STATUTORY INSTRUMENTS

1971 No. 474

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Eggs (Guaranteed Prices) Order 1971

Made - - -	18*th March* 1971
Laid before Parliament	26*th March* 1971
Coming into Operation	28*th March* 1971

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 1 and 35(3) of the Agriculture Act 1957(**a**), as read with the Transfer of Functions (Wales) Order 1969(**b**), and of all other powers enabling them in that behalf, with the consent of the Treasury and after consultation with such bodies of persons as appear to the said Ministers to represent the interests of producers of eggs, hereby make the following order :—

Citation and commencement

1. This order may be cited as the Eggs (Guaranteed Prices) Order 1971, and shall come into operation on 28th March 1971.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"the appropriate Minister" means—

(*a*) in relation to England, the Minister of Agriculture, Fisheries and Food ;

(*b*) in relation to Scotland and Northern Ireland, respectively, the Secretary of State concerned with agriculture therein ; and

(*c*) in relation to Wales—

(i) for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food ;

(ii) for all other purposes, that Minister and the Secretary of State for Wales, acting jointly ;

"certified" in relation to duck eggs means certified to be of first quality or dirty but otherwise of first quality by a person appointed by the Minister for the purpose ;

(**a**) 1957 c. 57. (**b**) S.I. 1969/388 (1969 I, p. 1070).

"determined" means determined from time to time by the Minister, subject to such terms and conditions as he may specify, with the approval of the Treasury and in the light of the conclusions of the Ministers from a review held under section 2 of the Agriculture Act 1947(a);

"duck eggs" means eggs in shell laid by domestic ducks in the United Kingdom;

"first quality", in relation to duck eggs, means fresh and free from taint, the shells being clean and unstained, sound and of good texture and shape, the contents being free from visible blemish and discolouration, the yolk being central and translucent and the white being translucent with the air space not exceeding one-quarter of an inch in depth;

"guaranteed price", "estimated producer price" and "standard quantity" mean respectively the prices and quantity determined pursuant to article 4 hereof;

"hen eggs" means eggs in shell laid by domestic fowls in the United Kingdom;

"the Minister" in relation to any part of the United Kingdom, means either the appropriate Minister in relation to that part, or that Minister and any or all of the other Ministers acting jointly;

"the Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly;

"packed" means packed by a registered packer in a container bearing the approved mark relating to the eggs contained therein as required by article 3 of the Eggs (Protection of Guarantees) Order 1971(b);

"producer" means a producer of hen eggs or of duck eggs or a producer of both hen eggs and duck eggs;

"registered packer" means a person whose name is for the time being entered by the Minister in a register kept by him for the purpose;

"registered packing station" means any egg packing station which is for the time being entered by the Minister in a register kept by him for the purpose;

"year" means a period of 52 or 53 weeks commencing with the Sunday nearest to 31st March in any calendar year.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the orders hereby revoked were Acts of Parliament.

(3) Any reference in this order to any provision of any other order shall be construed as a reference to that provision as amended or replaced by any subsequent order.

Guarantee Standards

3. This order shall apply to such hen eggs and duck eggs respectively as conform to the standards and conditions specified by the Ministers from time to time in the light of their conclusions from a review held under section 2 of the Agriculture Act 1947.

Guarantee prices and payments

4.—(1) In respect of each year there shall be determined for hen eggs and duck eggs respectively—

(a) 1947 c. 48. (b) S.I. 1971/475 (1971 I, p. 1416). (c) 1889 c. 63.

(*a*) a guaranteed price;

(*b*) an estimated producer price, being an estimate by the Minister of the average price to be received by producers on the sale of hen eggs or duck eggs, as the case may be;

being in each case a price per dozen.

(2) In respect of each year a standard quantity shall be determined for hen eggs.

5. The Minister may, subject to such terms and conditions and in accordance with such arrangements as he may from time to time with the approval of the Treasury prescribe, make payment in respect of any year of an amount equal to the difference between the relevant guaranteed price and the relevant estimated producer price in respect of:—

(*a*) each dozen hen eggs which in that year are sold by the producers thereof to registered packers and packed by those packers at their respective registered packing stations;

(*b*) each dozen hen eggs which in that year are produced by registered packers and packed by them at their respective registered packing stations; and

(*c*) each dozen duck eggs which in that year the producers thereof have had certified:

Provided that as respects any year in which the number of hen eggs packed at registered packing stations exceeds the standard quantity for that year the reference above to the difference between the relevant guaranteed price and the relevant estimated producer price shall insofar as this article relates to hen eggs be taken to be a reference to that difference divided by the proportion which the number of hen eggs so packed in that year bears to the standard quantity.

6. Any payments under this order shall be made to the producers of hen eggs or duck eggs, as appropriate, except that if the Minister is satisfied in any particular case that the interest of a producer in any such payment has passed to some other person, the payment may be made to that other person.

Revocation

7. The Eggs (Guaranteed Prices) Order 1969(**a**) and the Eggs (Guaranteed Prices) (Amendment) Order 1970(**b**) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th March 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

(**a**) S.I. 1969/401 (1969 I, p. 1132). (**b**) S.I. 1970/446 (1970 I, p. 1516).

Given under the Seal of the Secretary of State for Scotland on 15th March 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 18th March 1971.

R. Maudling,
Secretary of State for the Home Department.

Given under my hand on 18th March 1971.

Peter Thomas,
Secretary of State for Wales.

We consent.
18th March 1971.

H. S. P. Monro,
Bernard Weatherill,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order, which comes into effect on 28th March 1971, supersedes the Eggs (Guaranteed Prices) Order 1969, as amended, and provides for new arrangements for guaranteed prices for hen eggs and duck eggs consequent upon—

(*a*) the revocation by section 24 of the Agriculture Act 1970 (c. 40) of the British Egg Marketing Scheme 1956, which established the British Egg Marketing Board ; and

(*b*) the determinations of the Ministers after a review held under section 2 of the Agriculture Act 1947.

The order provides—

(*a*) for guarantee payments to be made to producers of eggs in respect of their hen eggs which are packed by registered packers and in respect of duck eggs which are certified to be of a specified quality ;

(*b*) in the case of both hen eggs and duck eggs, for the determination each year of a guaranteed price and an estimated producer price, which prices are used for calculating the guarantee payments ; and

(*c*) in the case of hen eggs, for the determination each year of a standard quantity which can affect the calculation of guarantee payments in specified circumstances.