

EXPLANATORY MEMORANDUM TO

The Weights and Measures (Foods) (Amendment) Regulations (Northern Ireland) 2016

SR 2016 No. 187

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment (“the Department”) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure in the Assembly.
- 1.3. The Rule is due to come into operation on 18 April 2016.

2. Purpose

- 2.1. The Rule amends the legislation that regulates the quantity labelling aspects of the sale of food. It revokes any provisions which overlap or conflict with the quantity labelling requirement that may apply to prepacked foods under the EU Regulation on the provision of Food Information to Consumers (EU Regulation 1169/2011). It provides for breaches of the quantity labelling requirements of EU Regulation 1169/2011 to be brought within the existing weights and measures enforcement regime.

3. Background

- 3.1. Legislation in this area is aimed at protecting consumers from short measure and ensuring they have sufficient information on quantity to enable them to make informed purchasing decisions. EU Regulation 1169/2011 now specifies its own directly applicable requirements relating to quantity labelling of prepacked foods. The aim of this Statutory Rule is to revoke national rules on quantity information for prepacked foods to the extent that they overlap or conflict with EU Regulation 1169/2011, and to provide an effective enforcement regime for the EU rules. Having an effective enforcement system will help to ensure trade and consumer confidence in the market.
- 3.2. It is intended that the enforcement of the quantity labelling provisions under EU Regulation 1169/2011 will be brought into the framework of the Weights and Measure (Northern Ireland) Order 1981. This maintains the current position, by allowing for enforcement of weights and measures in relation to prepacked foods that fall within the scope of EU Regulation 1169/2011 to be treated in the same manner as other pre-packed products, loose foods, and the residual categories of pre-packed food that are within the scope of the existing Northern Ireland regime but are not covered by EU Regulation 1169/2011. This will provide consistency in the application

and enforcement of weights and measures requirements across markets (and between identical loose and packaged foods) and will give business and consumers confidence in the accuracy of quantity statements.

4. Consultation

4.1. This measure is necessary to deal with the consequences of policies already agreed at European level, in relation to which consultation was undertaken at an earlier stage. However, a draft of the Regulations and draft Guidance were published for public consultation in June 2015 to ensure that the provisions were clear and workable. No substantive responses were received.

5. Equality Impact

5.1. The provisions of the Rule have been considered by the Department against the criteria set out in the Department's Equality Scheme and do not have any adverse implications for section 75 groups. An Equality Impact Assessment for the Rule is not therefore required.

6. Regulatory Impact

6.1. An Impact Assessment to accompany the Rule has not been prepared as there are no new burdens being imposed on the private or voluntary sector.

7. Financial Implications

7.1. Neutral.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no human rights issues contained in the Rule. It is the view of the Department that the Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. See paragraphs 2 to 4 above.

10. Parity or Replicatory Measure

10.1. The Rule is a parity measure and replicates for Northern Ireland a corresponding GB provision contained in the Weights and Measures (Food) (Amendment) Regulations 2014.

11. Additional Information

11.1. Not applicable.