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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 331**

**The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011**

**Transitional provisions**

**21.**—(1) The statutory provisions set out in Part 1 of Schedule 1 shall continue in operation, the statutory provisions set out in Part 2 of Schedule 1 shall apply without amendment, and these Regulations (but for this regulation) shall have no effect, in relation to:

- (a) a relevant package, as defined by Article 30(1) of the 1981 Order,
- (b) an outer container which is treated as a package by virtue of regulation 25 of the 1990 Regulations, and
- (c) goods to which Part VI of the 1981 Order and the 1990 Regulations apply by virtue of regulation 27 of the 1990 Regulations,

which has or have been made up or imported prior to the 1st November 2011.

(2) Where, prior to 1st November 2011, the making up or marking of a package or container was subject to the provisions of Part V of the 1981 Order and would, but for this paragraph, be subject to these Regulations on or after that date, then the packer or importer of such a package or container may, during the period ending with 1st November 2012, comply with the requirements of Part V of the 1981 Order in respect of packing and marking such a package instead of the requirements of these Regulations.

(3) Where under these Regulations a packer or importer is not permitted to mark a package or outer container with the E-mark because the nominal quantity is greater than 10 kilograms or 10 litres, then a packer or importer may, during the period ending with 1st November 2012, mark the package with the E-mark if the packer or importer would have been permitted to do so prior to 1st November 2011.

(4) Where a person has given notice to the Department pursuant to Article 34(4) of the 1981 Order and regulation 8(1) of the 1990 Regulations, that notice shall take effect, on 1st November 2011, as a notice given to the Department under regulation 11 of these Regulations in respect of the place specified in that notice.

(5) Where an inspector has given instructions to a person under Article 32(3) of and Schedule 8 to the 1981 Order, then those instructions shall take effect as if they had been given to that person by an inspector on 1st November 2011 under regulation 12(2) of these Regulations.

(6) Subject to paragraph (7), Article 36 of the 1981 Order shall continue to apply, and Articles 46 and 47 of the 1981 Order shall apply without the amendments set out in Part 2 of Schedule 1, in respect of any information which was obtained prior to 1st November 2011 by a person specified in Article 36(1)(b).

(7) Proceedings for an offence under Article 36 of the 1981 Order shall not be instituted except by or on behalf of the Director of Public Prosecutions for Northern Ireland.