

## 1976 No. 111

## WEIGHTS AND MEASURES

**The Weights and Measures Act 1963 (Biscuits and Shortbread)  
Order 1976***Laid before Parliament in draft**Made - - - 27th January 1976**Coming into Operation 1st January 1978*

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963<sup>(a)</sup> (hereinafter referred to as "the Act") has consulted with organisations appearing to her to be representative of interests substantially affected by this Order and considered the representations made to her by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 54(3) of the Act:

Now, therefore, the Secretary of State, in exercise of powers conferred by section 21(2), (3) and (5) of the Act and now vested in her<sup>(b)</sup> and of all other powers enabling her in that behalf, hereby makes the following Order:

1.—(1) This Order may be cited as the Weights and Measures Act 1963 (Biscuits and Shortbread) Order 1976 and shall come into operation on 1st January 1978.

(2) The Interpretation Act 1889<sup>(c)</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Part XI of Schedule 4 to the Act shall cease to apply to biscuits and shortbread.

3.—(1) Except where the quantity does not exceed 8 biscuits or 8 shortbread pieces, as the case may be, biscuits (other than wafer biscuits which are not cream-filled), and shortbread, being biscuits and shortbread which are not pre-packed, shall be sold by retail only by net weight.

(2) Wafer biscuits which are not cream-filled and which are not pre-packed shall be sold by retail only by number.

(a) 1963 c. 31.

(b) S.I. 1970/1537 (1970 III, p. 5293).

(c) 1889 c. 63.

4.—(1) Subject to Articles 5 and 6, biscuits (other than wafer biscuits which are not cream-filled) shall be pre-packed:—

- (a) except where made up in a quantity not exceeding 85g or exceeding 5kg, only if made up in one of the following quantities by net weight, that is to say:—
  - (i) 3½oz, 7oz, 10½oz, 14oz, and subsequent multiples of 3½oz; or
  - (ii) 100g, 125g, 150g, 200g, 250g, 300g, and subsequent multiples of 100g; or
  - (iii) if made up before 1st January 1981, 175g; and
- (b) except where made up in a quantity not exceeding 50g, only if the container is marked with an indication of quantity by net weight.

(2) Subject to Article 6, shortbread, except where made up in a quantity not exceeding 50g or except where the shortbread consists of a piece or pieces each weighing 200g or more, shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(3) Subject to Article 6, wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number.

5.—(1) Article 4(1) shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, and either:

- (a) the biscuits are in possession of the producer for sale by him by retail on those premises; or
- (b) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Subject to Article 6 and except where the biscuits are made up in a quantity not exceeding 100g, biscuits specified in paragraph (1) above shall be pre-packed only if the container is marked with an indication of quantity by net weight.

6.—(1) Where two or more identical marked inner packs are enclosed within an outer container, nothing in Articles 4 or 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if either:—

- (i) the marking of the net weight or the number on at least one of the packs, and the total number of packs, is clearly visible through the outer container; or
- (ii) the information as to the matters mentioned in (i) above is marked on the outer container.

(2) Where two or more marked inner packs which are not identical are enclosed within an outer container, nothing in Article 4 or Article 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if the outer container is marked with the net weight or the number of the biscuits or pieces of shortbread in each pack and with the number of packs of each such net weight or number.

(3) Where two or more biscuits (other than wafer biscuits which are not cream-filled) each of which is separately wrapped and is of a net weight of not more than 50g are enclosed in an outer container, nothing in Article 4(1) or Article 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if the outer container is marked with an indication of quantity by number.

(4) In this Article a "marked inner pack", in relation to any goods, means the goods and the immediate container in which they are made up, being:

- (i) in the case of goods to which Article 4(1) relates, goods made up in a quantity for the time being permitted by that paragraph for pre-packed goods of a quantity exceeding 85g and not exceeding 5kg or in a quantity exceeding 50g but not exceeding 85g, and being a container marked with an indication of quantity by net weight;
- (ii) in the case of goods to which Article 4(2) or Article 5(2) relates, goods made up in a container marked with an indication of quantity by net weight;
- (iii) in the case of goods to which Article 4(3) relates, goods made up in a container marked with an indication of quantity by number;

and packs shall be taken as being identical if the goods in each pack are of the same weight or of the same number, as the case may be.

*Alan Williams.*

Minister of State.  
Department of Prices and Consumer  
Protection.

27th January 1976.

## EXPLANATORY NOTE

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

This Order provides that Part XI of Schedule 4 to the Weights and Measures Act 1963 shall cease to apply to biscuits and shortbread on 1st January 1978 when the provisions of that Part are replaced by those of this Order. It introduces prescribed imperial and metric quantities for pre-packed biscuits intended for general retail sale, and provisions for the sale of biscuits and shortbread when not pre-packed.

Where the quantity exceeds 85g (approximately 3oz) and does not exceed 5kg (approximately 11lb), biscuits (other than those pre-packed for sale by retail on the premises where they were produced and pre-packed, and wafer biscuits which are not cream-filled), may be pre-packed only in prescribed imperial and metric weights. The container of such biscuits, when made up in a quantity exceeding 50g (approximately 1 $\frac{3}{4}$ oz) must be marked with an indication of quantity by net weight.

Shortbread in a quantity exceeding 50g (approximately 1 $\frac{3}{4}$ oz) which does not consist of a piece or pieces each weighing 200g (approximately 7ozs) or more and biscuits which are made up in a quantity exceeding 100g (approximately 3 $\frac{1}{2}$ oz) on the premises on which they were produced for sale by retail on those premises may only be pre-packed if the container is marked with an indication of quantity by net weight.

The container of pre-packed wafer biscuits which are not cream-filled must be marked with an indication of quantity by number. When not pre-packed such wafer biscuits shall be sold by retail only by number. Other biscuits and shortbread covered by the Order, when not pre-packed, shall be sold by retail only by net weight except where the quantity does not exceed 8.

Special provisions are included to cover multi-packs containing more than one pre-package or individually wrapped product.

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