STATUTORY INSTRUMENTS

1965 No. 1021 (S. 36)

AGRICULTURE

AGRICULTURAL PRODUCE (GRADING AND MARKING)

The Eggs (Marking and Storage) (Scotland) Regulations 1965

Made - - - -	*22nd April* 1965
Laid before Parliament	*27th April* 1965
Coming into Operation	*1st June* 1965

In exercise of the powers conferred on me by sections 3 and 4 of the Agricultural Produce (Grading and Marking) Act 1928(a) as read with and amended by section 23 of the Agriculture (Miscellaneous Provisions) Act 1963(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I
PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Eggs (Marking and Storage) (Scotland) Regulations 1965 and shall come into operation on 1st June 1965.

Interpretation

2.—(1) In these regulations "the Act" means the Agricultural Produce (Grading and Marking) Act 1928 as read with and amended by section 23 of the Agriculture (Miscellaneous Provisions) Act 1963.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Revocation

3.—(1) The Agricultural Produce (Grading and Marking) (Eggs) (Scotland) Regulations 1929(d), and the Marking of Preserved Eggs (Scotland) Amendment Regulations 1950(e), are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

PART II
PRESERVED EGGS

Marking

4. Any egg which by virtue of section 3 of the Act is required to be marked in the prescribed manner shall be marked on the shell distinctly and legibly in indelible ink with the word "PRESERVED" in letters of not less than one-

(a) 18 & 19 Geo. 5. c. 19.
(b) 1963 c. 11.
(c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1929/13 (Rev. I, p. 435: 1929 p. 39).
(e) S.I. 1950/215 (1950 I, p. 20).

sixteenth of an inch in height, the word being enclosed in a circle of not less than half an inch in diameter:

Provided that if the process of preservation to which the egg has been subjected consists solely of being dipped in, sprayed with or otherwise treated with odourless, tasteless, water-white mineral oils, the word "SEALED" shall be substituted for the word "PRESERVED".

PART III
COLD AND CHEMICAL STORAGE OF EGGS

Particulars of notice to be given when, or before, eggs are placed in storage

5. Each notice in writing required to be given in accordance with section 4(2)(*b*) of the Act shall contain the following particulars relating to the placing of the eggs in cold storage or chemical storage in registered premises, that is to say:—

(*a*) the address of the registered premises;

(*b*) the name and address of the person causing the eggs to be so placed;

(*c*) the date of placing and the quantity of eggs so placed;

(*d*) a true statement to the effect that the eggs are marked in the manner prescribed by regulation 6 hereof or are kept in a container marked in the manner prescribed by regulation 7 hereof, as the case may be.

Marking of eggs

6. For the purposes of paragraphs (*b*)(i) and (*ba*)(i) of section 4(2) of the Act, an egg is marked in the prescribed manner if it is marked on the shell distinctly and legibly in indelible ink, in the case of cold storage, with the word "CHILLED" or the words "COLD STORED" or, in the case of chemical storage, with the word "STERILISED", the letters being in each case not less than one-sixteenth of an inch in height and the word or words being enclosed in a circle of not less than half an inch in diameter:

Provided that any eggs (other than eggs for the time being exempted by the Secretary of State by order from the operation of section 3 of the Act) which are marked in the manner prescribed by regulation 4 hereof shall be deemed to be marked in the prescribed manner for the purposes of the said paragraphs (*b*)(i) and (*ba*)(i) of section 4(2); and any reference in these regulations to eggs marked in the manner prescribed by this regulation shall be construed accordingly.

Marking of containers

7. For the purposes of paragraphs (*b*)(ii) and (*ba*)(ii) of section 4(2) of the Act, a container is marked in the prescribed manner if it is marked indelibly and legibly on the exposed surface of two opposite sides of the container with the words "NOT TO BE SOLD IN SHELL BY RETAIL" in letters of not less than five-eighths of an inch in height.

Particulars of notice to be given before removal of eggs from storage

8. Each notice in writing required to be given in accordance with section 4(2)(*ba*) of the Act shall contain the following particulars relating to the removal of the eggs from the registered premises, that is to say:—

(*a*) the address of the registered premises;

(*b*) the name and address of the person causing the eggs to be removed from the said premises;

(*c*) the date and time of removal and the quantity of eggs to be removed;

(*d*) in the case of any eggs not marked in the manner prescribed by regulation 6 hereof, the address of the destination to which the eggs are to be removed.

Records to be kept by occupier of registered premises

9. The records kept by the occupier of any registered premises in accordance with section 4(2)(*bb*) of the Act shall be records showing in relation to all British eggs placed in cold storage or chemical storage in those premises—

(*a*) the name and address of the person causing the eggs to be so placed;

(*b*) the date of such placing;

(*c*) the quantity of such eggs so placed on that date by or on behalf of the person referred to in sub-paragraph (*a*) of this regulation;

(*d*) whether to the best of the occupier's information, the eggs are marked in the manner prescribed by regulation 6 hereof or are kept in a container marked in the manner prescribed by regulation 7 hereof and the respective quantities of eggs so marked or kept, as the case may be;

(*e*) in the case of any such eggs which, according to the best of the occupier's information, are not marked in the manner prescribed by regulalation 6 hereof on or before their removal from the registered premises, the name and address of the person causing the eggs to be so removed, if different from the name and address shown in accordance with sub-paragraph (*a*) of this regulation, and the date of such removal.

Records to be kept by person causing eggs to be placed in storage

10. The records kept in accordance with section 4(2)(*bb*) of the Act by any person who causes British eggs to be placed in cold storage or chemical storage in registered premises shall be a record showing—

(*a*) the address of the registered premises;

(*b*) the respective dates on which that person causes such eggs to be placed in, and removed from, such storage and the quantity so placed or removed, as the case may be, on each date;

(*c*) whether such eggs are marked in the manner prescribed by regulation 6 hereof or are kept in a container marked in the manner prescribed by regulation 7 hereof and the respective quantities of such eggs so marked or kept, as the case may be;

(*d*) the quantity of such eggs, if any, sold by that person whilst in such storage, the date of any such sale, the name and address of the purchaser and whether the eggs were, before sale, marked in the manner prescribed by regulation 6 hereof or kept in a container marked in the manner prescribed by regulation 7 hereof.

Registration of premises

11. When, pursuant to section 4(1) of the Act, any person applies for the registration of premises to be used by way of trade or for purposes of gain for the cold storage or chemical storage of eggs, the council of the county or town for the area in which the premises are situated shall enter in a register the

name and address of the person and the address of the premises and shall issue a certificate of registration to the person making the application.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
22nd April, 1965.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to Scotland only, revoke and supersede the Agricultural Produce (Grading and Marking) (Eggs) (Scotland) Regulations 1929, as amended.

The regulations re-enact, with amendments, certain provisions of the revoked regulations dealing with such matters as the manner of marking eggs which have been preserved or which are placed in cold storage or chemical storage and the manner of registering premises which are to be used for such storage. The regulations also prescribe certain other matters, as required by section 4 of the Agricultural Produce (Grading and Marking) Act 1928 as read with and amended by section 23 of the Agriculture (Miscellaneous Provisions) Act 1963. These include the particulars of the notices to be given when eggs are placed in, or removed from, such storage; the records to be kept by the occupiers of registered premises and by persons who place eggs in cold storage or chemical storage on such premises; and the manner of marking containers of eggs which are stored and are not intended for sale by retail.

The provisions of the 1929 regulations relating to grade designations and grade designation marks for eggs are revoked without replacement.