

**2005 No. 516**

**WEIGHTS AND MEASURES**

**Weights and Measures (Miscellaneous Foods) (Amendment)  
Order (Northern Ireland) 2005**

*Made* - - - - - *23rd November 2005*

*Coming into operation* - *19th December 2005*

Whereas the Department of Enterprise, Trade and Investment<sup>(a)</sup> (“the Department”) pursuant to Article 48(2) of the Weights and Measures (Northern Ireland) Order 1981<sup>(b)</sup> has consulted with organisations appearing to it to be representative of interests substantially affected by this Order and considered the representations made to it by such organisations with respect to the subject matter of this Order;

Now therefore, the Department, in exercise of the powers conferred on it by Articles 19(2), (3) and (7) of that Order and now vested in it<sup>(c)</sup> and of all other powers enabling it in that behalf, hereby makes the following Order:—

**Citation and commencement**

1. This Order may be cited as the Weights and Measures (Miscellaneous Foods) (Amendment) Order (Northern Ireland) 2005 and shall come into operation on 19th December 2005.

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

2. In Article 2 of the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989<sup>(d)</sup> (“the 1989 Order”) after the definition of “liquid coffee and chicory products” there is inserted—

“Member State” means a member State as defined in Part II of Schedule 1 to the European Communities Act 1972<sup>(e)</sup>, Norway, Iceland or Liechtenstein;”

3. In Article 4 of the 1989 Order after paragraph (3) there is inserted—

“(4) Paragraph (1) shall not apply to a pre-packed food which is made up in a quantity other than as specified in column 2 of Schedule 1, provided the package was brought into Northern Ireland (whether directly or indirectly through Great Britain) from a Member State in which a package made up in such a quantity could lawfully be marketed.”

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(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Art. 3(5)  
(b) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)  
(c) By S.I. 1982/846 (N.I. 11), Art. 4  
(d) S.R. 1989 No. 69, to which there are amendments not relevant to this Order.  
(e) 1972 c.68.

4. In Schedule 1 to the 1989 Order omit the entries beginning “Chocolate products in bar or tablet form” and “Cocoa products of the following reserved descriptions”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 23rd November 2005.



*M. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

## EXPLANATORY NOTE

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

This Order amends the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989 (“the 1989 Order”). Article 4 of the 1989 Order requires that certain foods are pre-packed only in the quantities prescribed in Schedule 1 to the 1989 Order. This Order gives effect to the judgment of the European Court of Justice in Case C-3/99 *Cidrerie Ruwet SA v Cidre Stassen SA and HP Bulmer Ltd* by exempting from that requirement imports into Northern Ireland (whether directly or indirectly through Great Britain) of pre-packed foods made up in a quantity which is not specified in Schedule 1 to the 1989 Order from a member State of the European Community, or one of the other States in the European Economic Area, provided that it is lawful to sell such packages in that quantity in that other State.

The deletion of the prescribed quantities for chocolate and cocoa products in Schedule 1 to the 1989 Order implements Article 7 of Council Directive 2000/36/EC<sup>(a)</sup> which repealed Council Directive 73/241/EEC<sup>(b)</sup> in which those requirements were prescribed.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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<sup>(a)</sup> OJ No. L197, 3.8.2000 p19.  
<sup>(b)</sup> OJ No. L228, 16.8.73 p23.

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