

1989 No. 69**WEIGHTS AND MEASURES****Weights and Measures (Miscellaneous Foods) Order
(Northern Ireland) 1989***Made* *2nd March 1989**Coming into operation* *10th April 1989*

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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:—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1988 and shall come into operation on 10th April 1989.

Interpretation

2. In this Order—

“biscuits” includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos;

“bread” means bread in any form other than breadcrumbs and includes the following, and any part of the following, that is to say, fancy loaves and milk loaves and “loaf” in relation to bread includes a roll and a bap; and for the purposes of this Order any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight;

“casein” and “caseinate” have the same meanings as they have in the Caseins and Caseinates Regulations (Northern Ireland) 1986(c);

“chicory”, “chicory extract paste”, “coffee”, “coffee mixture”, “coffee extract paste”, “instant chicory”, “instant coffee”, “liquid chicory extract” and “liquid coffee extract” have the same meanings as they have in the Coffee and Coffee Products Regulations (Northern Ireland) 1979(d);

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

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

(c) S.R. 1986 No. 40: to which there is an amendment not relevant to this Order

(d) S.R. 1979 No. 51: the relevant amending Regulations are S.R. 1982 No. 298 and S.R. 1988 No. 23

- “chocolate confectionery”, “flour confectionery” and “sugar confectionery” have the same meanings as they have in the Food Labelling Regulations (Northern Ireland) 1984(a) except that “flour confectionery” includes food containing a filling which has as an ingredient vegetable protein material or microbial protein material and also includes bun loaves, fruit loaves, malt loaves and fruited malt loaves;
- “cocoa product”, “chocolate product”, “fancy chocolate product”, “container” in relation to these products and “reserved description” have the same meanings as they have in the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(b); except that “cocoa product” and “chocolate product” shall include a product specially prepared for diabetics or to which a slimming claim (as defined in the said Regulations) is lawfully applied and which has been specially prepared in connection with that claim by the addition of any ingredient other than an edible substance as so defined;
- “coffee bag” means a permeable sealed bag, which is intended to be immersed in water in the course of preparation to drink, containing coffee or a coffee mixture, or a mixture of any of those products and instant coffee, which consists predominantly of coffee or a coffee mixture;
- “condensed milk” and “dried milk” have the same meanings as they have in the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(c);
- “liquid coffee and chicory products” means liquid coffee extract and liquid chicory extract, and blends thereof;
- “milk” means cows’ milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream;
- “the Order of 1981” means the Weights and Measures (Northern Ireland) Order 1981;
- “potatoes” means potatoes in the state in which they were harvested or in that state apart from cleaning;
- “preserved milk” means condensed milk (including evaporated milk) or dried milk; and
- “solid and paste coffee and chicory products” means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory.

Schedule 3 to the Order of 1981 to cease to have effect

3. Schedule 3 to the Order of 1981, so far as it still applies, shall cease to have effect.

(a) S.R. 1984 No. 407: to which there are amendments not relevant to this Order

(b) S.R. 1976 No. 183: the relevant amending Regulations are S.R. 1981 No. 305, S.R. 1982 No. 349 and S.R. 1984 No. 407

(c) S.R. 1977 No. 196: to which there are amendments not relevant to this Order

General requirements for certain foods to be pre-packed in specified quantities and their containers to be quantity marked or, when not pre-packed, to be sold by retail by quantity

4.—(1) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than chunk honey and comb honey and cut lump salt, shall be pre-packed or, in the case of sugar, otherwise made up in a container for sale, only if they are made up in one of the quantities by net weight, or, in the case of milk, by capacity measurement, specified in column 2 in relation to the foods, subject to the exceptions specified in column 3.

(2) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than cut lump salt and milk, shall be pre-packed or, in the case of honey, cocoa products and chocolate products, solid and paste coffee and chicory products and sugar, otherwise made up in a container for sale, only if the container is marked with an indication of quantity by net weight, subject to the exemptions specified in column 4.

(3) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than bread and chunk honey and comb honey and milk, shall, when not pre-packed, if sold by retail be sold only by net weight, subject to the exceptions specified in column 5.

Provision for the containers of certain foods not sold by retail to be accompanied by a document indicating quantity

5.—(1) In the case of caseins, caseinates or preserved milk for human consumption, solid and paste coffee and chicory products, cocoa products to which this Article applies or honey pre-packed or otherwise made up in a container for sale, the information required by Article 4(2), 8, 10(2) or 13 to be marked on the container may, if:—

(a) the foods are not sold by retail; and

(b) the net weight of the foods is not less than the particular quantities specified in paragraph (3) in relation to the foods,

be given at the time when they are sold in a document accompanying the container and containing an indication of quantity by net weight expressed in the case of caseins, caseinates or preserved milk for human consumption and cocoa products in metric units of measurement and in other cases in both imperial and metric units.

(2) This Article applies to cocoa products only of the following reserved descriptions, that is to say, cocoa bean, cocoa nib, cocoa dust, cocoa fines, cocoa mass, cocoa press cake, fat-reduced cocoa press cake and expeller cocoa press cake.

(3) The quantities referred to in paragraph (1) are:

solid and paste coffee and chicory products	5 kilogrammes
caseins, caseinates or preserved milk for human consumption	10 kilogrammes
cocoa products	10 kilogrammes
honey	10 kilogrammes

PART III

SPECIAL PROVISIONS IN RESPECT OF PARTICULAR FOODS

Biscuits and shortbread

6.—(1) Article 4(1) and (2) shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, and either:—

- (a) the biscuits are in the possession of the producer for sale by him by retail on those premises; or
- (b) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Biscuits to which paragraph (1) applies (other than wafer biscuits which are not cream-filled) shall be pre-packed only if the container is marked with an indication of quantity by net weight but there shall be exempted from the requirements of this paragraph biscuits pre-packed in a quantity not exceeding 100 grammes.

(3) Shortbread shall be pre-packed only if the container is marked with an indication of quantity by net weight but there shall be exempted from the requirements of this paragraph shortbread where made up in a quantity not exceeding 50 grammes or shortbread consisting of a piece or pieces each weighing 200 grammes or more if the number of pieces in the container, if more than one, is marked on the container or is clearly visible and capable of being easily counted through the container.

(4) Wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number or, in the case of a container marked with the EEC mark within the meaning of Article 34 of the Order of 1981, only if it is marked with an indication of quantity by net weight.

(5) Wafer biscuits which are not cream-filled and which are not pre-packed shall if sold by retail be sold only by number.

(6) Shortbread, except where the quantity does not exceed eight pieces, shall, when not pre-packed, if sold by retail be sold only by net weight.

Bread

7.—(1) Subject to paragraph (2), a whole loaf of bread of a net weight exceeding 300 grammes, when not pre-packed, shall be made for sale only if it is of a net weight of 400 grammes or a multiple of 400 grammes.

(2) There shall be exempted from the requirements of paragraph (1) any sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread thereunder to be of a specified aggregate quantity of not less than 25 kilogrammes and for the weighing of the bread on delivery.

Caseins and caseinates

8. Caseins and caseinates for human consumption in a quantity of not less than 5 grammes shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

Cocoa and chocolate products

9.—(1) Subject to paragraph (2), cocoa products and chocolate products not specified in Schedule 1 shall be pre-packed or otherwise made up in a container for sale, only if the container is marked with an indication of quantity by net weight but there shall be exempted from the requirements of this paragraph such products pre-packed in a quantity by net weight of less than 50 grammes.

(2) Nothing in paragraph (1) shall require a container to be marked with an indication of quantity by net weight if it is a container in which fancy chocolate products are pre-packed, except that when the products are on sale by retail the exemption provided by this paragraph shall apply only if an indication of quantity by net weight is given on a ticket or notice displayed on or in immediate proximity to the products.

(3) Except in the case of an article whose net weight is less than 50 grammes, cocoa products and chocolate products which are not pre-packed shall, when sold by retail, be sold only by net weight.

Coffee and chicory products

10.—(1) Liquid coffee and chicory products shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by capacity measurement.

(2) Where the contents of a container in which solid and paste coffee and chicory products or liquid coffee and chicory products are pre-packed or otherwise made up for sale consists of packs of such products not intended for individual sale, the container shall, in addition to any marking required by Article 4(2) and paragraph (1), be marked with the total number of such packs.

Liquid edible oil

11. Liquid edible oil shall be pre-packed only if the container is marked with an indication of quantity by volume but there shall be exempted from the requirements of this Article such oil pre-packed in a quantity of less than 5 millilitres or more than 20 litres.

Milk

12.—(1) Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

(2) If in the case of any pre-packed milk made up in a quantity of less than $\frac{1}{2}$ 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 column 2, of Schedule 1 in relation to milk, a person shall not by reason only of that fact be guilty of an offence under Article 20(2) of the Order of 1981—

- (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 (3);
 - (ii) for sale otherwise than by retail; or
 - (iii) for delivery after sale otherwise than by retail.
- (3) Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—
- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine; and
 - (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

Preserved milk

13. Preserved milk for human consumption in a quantity of not less than 5 grammes shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

Potatoes

14.—(1) Where at any premises other than a vehicle or ship any potatoes have been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

- (a) a weighing of that container while the potatoes are therein;
- (b) a weighing of that container after the removal of the potatoes therefrom;
- (c) a weighing of a similar container which is empty,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller without reasonable cause contravenes this requirement he shall be guilty of an offence.

(2) The occupier of any premises at which any potatoes are made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such potatoes so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under paragraph (1) to be carried out at those premises; and if he without reasonable cause contravenes any of the requirements of this paragraph he shall be guilty of an offence.

(3) Potatoes which are not pre-packed shall, if sold by retail, be sold only—

- (a) by net weight; or
- (b) if the food is sold in a container which does not exceed the appropriate permitted weight specified in the Table in Schedule 2, either by net weight or gross weight.

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

PART III

MISCELLANEOUS PROVISIONS

Miscellaneous foods to be marked when pre-packed with quantity by number

15.—(1) Subject to paragraph (2), foods of any of the following descriptions, that is to say—

- (a) cereal biscuit breakfast foods, other than foods in the case of which none of the biscuits weighs more than 10 grammes;
- (b) flour confectionery, except when consisting of uncooked pastry or pastry cakes, not containing any filling, or shortbread;
- (c) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets;
- (d) shell eggs;
- (e) vanilla pods;
- (f) capsule and tablet foods,

shall be pre-packed only if the container is marked with an indication of quantity by number or, in the case of flour confectionery, if the number of items in the container, if more than one, is clearly visible and capable of being easily counted through the container.

(2) Subject to Article 18 of Council Regulation (EEC) No. 2772/75(a), there shall be exempted from the requirements of this Article—

- (a) shell eggs pre-packed in a quantity of not more than six, if the container is such that all the eggs can be clearly seen by a prospective buyer;
- (b) any foods in a quantity by number of one.

Other pre-packed foods

16.—(1) This Article applies to foods of any description which are not goods—

- (a) required by any other provision of this Order or under or by virtue of any other provision of the Order of 1981 to be pre-packed only if the container is marked with an indication of quantity; or
- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any such provision to be made known to the buyer at or before a particular time; or
- (c) expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

(2) Subject to paragraph (3), foods to which this Article applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

(3) The following shall be exempted from the requirements of this Article, that is to say—

(a) O.J. No. L282, 1.11.1975, p. 56

- (a) bread;
- (b) flour confectionery;
- (c) food to which Article 4 or 5 of the Weights and Measures (Various Foods) Order (Northern Ireland) 1988(a) applies, other than dates;
- (d) freeze drinks in a quantity of less than 50 millilitres;
- (e) herbs, whole and sifted except saffron, in a quantity of less than 25 grammes;
- (f) iced lollies and water ices;
- (g) intoxicating liquor to which Article 7 of the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1986(b) applies;
- (h) milk;
- (i) potato crisps and other similar products commonly known as snack foods in a quantity of less than 1 ounce up to and including 30th June 1989 and thereafter in a quantity of less than 25 grammes;
- (j) single portion vending machine beverage packs in a quantity of less than 25 grammes or of less than 25 millilitres whether or not they contain other foods to which this Article does not apply;
- (k) single toffee apples;
- (l) soft drinks of any description in a syphon;
- (m) sugar confectionery consisting of rock or barley sugar in sticks or novelty shapes;
- (n) sugar confectionery not included in sub-paragraph (m) and chocolate confectionery, in a quantity of less than 50 grammes;
- (o) goods of any other description, except saffron, in a quantity of less than 5 grammes or of less than 5 millilitres.

Multipacks

17.—(1) Nothing in the foregoing provisions of this Order shall require any container to be marked with any information or to enclose foods of a particular quantity if all the following provisions are satisfied:—

- (a) the contents of the container in which any foods to which the Order applies are pre-packed or otherwise made up in the container for sale 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 sub-paragraph (c) applies with an indication as to the quantity of the goods in each such pack; or

(a) S.R. 1988 No. 408

(b) S.R. 1986 No. 226

- (ii) where each pack to which sub-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 sub-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.

(2) Where the provisions of both Article 5 and paragraph (1) apply in a particular case, the information permitted by paragraph (1)(d)(i) to be marked on the container may be given in a document accompanying the container.

Application of Article 20 of the Order of 1981 as modified in relation to certain foods and transitional provisions

18.—(1) Article 20(2) of the Order of 1981 shall apply in the case of caseins, caseinates or preserved milk for human consumption, any solid and paste coffee and chicory products, cocoa products to which Article 5 applies or honey pre-packed or otherwise made up in a container for sale where the information required by Article 4(2), 8, 10(2) or 13, or permitted by Article 17(1)(d)(i) to be marked on the container, is given in a document accompanying the container in accordance with Article 5 or 17(2) with the following modifications:—

- (a) after the word “information” there shall be inserted the words “or is accompanied by a document containing particular information”;
- (b) after the words “so marked” there shall be inserted the words “or accompanied”;
- (c) the words “whether the sale is, or is to be, by retail or otherwise” shall be omitted.

(2) Where Article 20(2) of the Order of 1981 applies by virtue of paragraph (1), a person shall not be guilty of an offence under Article 20(2) by reason only of—

- (a) having in his possession for sale, or
- (b) having in his possession for delivery after sale, or
- (c) causing or suffering any other person to have in his possession for sale or for delivery after sale,

caseins, caseinates or preserved milk for human consumption, solid and paste coffee and chicory products, cocoa products to which Article 5 applies or honey pre-packed or otherwise made up in a container for sale otherwise than in a container so accompanied.

(3) A person specified in paragraph (5) in the cases specified in that paragraph shall not be guilty of an offence under Article 20(2) of the Order of 1981 by reason only of the fact that the foods specified in the preceding

Articles are not pre-packed in accordance with the provisions of this Order, if the foods are pre-packed in accordance with the conditions set out in paragraph (4).

(4) The conditions referred to in paragraph (3) are that the requirements of an Order revoked by this Order (if the former Order were not revoked by this Order), or the requirements of Schedule 3 to the Order of 1981 (if Article 3 were not to apply) would be met.

(5) The cases and persons referred to in paragraph (3) are—

(a) in the case of foods pre-packed in Northern Ireland before 2nd September 1989 and of foods imported pre-packed into Northern Ireland before that date, all persons;

(b) in the case of foods pre-packed in Northern Ireland on or after that date and of foods imported pre-packed into Northern Ireland on or after that date, all persons other than—

(i) where the foods were pre-packed in Northern Ireland, the person who pre-packed them and if he pre-packed them on behalf of another person, that other person;

(ii) where the foods were imported into Northern Ireland, the person who imported them and if he imported them on behalf of another person, that other person.

(6) The provisions of paragraphs (3), (4) and (5) shall cease to have effect on 1st June 1990.

Amendment of Schedule 7 to the Order of 1981

19. For paragraph 5 of Schedule 7 to the Order of 1981 there shall be substituted the following paragraph:—

“5. There shall be exempted from any requirement of paragraph 1, 2 or 3 food of any description in a quantity of less than five grammes or of less than five millilitres and goods of any other description in a quantity of less than one ounce or of less than one fluid ounce.”

Revocation

20. The Orders specified in Schedule 3 are hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 2nd March 1989.

(L.S.)

R. G. Smartt

Assistant Secretary

SCHEDULE 1

Articles 4 and 12(2)

No. 69

Foods

<i>Foods</i> (1)	<i>Specified quantities (pre-packed foods)</i> (2)	<i>Exceptions from specified quantities</i> (3)	<i>Exemptions from quantity marking (pre-packed foods)</i> (4)	<i>Exceptions from quantity requirement (foods not pre-packed)</i> (5)
Barley, kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca.	(1) 4oz, 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb (2) 125g, 250g, 375g, 500g or a multiple of 500g	75g or less, more than 10kg	less than 5g	
Biscuits, other than wafer biscuits which are not cream-filled.	100g, 125g, 150g, 200g, 250g, 300g or a multiple of 100g	85g or less, more than 5kg	50g or less	8 or less
Bread in the form of a whole loaf.	400g or a multiple of 400g	(1) where the net weight of each loaf is 300g or less. (2) any sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer, if the contract provides for each delivery of bread thereunder to be of a specified	where the net weight of each loaf is less than 300g and the number of items if more than one in the container is marked on the container or is clearly visible and capable of being easily counted through the container	

Weights and Measures

Cereal breakfast foods in flake form, other than cereal biscuit breakfast foods.	125g, 250g, 375g, 500g, 750g, 1kg, 1.5kg or a multiple of 1kg	aggregate quantity of not less than 25kg and for the weighing of the bread on delivery. 50g or less, more than 10kg	less than 5g	less than 50g
Chocolate products in bar or tablet form of the following reserved descriptions namely chocolate, plain chocolate, gianduja nut chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate, filled chocolate, cream chocolate and skimmed milk chocolate.	85g, 100g, 125g, 150g, 200g, 250g, 300g, 400g or 500g	less than 85g, more than 500g	less than 50g	
Cocoa products of the following reserved descriptions namely cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, drinking chocolate and fat-reduced drinking chocolate.	50g, 75g, 125g, 250g, 500g, 750g and 1kg	less than 50g, more than 1kg	less than 50g	

SCHEDULE 1 (Contd.)
Foods

<i>Foods</i> (1)	<i>Specified quantities (pre-packed foods)</i> (2)	<i>Exceptions from specified quantities</i> (3)	<i>Exemptions from quantity marking (pre-packed foods)</i> (4)	<i>Exceptions from quantity requirement (foods not pre-packed)</i> (5)
Coffee, coffee mixtures and coffee bags.	(1) 2oz, 4oz, 8oz, 12oz, 1lb, 1 1/2lb or a multiple of 1lb (2) 75g, 125g, 250g, 500g, 750g, 1kg or a multiple of 500g <i>Note:</i> In the case of coffee bags the prescribed quantities and quantity marking relate to the contents.	less than 25g, more than 5kg	less than 5g	
Coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products.	50g, 100g, 200g, 250g (for mixtures of coffee extracts and chicory extracts only), 300g (for coffee extracts only), 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 3kg or a multiple of 1kg	25g or less, more than 10kg	less than 5g	
Dried fruits of any one or more of the following descriptions, that is to say,	125g, 250g, 375g, 500g, 1kg, 1.5kg, 7.5kg or a multiple of 1kg	75g or less, more than 10kg	less than 5g	

apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad.

Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas).

Edible fats of any of the following descriptions—

- (a) butter, margarine, any mixture of butter and margarine, and low fat spreads (butter or margarine substitutes);
- (b) dripping and shredded suet;
- (c) lard and compound cooking fat and substitutes therefor;
- (d) solidified edible oil (except in gel form).

Flour, namely flour of bean, maize, pea, rice, rye, soya bean or wheat and flour products of any of the

125g, 250g, 375g, 500g, 1kg, 1.5kg, 7.5kg or a multiple of 1kg

50g, 125g, 250g, 500g, or a multiple of 500g up to and including 4kg or thereafter a multiple of 1kg up to and including 10kg

125g, 250g, 500g or a multiple of 500g and in the case of cornflour, in addition 375g and 750g

100g or less, more than 10kg

- (1) in the case of those of the description in paragraph (a) 25g or less, more than 10kg
- (2) in other cases more than 10kg

50g or less, more than 10kg

in the case of those of the description in paragraph (a) less than 5g

SCHEDULE I (Contd.)
Foods

<i>Foods</i>	<i>Specified quantities (pre-packed foods)</i>	<i>Exceptions from specified quantities</i>	<i>Exemptions from quantity marking (pre-packed foods)</i>	<i>Exceptions from quantity requirement (foods not pre-packed)</i>
(1)	(2)	(3)	(4)	(5)
following descriptions, that is to say— (1) cake flour, other than cake mixtures and sponge mixtures; (2) cornflour, other than blancmange powders and custard powders; (3) self-raising flour Honey. Jam and marmalade, other than diabetic jam or marmalade. Jelly preserves. Milk.	2oz, 4oz, 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb 2oz, 4oz, 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb (1) ⅓pt, ½pt. or a multiple of ½pt. (2) 200ml, 250ml, 500ml, 750ml, 1 litre, 2 litres or thereafter a multiple of 500ml	less than 50g less than 50g 50ml or less	less than 5g	

Molasses, syrup and treacle.	2oz, 4oz, 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb	less than 50g	less than 5g
Oat products namely— (1) flour of oats; (2) oatflakes and oatmeal.	125g, 250g, 375g, 500g, 750g, 1kg, 1.5kg or a multiple of 1 kg	50g or less, more than 10kg	less than 5g
Pasta.	125g, 250g, 375g, 500g or a multiple of 500g	50g or less	
Potatoes.	(1) 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb (2) 500g, 1kg, 1.5kg, 2kg, 2.5kg or a multiple of 2.5kg up to and including 15kg, 20kg or 25kg	(1) where the net weight of each potato is not less than 175g (2) more than 25kg	where the net weight of each potato is not less than 175g and the container is marked with an indication of quantity by number and with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grammes, whether the weight so specified is 175g or a greater weight
Salt.	125g, 250g, 500g, 750g, 1kg, 1.5kg or a multiple of 1kg up to and including 10kg, 12.5kg, 25kg or 50 kg	100g or less	
Sugar.	125g, 250g, 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 3kg, 4kg or 5kg	100g or less, more than 5kg	less than 50g
Tea in a tea bag, namely a permeable sealed bag, containing tea, which is intended to be immersed in	50g, 125g, 250g, 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 3kg, 4kg or 5kg	25g or less, more than 5kg	

SCHEDULE 1 (Contd.)
Foods

<i>Foods</i>	<i>Specified quantities (pre-packed foods)</i>	<i>Exceptions from specified quantities</i>	<i>Exemptions from quantity marking (pre-packed foods)</i>	<i>Exceptions from quantity requirement (foods not pre-packed)</i>
(1)	(2)	(3)	(4)	(5)
water in the course of preparation to drink. Tea other than tea in a tea bag.	50g, 125g, 250g, 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 3kg, 4kg or 5kg, and in the case of tea packed in tins or glass or wooden containers, in addition 100g, 200g and 300g	25g or less, more than 5kg		

Table of Permitted Weights for Containers

<i>Gross weight</i>	<i>Permitted weight of container</i>
Not exceeding 500 grammes	5 grammes
Exceeding 500 grammes	a weight at the rate of 10 grammes per kilogramme of the gross weight.

SCHEDULE 3

Revocations

Column 1 <i>Orders revoked</i>	Column 2 <i>References</i>
Weights and Measures (Pasta) Order (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 502
Weights and Measures (Salt) Order (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 503
Weights and Measures (Sugar) Order (Northern Ireland) 1974	S.R. 1974 No. 281
Cereal Breakfast Foods and Oat Products Order (Northern Ireland) 1975	S.R. 1975 No. 281
Weights and Measures (Dried Vegetables) Order (Northern Ireland) 1975	S.R. 1975 No. 311
Weights and Measures (Flour and Flour Products) Order (Northern Ireland) 1975	S.R. 1975 No. 312
Weights and Measures (Biscuits and Shortbread) Order (Northern Ireland) 1976	S.R. 1976 No. 198
Weights and Measures (Flour and Oat Products) (Exemption) Order (Northern Ireland) 1976	S.R. 1976 No. 305
Weights and Measures (Tea) Order (Northern Ireland) 1976	S.R. 1976 No. 351
Weights and Measures (Honey) Order (Northern Ireland) 1977	S.R. 1977 No. 145
Weights and Measures (Dried Fruits) Order (Northern Ireland) 1977	S.R. 1977 No. 146
Weights and Measures (Sugar) (Amendment) Order (Northern Ireland) 1978	S.R. 1978 No. 116
Weights and Measures (Coffee Extracts and Chicory Extracts) Order (Northern Ireland) 1979	S.R. 1979 No. 384
Weights and Measures (Cocoa and Chocolate Products) Order (Northern Ireland) 1979	S.R. 1979 No. 453
Weights and Measures (Bread) (Termination of Imperial Quantities) Order (Northern Ireland) 1979	S.R. 1979 No. 454
Weights and Measures (Milk) Order (Northern Ireland) 1980	S.R. 1980 No. 33
Weights and Measures (Potatoes) Order (Northern Ireland) 1980	S.R. 1980 No. 150

Column 1 <i>Orders revoked</i>	Column 2 <i>References</i>
Weights and Measures (Edible Fats) Order (Northern Ireland) 1981	S.R. 1981 No. 206
Weights and Measures (Dried Fruits and Vegetables) (Amendment) Order (Northern Ireland) 1981	S.R. 1981 No. 392
Weights and Measures (Coffee and Coffee Mixtures) Order (Northern Ireland) 1981	S.R. 1981 No. 393
Weights and Measures (Grain and Farinaceous Products) Order (Northern Ireland) 1981	S.R. 1981 No. 394

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order—

- (a) specifies a range of quantities by net weight or, in the case of milk, by capacity measurement, for certain pre-packed foods, makes provision for the quantity marking of such food when pre-packed or otherwise made up in a container and provides that certain foods when not pre-packed, shall, if sold by retail, be sold only by net weight (Article 4 and Schedule 1);
- (b) replaces those Parts of Schedule 3 to the Weights and Measures (Northern Ireland) Order 1981 which still apply, namely Parts V, VI and VII as well as a number of statutory rules relating to specific foods;
- (c) implements the requirements of Article 8 of Council Directive No. 79/112/EEC (O.J. No. L33, 8.2.1979, p. 1) insofar as that Directive relates to the quantity marking of the foods covered by this Order;
- (d) abolishes the specified range of imperial quantities for pre-packed coffee extracts and chicory extracts and implements Council Directive No. 85/573/EEC (O.J. No. L372, 31.12.1985, p. 22) (Schedule 1);
- (e) omits the 1oz size from the range of specified quantities for pre-packed honey, jam and marmalade, jelly preserves, molasses, syrup and treacle and provides that the lower limit for the range of specified quantities in respect of those products is to be 50 grammes instead of $\frac{1}{2}$ oz (Schedule 1);

- (f) introduces specified quantities of 100g, 200g and 300g for tea pre-packed in tins or glass or wooden containers (Schedule 1);
- (g) introduces requirements, in accordance with Council Directives 83/417/EEC (O.J. No. L237, 26.8.1983, p. 25) and 83/635/EEC (O.J. No. L357, 21.12.1983, p. 37), for caseins and caseinates and preserved milk for human consumption to be pre-packed or otherwise made up in a container only if the container is marked with a statement of quantity by net weight (Articles 8 and 13);
- (h) provides that when potatoes are not pre-packed they shall be sold by retail by net weight or, if sold in a container which does not exceed the permitted weight, by net weight or gross weight (Article 14(3) and Schedule 2);
- (i) applies with modifications, Article 20(2) of the Weights and Measures (Northern Ireland) Order 1981 to take account of the cases where the information required by this Order may be given in an accompanying document instead of on the container in which the foods are made up (Article 18); and
- (j) contains transitional provisions to allow time for foods which comply with the provisions of the legislation replaced by this Order, but do not comply with the Order itself, to be sold — the transitional periods vary depending on the time of pre-packing or importation and the status of the person concerned (Article 18).

Contravention of this Order gives rise to offences for which the penalty on summary conviction is in the case of a contravention of Article 14(1) or (2), a fine not exceeding £2,000 and, in all other cases, a fine not exceeding level 5 on the standard scale (currently £2,000).