

**2010 No. 203**

**WEIGHTS AND MEASURES**

**The Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations (Northern Ireland) 2010**

*Made* - - - - *4th June 2010*

*Coming into operation* - *19th July 2010*

The Department of Enterprise, Trade and Investment, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the packaging of products, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act:

**Citation and commencement**

1. These Regulations may be cited as the Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations (Northern Ireland) 2010 and shall come into operation on 19 July 2010.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment to the Weights and Measures (Northern Ireland) Order 1981**

3.—(1) The Weights and Measures (Northern Ireland) Order 1981(d) is amended as follows.

(2) For paragraph 2 of Schedule 4 (sand and other ballast) substitute—

“2. Subject to paragraph 3, ballast—

- (a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by volume or by net weight, and
- (b) if not so made up, shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight.”.

(3) In paragraph 3 of Schedule 5 (solid fuel), for sub-paragraph (1) substitute—

“(1) Subject to sub-paragraph (3), solid fuel—

- (a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by net weight;

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(a) S.I. 2009/1381.

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1).

(c) 1954 c.33 (N.I.)

(d) S.I. 1981/231 (N.I. 10); Schedule 5, paragraph 3 and Schedule 7, paragraph 5 were amended by S.R. 1995 No. 227, Article 2.

- (b) if not so made up—
  - (i) shall be sold only in one of the following quantities by net weight, that is to say, 10, 15, 25, 50 or 62·5 kilograms; and
  - (ii) except in a case where the provisions of paragraph 5 or of an order under paragraph 7(2)(a) or the provisions of Part III of this Schedule apply, the quantity by net weight of solid fuel shall be made known to the buyer before or at the time when he takes possession of the solid fuel.”.
- (4) For paragraph 2 of Part II of Schedule 6 (miscellaneous goods other than foods), substitute—
 

“2. Subject to paragraph 3, any goods to which this Part applies—

  - (a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by volume, and
  - (b) if not so made up, shall be sold only by volume in a multiple of 0.1 cubic metre.”.
- (5) In Schedule 7 (composite goods and collections of articles)—
  - (a) in paragraph 3(2)—
    - (i) after “marked with” and before “an indication of quantity” insert—
 

“(a) an indication of the total capacity of the container (indicated in such a way as to avoid giving a false impression of the quantity of goods in the container), and

    - (b) ”; and
  - (ii) for “net weight” substitute “net volume”; and
- (b) in paragraph 5, for “3” substitute “3(2)(b)”.

#### **Amendment to the Weights and Measures (Knitting Yarns) Order (Northern Ireland) 1989**

4.—(1) The Weights and Measures (Knitting Yarns) Order (Northern Ireland) 1989(a) is amended as follows.

- (2) For paragraph (1) of Article 2 substitute—
 

“(1) Subject to the following provisions of this Order—

  - (a) knitting yarns made up in advance ready for retail sale in a securely closed container must be sold only by net weight in grams; and
  - (b) knitting yarns not so made up must be pre-packed only in one of the following quantities by net weight in grams, that is to say 25, 50, 100, 150, 200, 250, 300, 350, 400, 450, 500, 1000.”.
- (3) In Article 3, after “packs of knitting yarn,” insert “then, unless the knitting yarn is made up in advance ready for retail sale in a securely closed container,”.

#### **Amendment to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989**

5.—(1) The Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(b) is amended as follows.

- (2) For paragraph (2) of Article 1 substitute—
 

“(2) In this Order, except where the context expressly otherwise requires—

“the 1979 Act” means the Alcoholic Liquor Duties Act 1979(c);

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(a) S.R. 1989 No. 407.

(b) S.R. 1989 No. 164; Schedule 1 was amended by S.R. 1990 No. 395.

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

“beer” and “cider” have the same meanings respectively as in section 1 of the 1979 Act but, in the case of “cider”, as if the definition in section 1(6) did not include the words “(or perry)” in either place where they occur or “or pear”;

“CN code” means a code comprised in the Combined Nomenclature;

“the Combined Nomenclature” means the Combined Nomenclature of the European Community<sup>(a)</sup>;

“made-wine” and “wine” have the same meanings respectively as in section 1 of the 1979 Act; and

references to a subheading are to a subheading of the Combined Nomenclature.”.

(3) After Article 3 insert—

“**3A.**—(1) Subject to paragraph (2), the intoxicating liquors specified in column 1 of Schedule A1 may be pre-packed only if they are made up in one of the quantities specified in column 3, subject to the exceptions specified in column 4.

(2) Paragraph (1) does not apply to the intoxicating liquors specified in column 1 of Schedule A1 when they are sold duty-free for consumption outside the European Union.

(3) Where two or more pre-packages make up a multi-pack, the quantities specified in column 3 of Schedule A1 apply to each pre-package.

(4) For the purposes of this Article—

(a) “pre-package” means a combination of a product and the individual package in which it is pre-packed; and

(b) “pre-packed” means made up in advance ready for retail sale or wholesale in a securely closed container.”.

(4) Omit Article 4.

(5) In Article 6(1), for the words “the Schedule” in each place where they occur, substitute “Schedule 1”.

(6) Renumber the Schedule as Schedule 1.

(7) In Schedule 1, omit columns 2 and 3.

(8) Insert the Schedule set out in the Schedule to these Regulations before Schedule 1.

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

**6.**—(1) The Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989<sup>(b)</sup> is amended as follows.

(2) In Article 4, after paragraph (4) insert—

“(5) If any of the foods (other than chunk honey) specified in column 1 of Schedule 1 to this Order is made up in advance ready for retail sale or wholesale in a securely closed container, the requirement in paragraph (1) that it be sold only in one of the quantities specified in column 2 in relation to the food does not apply.”.

(3) In Article 7—

(a) in paragraph (1) omit “, when not pre-packed,”; and

(b) in paragraph (2)—

(i) after “paragraph (1)” insert “— (a)”; and

(ii) at the end insert—

“; and

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

(b) S.R. 1989 No. 69, amended by S.R. 1990 No. 395, 1995 No. 230, 2005 No. 516.

(b) a whole loaf of bread made up in advance ready for retail sale or wholesale in a securely closed container”.

(4) In Article 12, omit paragraph (2).

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 4th June 2010.



*M. Bohill*

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

# SCHEDULE

Regulation 5

## “SCHEDULE A1

<i>(1)</i> <i>Product</i>	<i>(2)</i> <i>Product Definition</i>	<i>(3)</i> <i>Specified Quantities</i>	<i>(4)</i> <i>Exceptions</i>
Still wine	Wine as defined in Article 1(2)(b) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p.1) as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p.1) (CN code ex 2204).	Only the following specified quantities: 100 ml 187 ml 250 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	Containers of a capacity of less than 100 ml or more than 1500 ml
Yellow wine	Wine as defined in Article 1(2)(b) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p.1) as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p.1) (CN code ex 2204) with the designation of origin: “Côtes du Jura”, “Arbois”, “L’Etoile” and “Château-Chalon” in “bottles” as defined in Annex 1, point 3 of Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ L 118, 4.5.2002, p.1) as last amended by Regulation (EC) No 382/2007 (OJ L 95, 5.4.2007, p.12).	Only the following specified quantity: 620 ml	Containers of a capacity of less than 100 ml or more than 1500 ml
Sparkling wine	Wine as defined in Article 1(2)(b) and in Annex 1, points 15, 16, 17, and 18 of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p.1) as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p.1) (CN code 2204 10).	Only the following specified quantities: 125 ml 200 ml 375 ml 750 ml 1500 ml	Containers of a capacity of less than 125 ml or more than 1500 ml
Liqueur wine	Wine as defined in Article 1(2)(b) and in Annex 1, point 14 of Council Regulation	Only the following specified quantities:	Containers of a capacity

	(EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ L 179, 14.7.1999, p.1) as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p.1) (CN code 2204 21 – 2204 29).	100 ml 200 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	of less than 100 ml or more than 1500 ml
Aromatised wine	Aromatised wine as defined in Article 2(1)(a) of Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ L 149, 14.6.1991, p.1) as last amended by the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (OJ L 157, 21.6.2005, p.1) (CN code 2205).	Only the following specified quantities: 100 ml 200 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	Containers of a capacity of less than 100 ml or more than 1500 ml
Spirit drinks	Spirit drinks as defined in Article 1(2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (OJ L 160, 12.6.1989, p.1) as last amended by the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (OJ L 157, 21.6.2005, p.1) (CN code 2208).	Only the following specified quantities: 100 ml 200 ml 350 ml 500 ml 700 ml 1000 ml 1500 ml 1750 ml 2000 ml	Containers of a capacity of less than 100 ml or more than 2000 ml

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## EXPLANATORY NOTE

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

These Regulations implement in Northern Ireland Directive 2007/45/EC of the European Parliament and the Council laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC and amending Council Directive 76/211/EEC (“the Directive”).

The Directive removes restrictions on the placing on the market of products in pre-packages made up otherwise than in “nominal quantities” (“specified quantities” in the UK), subject to the retention of nominal quantities applicable to certain wines and spirits. It requires that aerosol dispensers be marked with an indication of the total capacity of the container, in such a way as to avoid confusion with the volume of its contents. It also provides that aerosol dispensers need no longer indicate the weight of their contents. Products not in pre-packages are outside the scope of the Directive.

Schedules 4, 5 and 6 to the Weights and Measures (Northern Ireland) Order 1981 (“the 1981 Order”) provide (at paragraphs 2, 3 and PART II paragraph 2 respectively) for the sale of sand and other ballast, solid fuel, ready-mixed cement mortar and ready-mixed concrete in specified quantities. Those provisions apply to the above-mentioned products, whether they are in pre-packages or not. Regulation 3, therefore, amends specified quantity provisions so as to limit their application to sand and other ballast, solid fuel, ready-mixed cement mortar and ready-mixed concrete which are not in pre-packages.

Schedule 7 to the 1981 Order makes provision (at paragraph 3) for the quantity marking of aerosol containers. Regulation 3 amends paragraph 3 so as to require that aerosol containers be marked with an indication of the net volume of the contents together with an indication of the total capacity of the container (indicated in such a way as to avoid confusion with the volume of its contents).

Article 19 of the 1981 Order allows the Department of Enterprise, Trade and Investment by order to provide (amongst other things) that pre-packed goods must be sold only in specified quantities. Regulations 4 and 6 amend orders under Article 19 of the 1981 Order to exempt products pre-packed in securely closed containers from requirements to be sold in specified quantities.

Regulation 5 implements those requirements of the Directive relating to nominal quantities for certain wines and spirits in pre-packages by partially revoking the Schedule to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 and inserting into that Order a new Schedule A1 applicable to those products.

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