

## 1989 No. 164

## WEIGHTS AND MEASURES

**Weights and Measures (Intoxicating Liquor) Order  
(Northern Ireland) 1989**

*Made* . . . . . 4th May 1989

*Coming into operation* . . . . . 12th June 1989

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 of this Order, hereby makes the following Order:—

*Citation, commencement, interpretation and revocation*

1.—(1) This Order may be cited as the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 and shall come into operation on 12th June 1989.

(2) In this Order “beer”, “cider”, “made-wine” and “wine” have the same meanings respectively as in section 1 of the Alcoholic Liquor Duties Act 1979(c) and references to a subheading are references to a subheading of the Combined Nomenclature of the European Economic Community(d).

(3) The Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1986(e) is hereby revoked.

*Control of sale of beer and cider*

2.—(1) Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail—

- (a) only in a quantity of  $\frac{1}{3}$  pint,  $\frac{1}{2}$  pint or a multiple of  $\frac{1}{2}$  pint; and
- (b) subject to paragraph (2), where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

(2) Paragraph (1)(b) shall not apply where—

- (a) the quantity of the intoxicating liquor the subject of the sale is ascertained by means of measuring equipment stamped in accordance

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

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

(c) 1979 c. 4 as amended by S.I. 1979/241

(d) See Council Regulation (EEC) 2658/87 (OJ No. L256, 7.9.1987, p.1)

(e) S.R. 1986 No. 226

with regulation 16(2) of the Measuring Equipment (Intoxicating Liquor) Regulations (Northern Ireland) 1984(a);

- (b) the liquor in question is delivered directly from the measuring equipment into the container in which it is intended the buyer should receive it;
- (c) the liquor in question is so delivered after the buyer has ordered it; and
- (d) the measuring equipment (or that part of it from which the liquor is delivered) is installed in such a position that the delivery of the liquor into the container can readily be seen by customers in that part of the premises where the buyer ordered the liquor.

*Control of sale of gin, rum, vodka and whiskey*

3.—(1) Subject to paragraphs (2) and (3), unless pre-packed in a securely closed container, intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whiskey, shall be sold by retail for consumption on the premises at which it is sold only in a quantity of one-quarter of a gill or a multiple of one-quarter of a gill.

(2) Any such liquor shall be exempted from the requirements of this Article when it forms a constituent of a mixture of three or more liquids.

(3) Nothing in this Article shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of those liquors in a quantity not otherwise permitted by this Article.

*Control of sale of wine of fresh grapes, "yellow" and sparkling wines, liqueurs and other spirits and spirituous beverages*

4.—(1) The intoxicating liquor and other liquids specified in column 1 of the Schedule shall be pre-packed or, in the case of those in Part III of the Schedule, otherwise made up in a container for sale, only if they are made up in one of the quantities by volume specified in column 2, subject to the exceptions specified in column 3.

(2) This Article applies to intoxicating liquor specified in column 1 in Part II of the Schedule made up after 31st December 1990, and to intoxicating liquor specified in column 1 in Part III of that Schedule made up after 31st December 1991.

*Control of sale of wine and made-wine*

5.—(1) Subject to paragraph (2), wine and made-wine for consumption on the premises at which it is sold shall—

- (a) be pre-packed only in one of the following quantities, that is to say—
  - (i) 25 cl, 50 cl, 75 cl, or 1L; or
  - (ii) 10 fl oz, or 20 fl oz;
- (b) when not pre-packed, be sold only in those quantities; and
- (c) whether pre-packed or not, be sold only if a statement in writing showing the quantities in which wine or made-wine is for sale is either displayed on those premises in such a position and manner as to be

readily available without special request for inspection by the buyer before the sale is made, or is contained in every winelist and menu which is available to the buyer on those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption on those premises.

(2) Paragraph (1) shall not apply in the case of wine or made-wine which—

- (a) is pre-packed in a securely closed container whether or not it is to be decanted at the request of the buyer before being served; or
- (b) is sold in the glass or other vessel from which it is intended to be drunk.

### *Quantity marking*

6.—(1) Intoxicating liquor and other liquids specified in column 1 of the Schedule shall be pre-packed in a closed container (or, in the case of those specified in Part III of the Schedule, otherwise made up in such a container for sale) only if the container is marked with an indication of quantity by volume, subject to the exemptions specified in column 4 of the Schedule.

(2) Intoxicating liquor of any other description shall be pre-packed in a closed container in a quantity of 5 ml or more but not exceeding 5L only if the container is marked with an indication of quantity by volume.

### *Offences and penalties*

7.—(1) Without prejudice to the provisions of Article 20 of the Weights and Measures (Northern Ireland) Order 1981, if Article 2(1)(b) or 5(1)(c) is contravened, the occupier of the premises in question shall be guilty of an offence.

(2) Any person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding £2,000.

### *Multipacks*

8. Nothing in this Order shall require any container to be marked with any information or to enclose intoxicating liquor or other liquids of a particular quantity if all the following provisions are satisfied:—

- (a) the contents of the container in which any intoxicating liquor or other liquids is pre-packed consist of two or more packs of goods;
- (b) where the goods in any pack, if sold individually, would be required by the Order to be made up in a specified quantity, the goods in any such pack are so made up;
- (c) where any pack, if sold individually, would be required by the Order to be marked with an indication as to the quantity of the goods, the pack is so marked;
- (d) (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and, where paragraph (c) applies, with an indication as to the quantity of the goods in each such pack; or

- (ii) where each pack to which paragraph (c) applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container; or
- (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (c) applies, or, if there are two or more identical such packs, an indication as to the quantity of the goods in at least one of them is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

Sealed with the Official Seal of the Department of Economic Development on 4th May 1989.

(L.S.)

*R. Smartt*

Assistant Secretary

## SCHEDULE

Articles 4 and 6

## PART I

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Wine of fresh grapes; grape must with fermentation prevented or arrested by the addition of alcohol, including wine made of unfermented grape juice blended with alcohol, grape must in fermentation or with fermentation arrested otherwise than by the addition of alcohol, of subheadings 2204 21 21 to 2204 21 39 inclusive, 2204 29 21 to 2204 29 39 inclusive and 2204 30 10	10 cl 18.7 cl (x) 25 cl 37.5 cl 50 cl 75 cl 1 L 1.5 L 2 L 3 L 5 L 6 L 9 L 10 L (x) for consumption on board aircraft and ships only	(a) less than 5 ml, more than 10L  (b) when made up in securely closed containers before 1st January 1989  (c) wine to which Article 5(1)(a) applies	less than 5 ml, more than 10 L
"Yellow" wines entitled to use the following designations of origin: "Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon"	62 cl		

## PART II

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Sparkling wine and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise made up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C, of subheadings 2204 10 11, 2204 10 19, 2204 10 90, 2204 21 10 and 2204 29 10	12.5 cl 20 cl 37.5 cl 75 cl 1.5 L 3 L 4.5 L 6 L 9 L	(a) less than 5 ml, more than 10 L  (b) for consumption on board aircraft, ships and trains, or for sale duty-free  (c) when made up in securely closed containers before 1st January 1991	less than 5 ml, more than 10 L

## PART III

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Spirits, liqueurs and	2 cl 3 cl	(a) less than 5 ml, more than 10 L	less than 5 ml, more than 10 L
other spirituous beverages and	4 cl 5 cl	(b) less than 10 cl, where aerated water or soda has been added	
compound alcoholic	7.1 cl 10 cl		
preparations of a kind used for the	20 cl 35 cl		
manufacture of beverages, of	50 cl 70 cl	(c) for consumption on board aircraft, ships and trains, or for sale duty-free	
subheadings 2208 10 10 to 2208 90 79	1 L 1.125 L (x)		
inclusive	1.5 L 2 L	(d) when made up in securely closed containers before 1st Janaury 1992	
	2.5 L 3 L		
	4.5 L 5 L (x)		
	10 L (x)		
	(x) for non-retail sales only		

## EXPLANATORY NOTE

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

This Order—

- (a) consolidates and amends the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1986 and implements Council Directive 88/316/EEC (OJ No. L143, 10.6.1988, p.26 );
- (b) prescribes a range of quantities listed in the Schedule in which intoxicating liquor and other liquids may only be pre-packed (Article 4);
- (c) excludes certain wines known as table wines and grape must from the list of items to be pre-packed in prescribed quantities if made up in securely closed containers before 1st January 1989; and extends the requirement to quantity mark from 5L to 10L with effect from 12th June 1989 (Part I of the Schedule);
- (d) adds, with effect from 1st January 1991, sparkling wines to the list of items to be pre-packed in prescribed quantities except when pre-packed for consumption on board aircraft, ships and trains or for sale duty-free; and extends the requirement to quantity mark from 5L to 10L with effect from 12th June 1989 (Part II of the Schedule);
- (e) adds, with effect from 1st January 1992, spirits and liqueurs to the list of items to be pre-packed in prescribed quantities except when pre-packed for consumption on board aircraft, ships and trains, or for sale duty-free; and extends the requirement to quantity mark from 5L to 10L with effect from 12th June 1989 (Part III of the Schedule);
- (f) takes account of the Harmonised Commodity Description and Coding System of the European Economic Community, known as the "harmonised system" which includes a Combined Nomenclature replacing the previous Common Customs Tariff Nomenclature.

Contravention of Articles 2, 3, 4, 5 and 6 give rise to offences under Article 20 of the Weights and Measures (Northern Ireland) Order 1981 for which the penalty on summary conviction is a fine not exceeding £2,000. In particular, and without prejudice to the provisions of that Article 20, contravention of Articles 2(1)(b) or 5(1)(c) of this Order by the occupier of premises is an offence for which the penalty on summary conviction is a fine not exceeding £2,000.