

1990 No. 395

WEIGHTS AND MEASURES

**Weights and Measures (Sundry Foods) (Amendment) Order
(Northern Ireland) 1990**

Made 13th November 1990

Coming into operation 1st January 1991

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 and interpretation

1.—(1) This Order may be cited as the Weights and Measures (Sundry Foods) (Amendment) Order (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

(2) In this Order “the Order of 1981” means the Weights and Measures (Northern Ireland) Order 1981.

*Amendment of the Weights and Measures (Miscellaneous Foods) Order
(Northern Ireland) 1989*

2. The Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989(c) shall be amended as follows—

(a) in Article 2—

(i) in the definition of “chocolate confectionery”, “flour confectionery” and “sugar confectionery” the words “and also includes bun loaves, fruit loaves, malt loaves and fruited malt loaves” shall be omitted; and

(ii) for the definition of “coffee bag” there shall be substituted—
“ “coffee bag” means a permeable sealed bag, which is intended to be immersed in water or to have water percolated through it, containing coffee, or a coffee mixture, or a combination of either coffee or a coffee mixture (or both) with a lesser quantity of instant coffee;”;

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

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

(c) S.R. 1989 No. 69

(b) in Article 4—

(i) in paragraph (1) the words “and cut lump salt” shall be omitted; and

(ii) in paragraph (2) the words “cut lump salt and” shall be omitted;

(c) for Article 5 there shall be substituted the following Article—

“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 solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption 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 (2) 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 honey in both imperial and metric units of measurement and in other cases in metric units only.

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

solid and paste coffee and chicory products	5 kilogrammes
cocoa products and chocolate products	10 kilogrammes
honey	10 kilogrammes
caseins and caseinates	10 kilogrammes
preserved milk for human consumption	10 kilogrammes.”;

(d) in Article 10(1) after the words “chicory products” there shall be inserted the words “in a quantity of not less than 5 millilitres”;

(e) in Article 15—

(i) in paragraph (1) the words “or, in the case of flour confectionery, if” onwards shall be omitted; and

(ii) for paragraph (2) there shall be substituted—

“(2) There shall be exempted from the requirements of this Article—

(a) flour confectionery, if the number of items in the container is clearly visible and capable of being easily counted through the container; and

(b) any foods in a quantity by number of one.”;

(f) in sub-paragraph (b) of Article 16(3) for “flour confectionery” there shall be substituted “bun loaves, fruit loaves, malt loaves and fruited malt loaves”; and

(g) in Schedule 1—

- (i) in the item relating to barley kernels, pearl barley etc. for the entry in column (2) there shall be substituted:
“125 g, 250 g, 375 g, 500 g or a multiple of 500 g.”;
- (ii) in the items relating to dried vegetables etc., flour etc., honey and salt, there shall be added in column (4) the words “less than 5 g” and in the item relating to milk there shall be added in column (4) the words “less than 5 ml”;
- (iii) in the item relating to edible fats etc., the words “in the case of those of the description in paragraph (a)” shall be omitted from the entry in column (4);
- (iv) in the item relating to tea in a tea bag, there shall be added:
 - (aa) in column (2) the following note:
“*Note*
In the case of tea in a tea bag the prescribed quantities and quantity marking relate to the contents.” and
 - (bb) in column (4) the words “less than 5 g”; and
- (v) in the item relating to tea other than tea in a tea bag:
 - (aa) for the description in column (1) there shall be substituted:
“Tea, other than instant tea or tea in a tea bag”;
 - (bb) in column (2) after the words “and in the case of tea” there shall be added the words “(other than instant tea or tea in a tea bag)”; and
 - (cc) in column (4) there shall be added the words “less than 5 g”.

Amendment of the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989

3. The Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(a) shall be amended as follows—

(a) in Article 3—

(i) for paragraph (1) there shall be substituted—

“(1) Subject to paragraphs (2), (3) and (4), 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—

(a) in, or in a multiple of, one of the following quantities, which shall be the same for those parts of any licensed premises within the meaning of the Licensing (Northern Ireland) Order 1990(b) in respect of which any person is the holder of the licence and for all those liquors, that is to say ¼ gill and 25 ml; and

(a) S.R. 1989 No. 164

(b) S.I. 1990/594 (N.I. 6)

- (b) if there is 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, a statement in writing showing in which of those quantities those liquors are offered for sale on those premises.”; and
- (ii) after paragraph (3) there shall be added—
- “(4) The quantity of $\frac{1}{4}$ gill referred to in paragraph (1)(a) shall not be permitted after 31st December 1994.”;
- (b) at the beginning of sub-paragraph (b) of Article 5(2) there shall be added the words “subject to Article 5A.”;
- (c) after Article 5 there shall be added the following Article—
- “5A.—(1) For the purposes of this Article “wine” shall mean only the intoxicating liquor and other liquids specified in column (1) of Part I of the Schedule.
- (2) When sold in the glass or other vessel from which it is intended to be drunk, wine for consumption on the premises at which it is sold shall, on or after 1st January 1995, be sold only—
- (a) in, or in a multiple of, the following quantities, that is to say, 125 ml and 175 ml; and
- (b) if a statement in writing of the kind required by sub-paragraph (c) of Article 5(1) is displayed or otherwise provided as required by that sub-paragraph.
- (3) Nothing in this Article shall make unlawful the sale, at the express request of the buyer, of any mixture of liquids containing wine in a quantity not otherwise permitted by this Article.”;
- (d) in Article 7(1) for the words “or 5(1)(c)” there shall be substituted the words “, 3(1)(b), 5(1)(c) or 5A(2)(b)”;
- (e) in Part I of the Schedule—
- (i) in the list of prescribed quantities in column (2):
- (aa) there shall be added the following additional quantities “4 L, 8 L;” and
- (bb) for the footnote (x) there shall be substituted the following—
- “(x) for consumption on board aircraft, ships and trains, or for sale duty-free”; and
- (ii) to the list of exceptions in column (3) there shall be added the following:
- “(d) not more than 25 cl, when for consumption on the premises of the seller”.

Transitional provisions

4. For a period of 6 months beginning with the date of coming into operation of this Order, a person shall not be guilty of an offence under Article 20(2) of the Order of 1981 by reason only of the fact that barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina or tapioca

are pre-packed in a quantity of 4 ounces, 8 ounces, 12 ounces, 1 pound, 1½ pounds or a multiple of 1 pound, and for a period of 12 months beginning with that date, a person shall not be guilty of an offence under that Article by reason only of having in his possession for sale or for delivery after sale, or causing or permitting any other person to have in his possession for sale or for delivery after sale, any of those foods in any of those quantities, provided that the foods in question were made up in those quantities not more than 6 months after the date of coming into operation of this Order.

Sealed with the Official Seal of the Department of Economic Development on 13th November 1990.

(L.S.)

A. H. McAlister

Assistant Secretary

(This note is not part of the Order.)

This Order amends the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989 (S.R. 1989 No. 69) and the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 (S.R. 1989 No. 164).

Article 2 makes the following amendments to S.R. 1989 No. 69:—

- (i) in Article 2, the definition of—
 - (a) “flour confectionery” is amended so as to exclude bun loaves, fruit loaves, malt loaves and fruited malt loaves; and
 - (b) “coffee bag” is amended so as to include its use for percolation;
- (ii) in Article 4, the exemption from prescribed quantities and quantity marking for pre-packed cut lump salt is revoked;
- (iii) a new Article 5 to permit the weights of non-retail pre-packed chocolate products weighing 10 kg or more to be marked on an accompanying document instead of the packaging, and providing that the weights of non-retail pre-packed solid and paste coffee and chicory products shown in an accompanying document shall be in metric units only;
- (iv) in Article 10(1) pre-packed liquid coffee and chicory products in quantities of less than 5 ml are exempted from quantity marking;
- (v) in Article 15 withdrawing the quantity marking exemption for eggs packed in transparent containers holding not more than 6. Exemptions from quantity marking by number will now be restricted to flour confectionery in transparent containers and any food sold singly;
- (vi) in Article 16(3) the exemption for flour confectionery is revoked and bun loaves, fruit loaves, malt loaves and fruited malt loaves are substituted; and
- (vii) in Schedule 1—
 - (a) the range of imperial prescribed quantities for pre-packed barley kernels, pearl barley, rice, sago, semolina and tapioca is revoked. Transitional provisions are made in Article 4 which provide for imperial quantities pre-packed during a period of 6 months from the date this Order comes into operation and for their retail sale during a period of 12 months from that date;
 - (b) exempting from quantity marking any pre-packed foods in quantities of less than 5 g or 5 ml previously required to be quantity marked below those values; and
 - (c) the range of quantities for tea other than tea in a tea bag is amended to make clear that it does not apply to instant tea. A note is added to make clear that the prescribed quantities and quantity marking that apply to tea bags do not include the weight of the bags.

Article 3 makes the following amendments to S.R. 1989 No. 164:—

- (i) in Article 3(1), the metric quantity of 25 ml is added to the prescribed imperial quantity in which gin, rum, vodka and whiskey may be sold for consumption on the premises. The same quantity will be required to be used in the same licensed premises. A statement in writing showing the quantity in which the spirits are for sale will have to be displayed on the premises;
- (ii) the new Article 3(4) does not permit sales in the imperial quantity of $\frac{1}{4}$ gill after 31st December 1994;
- (iii) a new Article, 5A, provides that from 1st January 1995, still table wine may be sold by the glass only in quantities of 125 ml and 175 ml (or in multiples of these quantities). A statement in writing showing the quantity or quantities in which the wine is for sale will have to be displayed on the premises or contained in a wine list; and
- (iv) in Part I of the Schedule, there are 3 changes which implement Council Directive 89/676/EEC (O.J. No. L398, 30.12.1989, p. 18):—

four and eight litres are added to the range of prescribed quantities for the pre-packed still table wines described there;

the restriction on pre-packing the 18.7 cl quantity, ie, that it is only available for consumption on aircraft and ships, is lifted in part so as also to permit consumption on trains and duty-free sales;

any quantity of not more than 25 cl may now be pre-packed for consumption on the premises of the seller.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.