

1983 No. 391

## WEIGHTS AND MEASURES

Weights and Measures (Wine and Grape Must) Order  
(Northern Ireland) 1983

Made . . . . . 30th November 1983

Coming into operation . . . . . 1st January 1984

The Department of Economic Development, in exercise of the powers conferred by Article 19(2), (3) and (7) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 48(2) of that Order, 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 hereof, hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Weights and Measures (Wine and Grape Must) Order (Northern Ireland) 1983 and shall come into operation on 1st January 1984.

*Application*

2.—(1) This Order applies to the wine (whether or not imported) and grape must specified in paragraph 1(a) and (b) of Annex III to Council Directive No. 75/106/EEC(c), that is to say:—

- (a) wine of fresh grapes;
- (b) fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22.05A and B and liqueur wines (subheading ex 22.05C);
- (c) grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (heading 22.04); and
- (d) “yellow” wines entitled to the following designations of origin: “Côtes du Jura”, “Arbois”, “L’Étoile” and “Château-Chalon”.

(2) In this Article references to a heading or subheading are references to a heading or subheading of the Common Customs Tariff of the European Economic Community(d).

*Prescribed Quantities*

3. Subject to the following provisions of this Order, wine and grape must shall be pre-packed only if they are made up in one of the following quantities by volume, that is to say:—

10cl,	25cl,	37.5cl,	50cl,	75cl,
1L,	1.5L,	2L,	3L and	5L.

(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art.4

(c) OJ No. L 42, 15.2.1975, p. 1, as amended by Council Directive No. 79/1005/EEC (OJ No. L 308, 4.12.1979, p. 25)

(d) See Annex to Council Regulation (EEC) No. 950/68 (OJ No. L 172, 22.7.1968, p. 1) as last amended by Council Regulation (EEC) No. 3000/82 (OJ No. L 318, 15.11.1982, p. 1)

*Temporary use of certain prescribed quantities*

4. Until 31st December 1985, wine and grape must may be pre-packed if they are made up in the quantity by volume of 73cl; and until 31st December 1988, they may be pre-packed if they are made up in one of the following quantities by volume, that is to say:—

35cl, 70cl and 1.25L.

*Yellow wine*

5. Subject to Article 6, yellow wine specified in Article 2(1)(d) shall be pre-packed only if it is made up in the quantity by volume of 62cl.

*Exemptions*

6. There shall be exempted from the requirements of Articles 3 and 5:—

- (a) wine and grape must made up in quantities of less than 5ml and more than 10L;
- (b) wine to which Article 3(1)(a) of the Weights and Measures (Sale of Wine) Order (Northern Ireland) 1977(a) applies; and
- (c) wine and grape must made up in securely closed containers before the date of coming into operation of this Order.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 30th November 1983.

(L.S.)

*Margaret L. Johnston*

Assistant Secretary

## EXPLANATORY NOTE

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

This Order implements the requirements of Council Directive No. 75/106/EEC, as amended by Council Directive No. 79/1005/EEC, insofar as it relates to certain pre-packed wines known as table wines and grape must. "Wine" in this Order means wine of fresh grapes excluding:—

- (a) sparkling wines;
- (b) liqueur (fortified) wine;
- (c) vermouths;
- (d) British wine (eg fruit or tonic wines).

The Order provides that, where wine is made up in a quantity of at least 5 millilitres and not more than 10 litres, it is to be pre-packed only in prescribed metric quantities.

The Order does not apply to wine sold on the premises at which it is to be consumed otherwise than pre-packed in a securely closed bottle, nor does it apply to wine and grape must made up in a securely closed container before the date of coming into operation of this Order.

Contravention of this Order is an offence under Article 20(2) of the Weights and Measures (Northern Ireland) Order 1981, which provides, inter alia, that where goods are required by or under that Order to be pre-packed only in specified quantities, a person (whether on his own behalf or on behalf of another) who has in his possession for sale, sells or agrees to sell goods which do not comply with the requirement is guilty of an offence. The penalty on summary conviction for this offence is a fine not exceeding £1,000.