
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 395

The Eggs and Chicks (Scotland) (No. 2) Regulations 2008

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Eggs and Chicks (Scotland) (No. 2) Regulations 2008.

(2) These Regulations come into force on 19th December 2008.

(3) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised officer” means any person who has written authority from an enforcement authority to act in matters arising under or in relation to the Act or these Regulations;

“breeding establishment” has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No. 617/2008;

“chicks” has the meaning given by Article 1(2) of Commission Regulation (EC) No. 617/2008;

“Commission Regulation (EC) No. 617/2008” means Commission Regulation (EC) No. 617/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks^{M1}, as amended from time to time;

“Commission Regulation (EC) No. 589/2008” means Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs^{M2}, as amended from time to time;

“Single CMO Regulation” means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)^{M3}, as amended from time to time;

F1

[^{F2}“Council Regulation 2013” means Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time,]

F3

[^{F4}“eggs”—

- (a) has the meaning given by sub-paragraph (k) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008 in the definition of “Commission Regulation (EC) No. 589/2008” in this regulation, regulations 3(1)(b), (2)(b) and (c), Part 3, regulations 13, 15 and 17(2)(b) and Schedule 2 to these Regulations; and
- (b) means eggs to which Regulation (EC) No. 2160/2003 applies as read with the exception in Article 1(3) of Regulation (EC) No. 2160/2003 in regulation 3(1)(c), Part 3A, regulation 13A, 15A and Schedule 2A to these Regulations;]

“eggs for hatching” has the meaning given by Article 1(1) of Commission Regulation (EC) No. 617/2008;

“enforcement authority” means an authority exercising a function conferred on it by [F5regulation 15 or 15A];

“final consumer” has the meaning given by sub paragraph (r) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008;

“food authority” has the same meaning as in section 5(2) ^{M4} of the Act;

“hatchery” has the meaning given by Article 1(3)(c) of Commission Regulation (EC) No. 617/2008;

“packing centre” has the meaning given by sub paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008;

“pedigree breeding establishment” has the meaning given by Article 1(3)(a) of Commission Regulation (EC) No. 617/2008; and

“production site” has the meaning given by sub paragraph (p) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008.

[F6“Regulation (EC) No. 2160/2003” means Regulation (EC) No. 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents [F7, as last amended by Council Regulation (EU) No 517/2013];]

[F8“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004^{F9}... [F10, as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council]].

[F11“the Scottish welfare regulations” means the Welfare of Farmed Animals (Scotland) Regulations 2010, and]

[F11“third country” means any country or territory other than—

- (i) the United Kingdom,
- (ii) the Bailiwick of Guernsey,
- (iii) the Bailiwick of Jersey, and
- (iv) the Isle of Man.]

(2) Any expression not defined in paragraph (1) and used in Part 2 of, or Schedule 1 to, these Regulations, and in Part C of Annex XIV to the Single CMO Regulation has the same meaning in those provisions of these Regulations as it does in the Single CMO Regulation.

(3) Any expression not defined in paragraph (1) and used in regulation 3(2) or Part 3 of, or Schedule 2 to, these Regulations and in [F12Part VI of Annex VII to Council Regulation 2013] or

Commission Regulation (EC) No. 589/2008, has the same meaning in those provisions of these Regulations as it does in the EC Regulation in which it is used.

(4) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 1 means a contravention or failure to comply with any provision of—

- (a) the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) Commission Regulation (EC) No. 617/2008 mentioned in column 1 of Part 2 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part^{F13}... [^{F14}or the Council Regulation 2013 mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part;]

(5) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 2 means a contravention of or failure to comply with any provision of—

- (a) [^{F15}the Council Regulation 2013] mentioned in column 1 of Part 1 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) Commission Regulation (EC) No. 589/2008 mentioned in column 1 of Part 2 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

[^{F16}(6) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 2A means a contravention of or failure to comply with any provision of Regulation (EC) No. 2160/2003 mentioned in column 1 of Schedule 2A.]

- F1** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(3), **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 2(1) substituted (9.12.2019) by The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(2)(a), **4(2)(b)**
- F3** Words in reg. 2(1) omitted (13.12.2014) by virtue of The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **Sch. 5 para. 16(a)(i)**
- F4** Words in reg. 2(1) substituted (29.1.2011) by The Eggs and Chicks (Scotland) Amendment Regulations 2010 (S.S.I. 2010/450), regs. 1, **4(a)(ii)**
- F5** Words in reg. 2(1) substituted (29.1.2011) by The Eggs and Chicks (Scotland) Amendment Regulations 2010 (S.S.I. 2010/450), regs. 1, **4(a)(iii)**
- F6** Words in reg. 2(1) inserted (29.1.2011) by The Eggs and Chicks (Scotland) Amendment Regulations 2010 (S.S.I. 2010/450), regs. 1, **4(a)(i)**
- F7** Words in reg. 2(1) inserted (9.12.2019) by The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(2)(a), **4(2)(e)**
- F8** Words in reg. 2(1) inserted (13.12.2014) by The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), reg. 1(2), **Sch. 5 para. 16(a)(ii)**
- F9** Word in reg. 2(1) omitted (9.12.2019) by virtue of The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(2)(a), **4(2)(d)**
- F10** Words in reg. 2(1) inserted (9.12.2019) by The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(2)(a), **4(2)(c)**
- F11** Words in reg. 2(1) inserted (31.12.2020) by virtue of The Agriculture Market Measures (EU Exit) (Scotland) (Amendment) (No. 2) Regulations 2019 (S.S.I. 2019/347), regs. 1(3), **4(2)(f)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in reg. 2(3) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **18(2)(b)**
- F13** Reg. 2(4)(b) full stop omitted (1.1.2014) by virtue of The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **18(2)(c)(i)**

- F14** Words in reg. 2(4)(b) inserted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **18(2)(c)(ii)**
- F15** Words in reg. 2(5)(a) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **18(2)(d)**
- F16** Reg. 2(6) inserted (29.1.2011) by [The Eggs and Chicks \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/450\)](#), regs. 1, **4(b)**

Marginal Citations

- M1** O.J. No. L 168, 28.6.2008, p.5.
- M2** O.J. No. L 163, 24.6.2008, p.6. This Regulation has been amended by Commission Regulation (EC) 598/2008 O.J. No. L 164, 25.6.2008, p.14.
- M3** O.J. No. L 299, 16.11.2007, p.1. This Regulation was last amended by Council Regulation (EC) 510/2008 (O.J. No. L 149, 7.6.2008, p.61).
- M4** Section 5(2) was amended by paragraph 163(2) of Schedule 13 to the [Local Government etc \(Scotland\) Act 1994 \(c. 39\)](#).

Products to which these Regulations apply

3.—(1) These Regulations apply to—

- (a) eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation [\(EC\) No. 617/2008](#) apply; and
- (b) eggs to which point I(1) of [^{F17}Part VI of Annex VII to Council Regulation 2013] and Commission Regulation [\(EC\) No. 589/2008](#) apply (eggs in shell for consumption produced by hens of the species *Gallas gallas*).
- [^{F18}(c) eggs to which Regulation (EC) No. 2160/2003 applies as read with the exception in Article 1(3) of Regulation (EC) No. 2160/2003.]

(2) [^{F19}But Parts 2 and 3 of these Regulations do not apply to]—

- (a) establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation;
- (b) the sale of eggs to which point I(1) of [^{F20}Part VI of Annex VII to Council Regulation 2013] and Commission Regulation [\(EC\) No. 589/2008](#) apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer—
- (i) on the production site; or
- (ii) by door to door selling in the region of production; or
- [^{F21}(c) except in so far as they relate to the requirement imposed by point III(3) of Part VI of Annex VII to Council Regulation 2013, the sale of eggs to which point I(1) of Part VI of Annex VII to that Regulation and Commission Regulation [\(EC\) No. 589/2008](#) apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.]

(3) In paragraph (2)(b)(ii) “door to door selling” means a sale which is made during an unsolicited visit by a producer to the home of the final consumer, or to the home of another person, or to the place of work of the final consumer.

- F17** Words in [reg. 3\(1\)\(b\)](#) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **18(3)(a)**
- F18** [Reg. 3\(1\)\(c\)](#) inserted (29.1.2011) by [The Eggs and Chicks \(Scotland\) Amendment Regulations 2010 \(S.S.I. 2010/450\)](#), regs. 1, **5(a)**

- F19** Words in reg. 3(2) substituted (29.1.2011) by The Eggs and Chicks (Scotland) Amendment Regulations 2010 (S.S.I. 2010/450), regs. 1, **5(b)**
- F20** Words in reg. 3(2)(b) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **18(3)(b)**
- F21** Reg. 3(2)(c) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **18(3)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (Scotland) (No. 2) Regulations 2008, PART 1.