
 STATUTORY INSTRUMENTS

1977 No. 1335

WEIGHTS AND MEASURES

The Weights and Measures Act 1963 (Cheese) Order 1977

*Laid before Parliament in draft**Made - - - - - 1st August 1977**Coming into Operation 1st March 1978*

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963(a) (hereinafter referred to as “the Act”) has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him 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 him(b) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Weights and Measures Act 1963 (Cheese) Order 1977 and shall come into operation on 1st March 1978.

(2) In this Order “cheese” means cheese, whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour; and includes processed cheese and cheese spread.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) Part III of Schedule 4 to the Act shall cease to have effect.

(2) In paragraph 3 of Part XI of the said Schedule after subparagraph (2) there shall be inserted “(2A) cheese as defined in the Weights and Measures Act 1963 (Cheese) Order 1977;”.

3. Subject to Article 5 below, cheese which is not pre-packed shall, when sold by retail, be sold only—

(a) by net weight; or

(b) if the cheese is sold in a container which does not exceed the appropriate weight specified in Table A of Part XII of Schedule 4 to the Act, either by net weight or by gross weight.

(a) 1963 c. 31.

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

(c) 1889 c. 63.

4.—(1) Subject to Article 5 below—

(a) processed cheese;
(b) cheese spread; and
(c) natural cheese of any of the types specified in paragraph (2) below, shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(2) The types of cheese referred to in paragraph (1) above are Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.

5. There shall be exempted from all the requirements of Articles 3 and 4 of this Order any cheese in a quantity not exceeding 25g.

Robert MacLennan,
Parliamentary Under-Secretary of State,
Department of Prices and Consumer Protection.

1st August 1977.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that Part III (which relates only to cheese) of Schedule 4 to the Weights and Measures Act 1963 shall cease to have effect on 1st March 1978 when the provisions of that Part are replaced by those of this Order.

It requires that cheese which is not pre-packed may, when sold by retail, only be sold by net weight, or under certain circumstances, by gross weight. The permitted weight of the containers in which cheese may be sold by gross weight is lowered. Cheese is defined as including cheese containing flavouring or colouring matter or coated or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour.

The number of varieties of cheese which may only be pre-packed if the container is marked with the quantity by net weight is increased to include all the cheeses covered by Article 4. The provision which required the weight of some pre-packed cheese to be made known to the purchaser at the time of sale is abolished. The exemption from the requirements of the Schedule for sales of cheese under 1oz is replaced by an exemption for sale of cheese not exceeding 25g (approximately 9/10oz).

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