the eggs were delivered by the producer ;
(*c*) the date of delivery ;
(*d*) the name and address of the producer ; and
(*e*) the weight and number of the hen eggs delivered by the producer ; or
(*f*) the number of duck eggs delivered by the producer.