

1976 No. 352

WEIGHTS AND MEASURES

**Weights and Measures (Pre-packed Milk in Vending Machines)
Order (Northern Ireland) 1976**

Made 19th November 1976

Coming into operation 1st January 1977

*To be laid before Parliament under Paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department(a) of Commerce, after consultation with such organisations as appear to it to be representative of interests substantially affected by this Order and consideration of the representations made to it by such organisations with respect to the subject matter of this Order, in exercise of the powers conferred on it by section 15(2), (3) and (5) of the Weights and Measures Act (Northern Ireland) 1967(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Weights and Measures (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1976 and shall come into operation on 1st January 1977.

Control of sale

2. Part V of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall have effect subject to the amendment that for paragraph 4 thereof there shall be substituted the following:—

“4. If in the case of any pre-packed milk made up in a quantity of less than half a pint (but not being one-third of a pint) its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in paragraph 3(1)(a), a person shall not by reason only of that fact be guilty of an offence under section 16(2)—

- (a) in respect of a sale of that milk by that or any other person if the sale is by means of a vending machine or is otherwise than by retail; or
- (b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—
 - (i) for sale by means of a vending machine which complies with paragraph 5; or
 - (ii) for sale otherwise than by retail; or
 - (iii) for delivery after sale otherwise than by retail”

(a) formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1967 c. 6 (N.I.)

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 19th November 1976.

(L.S.)

W. T. McCrory

Assistant Secretary

EXPLANATORY NOTE

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

This Order amends Part V of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 by removing the requirement that milk pre-packed for sale from a vending machine in any quantity other than one-third of a pint, half a pint or a multiple of half a pint shall be sold at the price of sixpence (2½p).

In future pre-packed milk may be sold from a vending machine in any quantity of less than half a pint if (except where the quantity is one-third of a pint) the container bears a statement that the milk is not for sale otherwise than from a vending machine. Pre-packed milk may also be sold from a vending machine in a quantity of half a pint or a multiple of half a pint.