EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This amending Order increases the maximum prices of eggs on sales by wholesalers and retailers in Great Britain and Northern Ireland.

(B) NORTHERN IRELAND

The Eggs (Northern Ireland) Order, 1949

1949 No. 613

Made - - - -	*29th March,* 1949
Laid before Parliament	*30th March,* 1949
Coming into Operation	*31st March,* 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order :—

Interpretation.

1. In this Order :—

" The Minister " means the Minister of Food.

" The Ministry " means the Ministry of Agriculture for Northern Ireland.

" Approved Mark " means in relation to each of the descriptions of eggs specified in the first column of Part 1 of the First Schedule to this Order the mark relative to such description specified in the second column of that Part.

" Buy ", " obtain ", " supply " and " dispose of " include offer or agree to buy, obtain, supply or dispose of respectively, and " sell " includes offer or agree to sell and expose for sale.

" Catering establishment " means a catering establishment licensed or deemed to be licensed as such under the Food (Licensing of Establishments) Order, 1948(c), and " caterer " shall be construed accordingly.

" Establishments " means catering establishments and institutions.

" Eggs " means the eggs in shell of domestic fowls and domestic ducks.

" Fresh eggs " means eggs other than preserved eggs.

" Home produced eggs " means eggs produced in the United Kingdom.

" Institution " means an institution licensed or deemed to be licensed as such under the Food (Licensing of Establishments) Order, 1948.

" Licensed collector ", " licensed packer ", " licensed wholesaler " and " licensed secondary wholesaler " mean respectively the holder of a licence as such under or by virtue of the provisions of this Order.

(a) 9 & 10 Geo. 6. c. 10 ; and S.R. & O. 1945 (Nos. 1611 and 1615-25) II, pp. 39 and 45-56.

(b) 10 & 11 Geo. 6. c. 55. (c) S.I. 1948 (Nos. 2234 and 2585) II, pp. 408-414.

"Licensed retailer" means a person licensed as a retailer of eggs under the Marketing of Eggs Acts (Northern Ireland) 1924-1937.

"Manufacturer" means a person who for the purposes of his trade or business, other than that of a catering establishment, uses eggs in the composition, manufacture or preparation of other products.

"Poultry" means domestic fowls and domestic ducks.

"Producer" includes any person having poultry under his care, control or management.

"Sale by retail" means any sale to a person buying otherwise than for resale or manufacturing purposes and includes a sale to a person for the purpose of consumption as ships' stores, and "retailer" and "sell by retail" shall be construed accordingly.

"Ships' stores dealer" means a person licensed as such under the Ships' Stores (Control) Order, 1942(a).

General restrictions on trading in eggs.

2. Except under and in accordance with the terms of a licence or other authority granted by the Ministry for the purposes of this Order, no person shall by way of trade or business buy or sell any eggs, provided that the foregoing restrictions shall not apply to—

(*a*) a licensed retailer (other than a ships' stores dealer) who sells eggs by retail at less than ten retail shops;

(*b*) a manufacturer buying eggs for use solely in his trade or business, other than that of a catering establishment;

(*c*) a ships' stores dealer buying or selling eggs for the purpose of consumption as ships' stores or for resale for such purpose in accordance with the provisions of the Ships' Stores (Control) Order, 1942;

(*d*) the sale of home produced eggs by a producer to a licensed collector or a licensed packer; or

(*e*) the purchase of eggs by an establishment buying the same solely for use in that establishment.

Supply of eggs by producers.

***3.**—(1) A producer shall not sell or dispose of or part with the possession of any eggs produced by any poultry under his care, control or management except to the licensed collector or licensed packer with whom he is for the time being registered(b) and shall not use any such eggs for the purposes of any catering or manufacturing business, and no person or establishment, other than such licensed collector or licensed packer, shall buy or obtain any such eggs from any such producer, provided that the restrictions imposed by this paragraph shall not prohibit the use of any such eggs by such producer for consumption in his own household, so however that, where the producer is an institution, such institution shall not allow or permit eggs to be used for consumption by persons resident therein except under and in accordance with the terms of a licence or other authority granted by the Ministry.

*(2) For the purposes of the preceding paragraph of this Article, such producer shall be deemed to be registered—

(*a*) with the licensed collector or licensed packer to whom prior to the coming into force of this Order he last sold any eggs produced as aforesaid, or, if there is no such licensed collector or

(a) S.R. & O. 1942 (No. 2635) II, p. 975. (b) *See* amendment, p. 335 below.
* New para. (2) of Article 3 substituted, *see* p. 335 below.

licensed packer, with the licensed packer whose premises are nearest by the most direct route to the premises where the eggs are produced ; or

(*b*) with such other licensed collector or licensed packer as the Ministry may from time to time direct.

(3) Every licensed collector and every licensed packer shall keep an accurate register showing the name and address of every producer registered with him for the purposes of this Order(**a**).

(4) A licensed collector—

(*a*) shall be registered with one licensed packer only and such registration shall be subject to such conditions as the Ministry may direct and shall not be valid unless authorised by the Ministry :

(*b*) shall not, by way of trade or business—

(i) obtain any eggs except from a producer registered with him for that purpose ; or(**a**)

(ii) dispose of any eggs except to the licensed packer with whom he is registered, provided that this restriction shall not apply to the disposal of eggs which a licensed collector shall have purchased from a licensed wholesaler or licensed secondary wholesaler.

(5) No licensed packer shall, by way of trade or business—

(*a*) obtain any eggs except from a producer or a licensed collector, each duly registered with him for that purpose, or from the Ministry ;(**a**)

(*b*) dispose of any eggs except to the Ministry, provided that this restriction shall not prohibit the disposal of eggs which a licensed packer shall have purchased from the Ministry.

Obtaining and supply of eggs by retailers.

4.—(1) No retailer shall by way of trade or business obtain any eggs except from a licensed wholesaler or licensed secondary wholesaler, as the case may be, who has or shall have been nominated by him as his supplier, such nomination having been notified to the Food Executive Officer for the area in which his business premises are situate, or, in the case of a ships' stores dealer, to such other officer as the Ministry may direct.

(2) No retailer shall sell or supply any eggs except to—

(*a*) an establishment to which he has been authorised to supply eggs in accordance with Article 5 of this Order ;

(*b*) an individual registered with him for the supply of eggs ;

(*c*) the holder of a Form R.B.12, during the period of validity thereof ; or

(*d*) the holder of a Weekly Seaman's Ration Book R.B.6,

and no establishment or individual shall buy or obtain any eggs from a retailer except, in the case of an establishment, in accordance with Article 5 of this Order, or, in the case of an individual unless he shall have been registered with the retailer or is the holder of a Form R.B.12 or a Weekly Seaman's Ration Book, R.B.6 ;

Provided that the foregoing restrictions imposed by this Article shall not apply to the sale or supply of eggs for the purpose of consumption as ships' stores in accordance with the provisions of the Ships' Stores (Control) Order, 1942.

(**a**) *See* amendment, p. 336 below.

(3) Registration by an individual for the purposes of this Article shall be effected by—

(*a*) the completion of the appropriate counterfoil and the acceptance of the same by the retailer, and

(*b*) the insertion of the name and address of the retailer in the space marked "Eggs" on Form R.G.12A, forming part of or affixed to the individual's ration document, or in such other space as the Minister may authorise to be used for such purpose.

(4) For the purposes of paragraph (3) of this Article "appropriate counterfoil" means a counterfoil issued by or on behalf of the Minister upon which the word "Eggs" is marked or such other counterfoil as the Minister may authorise.

(5) An individual shall not register for the purposes of this Order with more than one retailer and, where a retailer has more than one place of business, an individual shall not be so registered at more than one of such places of business.

(6) Except with the authority of the Minister or of a Food Control Committee, an individual, who is registered with a retailer for the purposes of this Order, shall not transfer that registration to any other retailer.

Obtaining of eggs by establishments.

5. Eggs shall not be obtained or supplied for the purposes of an establishment except under the authority of and in accordance with the terms of a buying permit or other authorisation issued by or on behalf of the Minister, provided that the restrictions imposed by this Article shall not apply to eggs marked with the approved mark "Cracks" and supplied under the authority of the Ministry to a catering establishment by a licensed wholesaler or licensed secondary wholesaler.

Marking of eggs.

6. No person shall, except under and in accordance with the terms of a licence granted by or on behalf of the Ministry, mark any eggs with an approved mark and no person shall mark any eggs with any mark so closely resembling an approved mark as to be calculated to deceive.

Control of prices.

7.—(1) No person shall sell or buy any eggs except at the appropriate fixed price specified in Part I of the Second Schedule to this Order, or, as the case may be, at a price not exceeding the appropriate maximum price specified in Part II or Part III of the said Schedule, provided that such fixed price or maximum price shall be subject to the additions and deductions applicable in accordance with Part IV of the said Schedule.

(2) The provisions of paragraph (1) of this Article shall not apply to cooked eggs served as a meal or part of a meal.

Categories of eggs.

8.—(1) No person shall sell or supply any eggs unless they conform to a category and description mentioned in Part II of the First Schedule to this Order or sell or supply eggs of one such category mixed with eggs of another of such categories, provided that the restrictions imposed by this paragraph shall not apply—

(*a*) on a sale by a producer of eggs produced by him;

(*b*) on a sale by a licensed collector to a licensed packer.

(2) No person shall sell by retail, and no person or establishment (other than a licensed collector or a licensed packer) shall buy or obtain any eggs not bearing an approved mark.

Furnishing of invoices.

9. Every person selling eggs, otherwise than by retail or to a licensed collector or a licensed packer, shall not later than seven days after delivery of the eggs to the buyer furnish to him an invoice specifying the price at which the eggs are sold and the category appropriate to such eggs as set out in Part II of the First Schedule to this Order.

Keeping of records.

10.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he buys eggs and sells them otherwise than by retail shall—

(*a*) keep or cause to be kept an accurate record of every purchase and sale thereof by him, such record to include the following particulars :—

(i) the date of the purchase or sale ;

(ii) the name and address of the person from whom he bought or to whom he sold the eggs in question ;

(iii) the category and description of the eggs bought or sold and the quantity of each such category and description thereof bought or sold ;

(iv) whether such eggs are hen eggs or duck eggs ;

(v) the price or prices charged and each and every addition to and deduction from the fixed or maximum prices permitted, or, as the case may be, required under this Order ;

(*b*) keep or cause to be kept an accurate record of all stocks of eggs held by him from time to time.

(2) Every person who carries on any undertaking by way of trade or business in the course of which he sells eggs by retail shall keep or cause to be kept an accurate record of every purchase by him thereof, such record to include the date of the purchase, the name and address of the person from whom the eggs were bought, the quantity, category and description of the eggs bought, the price or prices charged and each and every addition to and deduction from the fixed or maximum prices permitted, or, as the case may be, required under this Order.

(3) The retention by any person of an invoice or copy of an invoice shall in relation to the particulars mentioned in such document be a sufficient compliance by that person with the provisions of paragraph (2) of this Article.

(4) Every person required by this Order to keep any record shall retain it for not less than one year from the date of the transaction to which it relates.

Artificial transactions, unreasonable charges.

11. No person shall in connection with the sale or disposition or proposed sale or disposition of any eggs enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Warranty defence.

12.—(1) Where a person is charged with an infringement of this Order and it is necessary for the prosecution to prove that eggs sold as eggs of a category specified in Part II of the First Schedule to this Order did not conform to the description appropriate to that category it shall be a defence for the defendant to prove—

(*a*) that he purchased the eggs in question with a written warranty to the effect that they were eggs of such category, and

(*b*) that he had no reason to believe at the time of the commission of the alleged offence that such eggs were otherwise than so warranted.

(2) A warranty shall not be a defence to such proceedings unless the defendant has within seven days of the service of the summons sent

to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it, and specifying the name and address of the person from whom he has received it, and has also sent a like notice of his intention to that person.

(3) Where the defendant is a servant of the person who purchased the eggs under a warranty he shall be entitled to rely upon the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(5) For the purposes of this Article any statement referring to any such category as aforesaid in an invoice or similar document relating to any eggs mentioned in that invoice or document shall be deemed to be a written warranty that the eggs to which the statement relates are of the category mentioned in the statement.

Conditions of exemption for hatching eggs.

13.—(1) The provisions of this Order shall not apply to eggs sold for the purpose of hatching, provided that—

(*a*) the buyer shall have furnished the seller with a declaration in writing specifying that the eggs are being bought for the purpose of hatching, the date of purchase, the name and address and National Registration Number, if any, of the buyer and the price or prices charged;

(*b*) each egg shall have been indelibly and legibly stamped in red with the letter "H" or other mark authorised by the Ministry for the purpose.

(2) Each declaration furnished to the seller under proviso (*a*) to paragraph (1) of this Article shall be kept by him for not less than one year from the date of the transaction to which it relates.

(3) No person shall sell any hatching eggs bought by him, provided that this restriction shall not apply if the eggs be sold to a licensed collector or licensed packer.

Directions, licences and authorisations.

14.—(1) The provisions of this Order are subject to any directions which may at any time be given by the Ministry or to any licences or authorisations which may be granted by or on behalf of the Ministry under this Order, and the Minister hereby delegates to the Ministry the function of giving any direction or granting any licence or authorisation under this Order.

(2) Every person holding a licence or authorisation granted under or continuing in force by virtue of this Order shall comply with every condition imposed by such licence or authorisation.

Infringements.

15. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Revocation.

16.—(1) The Eggs (Control and Prices) (Northern Ireland) Order, 1947, as amended(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or registration granted thereunder or having effect by virtue thereof and subsisting immediately before the coming into force of this Order, shall continue in force as though granted or having effect under this Order.

(a) S.R. & O. 1947 (Nos. 535 and 1886) II, pp. 588–99; S.I. 1948 Nos. 593 and 2236; and 1949 No. 306.

(2) Notwithstanding the revocation of the said Order every person required to keep any record thereunder shall retain the same for one year from the date of the transaction to which it relates.

Northern Ireland.

17. This Order shall apply only to Northern Ireland.

Commencement and citation.

18. This Order shall come in operation on the 31st day of March, 1949, and may be cited as the Eggs (Northern Ireland) Order, 1949.

By Order of the Minister of Food.

Edith Summerskill,
Parliamentary Secretary.

Dated the 29th day of March, 1949.

THE FIRST SCHEDULE

PART I

Description and approved marks applicable on a sale by a licensed packer to the Ministry

Column 1 Description		Column 2
State or Condition	Weight	Approved Mark
"First Quality" Eggs, i.e., fresh eggs free from taint; shell clean, sound and of good texture and shape. Contents free from blemish, yolk central; translucent or faintly but not clearly outlined; white translucent. Air space not exceeding $\frac{1}{4}$ inch in depth.	Not less than $2\frac{3}{16}$ oz.	MF (a) A
	Less than $2\frac{3}{16}$ oz. but not less than $1\frac{7}{8}$ oz.	MF (a) B
	Less than $1\frac{7}{8}$ oz. but not less than $1\frac{1}{2}$ oz.	MF (a) C
	Less than $1\frac{1}{2}$ oz. ...	MF (a) S
"Cracked" Eggs, i.e., eggs with cracked shells but otherwise of first quality.	Any weight	MF (a) "Cracks"
"Second Quality" Eggs, i.e., eggs not of "First Quality" but which conform to the following description:— Yolk visible, swinging freely; free from mould and showing no blood ring. White clear; free from diffused blood, mould growth and rot.	Any weight	MF (a) S

1. Each approved mark shall be completed by the licensed packer who marks the eggs by inserting at (a) the registration number specified in his licence granted under this Order.

2. The circle forming part of the approved mark shall be not less than $\frac{7}{16}$ inch in diameter.

3. Eggs which have been incubated for any period and which are marked with the letter " H " shall be deemed not to be of first or second quality.

PART II

Category and description applicable on any sale or eggs otherwise than:—

(*a*) by a producer to a licensed collector or licensed packer;

(*b*) by a licensed collector to a licensed packer; and

(*c*) by a licensed packer to the Ministry.

Column 1 Category	Column 2 Description
I	Home produced eggs marked with the approved mark " A ".
II	Home produced eggs marked with the approved mark " B ".
III	Home produced eggs marked with the approved mark " C ".
IV	Home produced eggs marked with the approved mark " S ".
" Cracks " ...	Home produced eggs marked with the approved mark " Cracks ".

THE SECOND SCHEDULE

PART I

[New PART I substituted, *see* p. 338 below.]

PART II

[New PART II substituted, *see* p. 338 below.]

PART III

Maximum Prices on a Sale of Eggs for Manufacturing Purposes

Sale	Categories I, II and III	Category IV and " Cracks "
	At the rate of:—	At the rate of:—
	s. d.	s. d.
On a sale to a manufacturer ...	42 10 per 120 eggs	35 8 per 120 eggs

PART IV

Additions to and Deductions from the Prices set out in Parts I to III of this Schedule

Eggs which are of second quality, or eggs which are unfit for human consumption

1. The fixed prices (specified in Part I of this Schedule) applicable on a sale by a producer or by a licensed collector are prescribed on the basis that the eggs are of first quality and accordingly:—

(*a*) where the buyer takes delivery of soiled or second quality eggs, a deduction from the fixed price shall be made at the rate of 1½d. for each such egg; and

*(*b*) where the buyer takes delivery of eggs unfit for human consumption a deduction from the fixed price shall be made at the rate of 3¾d. for each such egg.

Transport

2. The fixed price specified in Part I of this Schedule applicable on a sale by a producer to a licensed collector or a licensed packer is fixed on the basis that delivery of the eggs is taken by the buyer at the seller's premises:

Provided that, if the seller's premises are situate more than ten miles from the buyer's premises and delivery of the eggs is taken by the buyer at a point more than ten miles from the buyer's said premises, the fixed price may be reduced by the amount of any costs and charges reasonably incurred, paid or payable by the buyer in transporting the eggs from the point of delivery to the nearest accessible point which is not more than ten miles distant from the buyer's said premises.

3. The fixed price specified in Part I of this Schedule applicable on a sale by a licensed collector to a licensed packer includes all costs and charges of and incidental to delivery of the eggs at the buyer's premises, and no additional charge may be made by the seller in respect of delivery:

Provided that, when by mutual agreement between the buyer and the seller delivery is taken otherwise than at the buyer's said premises, the fixed price may be reduced by the amount of any costs and charges reasonably incurred, paid or payable by the buyer in respect of the transport of the eggs to his premises.

4. The maximum prices specified in paragraph (*a*) of Part II of this Schedule on a sale to a retailer include all costs and charges of and incidental to delivery of the eggs at the buyer's premises and no additional charge shall be made by the seller in respect of delivery.

5. The maximum prices specified in Part III of the Schedule on a sale to a manufacturer include all costs and charges of and incidental to delivery of the eggs at the buyer's premises, and no additional charge shall be made by the seller in respect of delivery.

6. Where a licensed wholesaler or a licensed secondary wholesaler delivers to a buyer at a point more than 25 miles distant from his warehouse he may make a charge in addition to the maximum price at a rate not exceeding 3d. per 120 eggs so delivered.

Breaking Bulk

7. Where, on the occasion of a sale mentioned in paragraph (*a*) of Part II or in Part III of this Schedule, the seller has opened a trade pack for the purpose of repacking and selling a smaller quantity of eggs than those originally contained in such pack a charge in addition to the maximum price may be made by the seller at a rate not exceeding 3d. for each 120 eggs subsequently repacked and sold by him.

Returnable Containers

8. On the occasion of a sale mentioned in paragraph (*a*) of Part II or in Part III of this Schedule, a charge in accordance with the following scale of charges may be made by the seller for the provision of a returnable container and its fittings, provided that the sum so charged shall be repaid by the seller to the buyer on the receipt by the seller of such containers and fittings in such condition as is reasonable having regard to their condition when supplied and to ordinary wear and tear and that all charges of and incidental to the return to the seller of the containers and fittings shall be for the account of the seller.

Scale of Charges

For a wooden cubicle box capable of containing not more than 360 eggs a charge not exceeding 3s. 3d.

* New sub-para. (*b*) substituted, *see* p. 337 below.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order consolidates with amendments the Eggs (Control and Prices) (Northern Ireland) Order, 1947, as amended.

The principal changes are :—

(1) The price of eggs on a sale by a producer is reduced.

(2) The price of eggs on a sale by a wholesaler is increased.

(3) Eggs which have been incubated for any period and are marked with the letter " H " are deemed not to be of first or second quality.

(4) Following upon (1) above a consequential deduction is made in the amount which may be deducted from the price payable to a producer in respect of eggs unfit for human consumption.

The Eggs (Northern Ireland) (Amendment No. 2) Order, 1949

1949 No. 1749

Made - - - -	*20th September,* 1949
Laid before Parliament	*21st September,* 1949
Coming into Operation	*22nd September,* 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a), as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order :—

1. The Eggs (Northern Ireland) Order, 1949, as amended(c), shall be further amended as follows :—

(*a*) by substituting in paragraph (1) of Article 3 thereof for the words " except to the licensed collector or licensed packer with whom he is for the time being registered " the words " except to a licensed collector or licensed packer in accordance with paragraph (2) of this Article " ;

(*b*) by substituting for paragraph (2) of Article 3 thereof the following paragraph : —

" (2) A producer shall not sell or dispose of or part with the possession of any eggs produced by any poultry under his care, control or management on the same premises to more than one licensed collector or licensed packer ; and shall not change his licensed collector or licensed packer for the time being except after the expiration of 28 days notice in writing given by the producer to that licensed collector or licensed packer as the case may be :

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

(b) 10 & 11 Geo. 6. c. 55.

(c) S.I. 1949 Nos. 613 and 1377, pp. 325–6 above.