
STATUTORY INSTRUMENTS

1981 No. 231

Weights and Measures (Northern Ireland) Order 1981

PART V

REGULATION OF CERTAIN TRANSACTIONS IN GOODS

Transactions in particular goods

19.—(1) Schedules 3, 4, 5, 6 and 7 shall have effect for the purposes of transactions in the goods mentioned in those Schedules.

(2) The Department may by order make provision with respect to any goods specified in the order for all or any of the following purposes, that is to say, to ensure that, except in such cases or in such circumstances as may be so specified, the goods in question—

- (a) are sold only by quantity expressed in such manner as may be so specified; or
- (b) are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, only if the container is marked with such information as to the quantity of the goods as may be so specified; or
- (c) are pre-packed, or are otherwise made up for sale or for delivery after sale, only in or on a container of a size or capacity so specified; or
- (d) are sold, or are pre-packed, or are otherwise made up in or on a container for sale or for delivery after sale, or are made for sale, only in such quantities as may be so specified; or
- (e) are not sold without the quantity sold expressed as mentioned in sub-paragraph (a) being made known to the buyer at or before such time as may be so specified; or
- (f) are sold by means of, or are offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
 - (i) such information as to the quantity of the goods in question comprised in each item for sale by means of that machine as may be so specified; and
 - (ii) a statement of the name and address of the seller; or
- (g) are carried for reward only in pursuance of an agreement made by reference to the quantity of the goods in question expressed as mentioned in sub-paragraph (a); or
- (h) in such circumstances as may be so specified, have associated with them in such manner as may be so specified a document containing a statement of the quantity of the goods in question expressed in such manner, and a statement of such other particulars, if any, as may be so specified; or
- (i) when carried on a road vehicle along a highway are accompanied by a document containing such particulars determined in such manner as may be so specified as to the weight of the vehicle and its load apart from the goods in question.

(3) An order under paragraph (2) may be made with respect to any goods, including goods to which any of the provisions of any of the Schedules mentioned in paragraph (1) applies, and may—

- (a) make provision for any of the purposes mentioned in paragraph (2) in such manner, whether by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any provision of this Order or otherwise,
- (b) make such, if any, different provision for retail and other sales respectively, and
- (c) contain such consequential, incidental or supplementary provision, whether by the means such as are mentioned in sub-paragraph (a) or otherwise,

as may appear to the Department to be expedient, and may in particular make provision in respect of contraventions of the order for which no penalty is provided by this Order for the imposition of penalties not exceeding those provided by Article 47(5) for an offence under this Order.

(4) Without prejudice to the generality of the powers conferred by virtue of paragraph (2)(c) an order made by virtue of that paragraph may require a container to be marked with such information concerning it or its contents as is specified in the order.

(5) Without prejudice to the generality of those powers, an order made by virtue of paragraph (2) (c) may, in order to prevent size or capacity from giving a false impression of the quantity of the goods in a container, prescribe a minimum quantity for the goods in a container of a given capacity, and the minimum quantity may be expressed by weight or volume, by percentage of the capacity of the container or in any other manner.

(6) The Department may make regulations—

- (a) as to the manner in which any container required by any of the provisions of any of the Schedules mentioned in paragraph (1) or of any order under paragraph (2) to be marked with information (including, in particular, information as to quantity or capacity) is to be so marked;
- (b) as to the manner in which any information required by any of the provisions of any of the Schedules mentioned in paragraph (1) to be displayed on or in a vending machine is to be so displayed;
- (c) as to the conditions which must be satisfied in marking with information as to the quantity of goods made up in the container in or on which any goods are made up for sale (whether by way of pre-packing or otherwise) where those goods are goods on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold is required by any of the provisions of any of the Schedules mentioned in paragraph (1) to be made known to the buyer at or before a particular time;
- (d) as to the units of measurement to be used in marking any container or machine such as is mentioned in sub-paragraphs (a) to (c) with any information;
- (e) for securing, in the case of pre-packed goods, that the container is so marked as to enable the packer to be identified;
- (f) as to the method by which and conditions under which quantity is to be determined in connection with any information with respect to such quantity required by or under this Article;
- (g) permitting in the case of such goods and in such circumstances as may be specified in the regulations the weight of such articles used in making up the goods for sale as may be so specified to be included in the net weight of the goods for the purposes of this Order;

and any person who contravenes any regulation made under this paragraph otherwise than by virtue of sub-paragraph (f) or (g) shall be guilty of an offence.

(7) The Department may by order grant with respect to goods or sales of such descriptions as may be specified in the order, exemption, either generally or in such circumstances as may be so specified, from all or any requirements imposed by or under this Article; and, until otherwise provided by such an order, the following shall be exempted from all such requirements, that is to say,—

- (a) goods made up in or on a container for sale only for use by Her Majesty's forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 and not sold or offered, exposed or in any person's possession for sale for any other use;
- (b) any sale of goods in the case of which the buyer gives notice in writing to the seller before the sale is completed that the goods are being bought—
 - (i) for despatch to a destination outside Northern Ireland and any designated country; or
 - (ii) for use as stores within the meaning of the Customs and Excise Management Act 1979 in a ship or aircraft on a voyage or flight to an eventual destination outside the United Kingdom and the Isle of Man;
- (c) any goods sold for, or offered, exposed or in any person's possession for sale only for, use or consumption at the premises of the seller, not being intoxicating liquor;
- (d) any assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

Changes to legislation:

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, Section 19.