
STATUTORY INSTRUMENTS

2009 No. 2163

The Eggs and Chicks (England) Regulations 2009

PART 1

General

Title, commencement and application

1.—(1) These Regulations may be cited as the Eggs and Chicks (England) Regulations 2009 and come into force on 14th September 2009.

(2) They apply in England only.

Revocation

2. The Eggs and Chicks (England) Regulations 2008 ^{M1} Regulations are revoked.

Marginal Citations

M1 [S.I. 2008/1718](#).

Interpretation

3.—(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 589/2008](#)” means Commission Regulation [\(EC\) No 589/2008](#) laying down detailed rules for implementing Regulation [\(EC\) No 1234/2007](#) as regards marketing standards for eggs, as amended from time to time;

“Commission Regulation [\(EC\) No 617/2008](#)” means Commission Regulation [\(EC\) No 617/2008](#) laying down detailed rules for implementing Regulation [\(EC\) No 1234/2007](#) as regards marketing standards for eggs for hatching and farmyard poultry chicks, as amended from time to time;

F1
...

F2
...

“door-to-door selling” means a sale which is made during an unsolicited visit by a producer to the final consumer's home, or to the home of another person, or to the final consumer's place of work;

“eggs” has the meaning given by sub-paragraph (k) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

“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 regulation 17;

[^{F3}“the English welfare regulations” means the Welfare of Farmed Animals (England) Regulations 2007;]

“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” means—

- (a) a county council;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London (in their capacity as a local authority); and
- (f) the Council of the Isles of Scilly;

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

“local public market”, in relation to eggs laid at a production site, means—

- (a) a public market that is within an 80 kilometre radius of the boundary of the production site; or
- (b) where a public market is partly within an 80 kilometre radius of the boundary of the production site and partly outside an 80 kilometre radius of the boundary of the production site, the whole of that market;

“market”, when used as a noun, means—

- (a) a market or fair for which the right to hold it was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or subordinate legislation; and
- (b) a temporary market—
 - (i) comprising of a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, with not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold; and
 - (ii) for which any notice required under section 37(2) of the Local Government (Miscellaneous Provisions) Act 1982 ^{M2} has been given;

“officer”—

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and
- (b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

“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;

“penalty” means the amount specified in a penalty notice;

“penalty notice” means a notice offering the opportunity, by payment of a specified amount in accordance with these Regulations, to discharge any liability to be convicted of the penalty offence to which the notice relates;

“penalty offence” means an offence for which a penalty notice may be given under regulation 30;

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

[^{F4}“region” means a region listed in Schedule 5;]

“region of production”, in relation to eggs marketed by a producer direct to a final consumer by door-to-door selling or at a local public market, means—

- (a) where the production site at which those eggs are produced is in one region—
 - (i) the area within a 80 kilometre radius of the boundary of the production site; and
 - (ii) any part of that region that is outside of that 80 kilometre radius of the boundary of the production site; and
- (b) where the production site at which those eggs are produced is partly in one region and partly in one or more other regions—
 - (i) the area comprising of the area within a 80 kilometre mile radius of the boundary of the production site; and
 - (ii) any part of the largest region into which the site falls that is outside of the 80 kilometre radius of the boundary of the production site;

[^{F5}“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;]

[^{F5}“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;]

[^{F6}“Regulation (EU) 2013” means [^{F7}Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products], 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), as amended from time to time.

[^{F8}“third country” means any country or territory other than—

- (a) the United Kingdom,
- (b) the Bailiwick of Guernsey,
- (c) the Bailiwick of Jersey, or

(d) the Isle of Man.]

(2) Any expression which is not defined in paragraph (1) but is 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 which is not defined in paragraph (1) but is used in Part 3 or 4 of, or Schedule 2 to, these Regulations and in [F9Part VI of Annex VII to Regulation (EU) 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 expression which is not defined in paragraph (1) but is used in Schedule 3 to these Regulations and in Regulation (EC) No 2160/2003 has the same meaning in Schedule 3 as it does in Regulation (EC) No 2160/2003.

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

- (a) any provision of the Single CMO Regulation [F10 or Regulation (EU) 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; or
- (b) any provision of 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.

(6) 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—

- (a) any provision of [F11the Single CMO Regulation or]F12... [F13Regulation (EU) 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) any provision of 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.

(7) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 3 means a contravention of, or failure to comply with, any provision of Regulation (EC) No 2160/2003 mentioned in column 1 of Schedule 3, as read with any provision mentioned in the corresponding entry in column 2 of that Schedule.

Textual Amendments

- F1** Words in reg. 3(1) omitted (31.12.2020) by virtue of [The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy \(Miscellaneous Amendments etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1422\)](#), regs. 1, **16(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 3(1) omitted (13.12.2014) by virtue of [The Food Information Regulations 2014 \(S.I. 2014/1855\)](#), reg. 1(5), **Sch. 7 para. 56(a)**
- F3** Words in reg. 3(1) inserted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy \(Miscellaneous Amendments etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1422\)](#), regs. 1, **16(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 3(1) substituted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy \(Miscellaneous Amendments etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1422\)](#), regs. 1, **16(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 3(1) substituted (13.12.2014) by [The Food Information Regulations 2014 \(S.I. 2014/1855\)](#), reg. 1(5), **Sch. 7 para. 56(b)**

- F6** Words in reg. 3(1) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **5(2)**
- F7** Words in reg. 3(1) substituted (1.6.2018) by The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018 (S.I. 2018/575), regs. 1(2), **22(2)(a)(i)**
- F8** Words in reg. 3(1) inserted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **16(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 3(3) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **5(3)**
- F10** Words in reg. 3(5)(a) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **5(4)**
- F11** Words in reg. 3(6)(a) inserted (23.11.2019) by The Eggs and Poultrymeat (England) (Amendment) Regulations 2019 (S.I. 2019/1442), regs. 1, **2(2)**
- F12** Words in reg. 3(6)(a) omitted (1.6.2018) by virtue of The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018 (S.I. 2018/575), regs. 1(2), **22(2)(b)**
- F13** Words in reg. 3(6)(a) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) Regulations 2013 (S.I. 2013/3235), regs. 1, **5(4)**

Marginal Citations

- M2** 1982 c. 30.

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (England) Regulations 2009, PART 1.