STATUTORY INSTRUMENTS

1971 No. 475

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Eggs (Protection of Guarantees) 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 and 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 5, 9(4) and 35(3) of the Agriculture Act 1957(**a**) and section 70 of the Agriculture Act 1967(**b**), as read with the Transfer of Functions (Wales) Order 1969(**c**), and of all other powers enabling them in that behalf, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Eggs (Protection of Guarantees) 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;

(**a**) 1957 c. 57. (**b**) 1967 c. 22.
(**c**) S.I. 1969/388 (1969 I, p. 1070).

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

"approved mark" means, in relation to each description of eggs specified in column 1 of the Schedule to this order, the word relative to such description specified in column 2 of that Schedule;

"container" means a container which is capable of holding not less than 15 dozen eggs;

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

"first quality" 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, translucent and faintly but not clearly defined and the white being translucent with the air space not exceeding one-quarter of an inch in depth;

"fresh eggs" means eggs which have not been preserved by cold or chemical storage or any other means;

"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;

"producer" means a producer of 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;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business; and "manufacturing" means using eggs, for the purposes of a trade or business (other than a catering business), in the composition, manufacture or preparation of any other product, and corresponding expressions have corresponding meanings.

(2) The Interpretation Act 1889**(a)** 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 order hereby revoked were Acts of Parliament.

Marking of containers

3.—(1) Every registered packer shall, as soon as practicable, pack at a registered packing station all eggs to which this article applies in containers, being the containers in which the eggs are to be removed from the registered packing station, and each such container shall bear the approved mark relating to the eggs packed therein and shall contain eggs of not more than one weight grade. The approved mark shall appear distinctly and legibly in letters not less than half an inch high and shall be applied by means of stamping with indelible ink or printing or by means of a label affixed to the container, or by more than one of those methods.

(a) 1889 c. 63.

(2) This article shall apply to all eggs purchased by a registered packer from a producer or produced by a registered packer and appropriated by him for packing at a registered packing station and which weigh not less than one and a half ounces each and which are either of first quality or dirty but otherwise of first quality.

Restriction on sale, etc. and use for hatching of certain eggs

4. No person shall sell, offer or expose for sale or have in possession for sale for hatching or shall use for hatching, or cause or permit to be so used any eggs which weigh not less than one and a half ounces each and which are either of first quality or dirty but otherwise of first quality and which he knows or has reason to believe have been purchased by a registered packer from a producer or produced by a registered packer and packed by him at a registered packing station.

Keeping and production of records

5.—(1) Every registered packer shall keep or cause to be kept and shall produce on demand by an authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland an accurate record of every purchase, sale and use of fresh eggs by the registered packer, such record to include the following particulars:—

(*a*) the date of each purchase, sale and use;

(*b*) the name and address of each person from whom he buys and to whom he sells any such eggs;

(*c*) in each case the description or descriptions and number of such eggs bought, sold and used respectively, showing separately (except where this is not reasonably practicable) the number of eggs of each quality and weight grade;

(*d*) the price or prices paid on each purchase and sale;

except that as respects sales by retail of fresh eggs, the record shall include the total number of eggs sold each day and the total daily cash receipts in respect thereof and need not include any other particulars.

(2) If so required by notice in writing served on him by or on behalf of the Minister or the said Ministry, as the case may be, any record which a registered packer is required to keep or cause to be kept in accordance with this article shall be kept or caused to be kept, as the case may be, in such form as shall be prescribed in the notice.

(3) Every person shall retain the record of any transaction and use of eggs which as a registered packer he is or was required to keep or cause to be kept pursuant to this article for two years from the date of such transaction or use.

Right of entry

6. Any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all reasonable times enter upon land used for the production, storage, grading, packing, or sale other than sale by retail of eggs and may inspect and take samples of any eggs found upon land so used.

Right to demand production of books, accounts and records

7. Any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may require any person concerned by way of trade or business in the production, storage, grading, packing, hatching or sale other than sale by retail of eggs to produce on demand any books, accounts and records in his possession or control relating to the purchase or sale of eggs in the course of the trade or business in which he is concerned.

Service of notices

8.—(1) Any notice required or authorised by this order to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent to him by post in a letter addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purposes of this order and of section 26 of the Interpretation Act 1889, the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

Delegation of functions as respects Northern Ireland

9. The functions conferred or imposed on the Minister by this order may be exercised in relation to Northern Ireland by the Minister of Agriculture for Northern Ireland.

Revocation

10. The Eggs (Protection of Guarantees) Order 1969(a) is 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.

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.

(a) S.I. 1969/187 (1969 I, p. 488).

Article 2(1)

SCHEDULE

Approved Marks for Eggs

Column 1		Column 2
Description of eggs		Approved Mark
State or Condition	Weight Grade	
First quality or dirty but otherwise of first quality	Not less than 2 $\frac{3}{16}$ ounces	LARGE
	Less than 2 $\frac{3}{16}$ ounces but not less than 1 $\frac{7}{8}$ ounces	STANDARD
	Less than 1 $\frac{7}{8}$ ounces but not less than 1 $\frac{5}{8}$ ounces	MEDIUM
	Less than 1 $\frac{5}{8}$ ounces but not less than 1$\frac{1}{2}$ ounces	SMALL

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This order supersedes the Eggs (Protection of Guarantees) Order 1969 to take account of changes in the arrangements for guaranteed prices for hen eggs made by the Eggs (Guaranteed Prices) Order 1971.

The order—

(*a*) requires registered egg packers to pack according to certain standards all hen eggs in respect of which guarantee payments may be made;

(*b*) prohibits the sale for hatching or use for hatching of hen eggs in respect of which the pre-conditions for making guarantee payments have been fulfilled;

(*c*) requires registered egg packers to keep records of the purchase, sale and use by them of hen eggs;

(*d*) permits authorised officers to enter any land used for the production, storage, grading, packing or sale of hen eggs, and to inspect and take samples of such eggs; and

(*e*) permits authorised officers to inspect records kept by persons engaged in the production, storage, grading, packing, hatching or sale of hen eggs.