

1978 No. 463

WEIGHTS AND MEASURES

**The Prepackaging and Labelling of Wine and Grape Must
(EEC Requirements) Regulations 1978**

<i>Made - - - -</i>	<i>20th March 1978</i>
<i>Laid before Parliament</i>	<i>31st March 1978</i>
<i>Coming into Operation</i>	<i>15th May 1978</i>

The Secretary of State, being a Minister designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and control of pre-packaging of products by weight or volume, in exercise of the powers conferred by that section, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Prepackaging and Labelling of Wine and Grape Must (EEC Requirements) Regulations 1978 and shall come into operation on 15th May 1978.

Interpretation and extent

2.—(1) In these regulations, unless the context otherwise requires—

“batch” in relation to prepackages, means a batch of prepackages ascertained in the manner specified in section 2 of Annex II of the Directive for the purposes of checking that the requirements of the Directive have been complied with;

“container of wine or grape must” means any package of wine or grape must other than a prepackage;

“credentials” means authority in writing from the local weights and measures authority for the exercise by an inspector of the powers conferred by these regulations;

“the Directive” means Council Directive No. 75/106/EEC(c);

“the EEC mark” means a small letter “e” having the form shown in the Annex to Schedule 1 to the Measuring Instruments (EEC Requirements) Regulations 1975(d);

“importer” means any person importing prepackages otherwise than from a Member State;

“inspector” means, in Great Britain, an inspector of weights and measures appointed or deemed to have been appointed under section 41 of the Weights and Measures Act 1963(e) and means, in Northern Ireland, an inspector of

(a) S.I. 1976/897.

(b) 1972 c. 68.

(c) O.J. No. L42, 15.2.1975, p. 1, as corrected by O.J. No. L324, 16.12.1975, p. 31.

(d) S.I. 1975/1173.

(e) 1963 c. 31.

weights and measures appointed under section 27 of the Weights and Measures Act (Northern Ireland) 1967(a);

“justice of the peace” includes, in Scotland, a sheriff;

“measuring container bottle” means a container described in Article 1 of Council Directive No. 75/107/EEC (b) and marked with the EEC sign specified in that Directive;

“nominal volume” means the volume of liquid indicated on the prepackage, being the volume of liquid which the prepackage is deemed to contain;

“prepackage” and “prepacked” have the same meaning as in Article 2 of the Directive;

“relevant Community provision” means any provision listed in column 1, as supplemented by the provisions listed in column 2, of Schedule 1 to these regulations;

“wine” and “grape must” mean wine and grape must to which Title 1 of Council Regulation (EEC) No. 2133/74(c) applies by virtue of Article 1.1 thereof.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) The description of subject matter given in column 3 of Schedule 1 to these regulations is for the purpose of guidance only and does not affect the interpretation of any relevant Community provision referred to in column 1 or 2 thereof.

(4) Subject to the provisions set out in Schedule 2 to these regulations, these regulations extend to Northern Ireland.

(5) Nothing in these regulations shall apply to wine or grape must prepacked or made up in a container before the coming into operation of these regulations.

Application

3.—(1) These regulations apply only to wine or grape must.

(2) Regulations 4(1) and (2), 5, 6 and 7 apply only to prepackages with a nominal volume of not less than 0.05 litre and not more than 5 litres.

Exemption from, and modification of, certain United Kingdom legislation

4.—(1) Section 24 of the Weights and Measures Act 1963 and section 18 of the Weights and Measures Act (Northern Ireland) 1967 (which contain provisions in respect of short weight, etc.) shall not apply in relation to any prepackage of wine or grape must.

(2) For the purpose of the Trade Descriptions Act 1968(e), an indication of quantity marked on, or in relation to, any prepackage of wine or grape must shall be an indication that the quantity of the contents satisfies the requirements of regulation 5 below.

(a) 1967 c. 6 (N.I.).

(c) O.J. No. L227, 17.8.1974, p. 1.

(d) 1889 c. 63.

(b) O.J. No. L42, 15.2.1975, p. 14.

(e) 1968 c. 29.

(3) Part VI and Part XI of Schedule 4 to the Weights and Measures Act 1963 and Part VI and Part XI of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall not apply to wine or grape must.

Requirements

5. Prepackages of a nominal volume of not less than 0.05 litre and not more than 5 litres shall be made up so that completed prepackages satisfy the requirements of section 1 of Annex 1 to the Directive.

Packers

6.—(1) Except where wine or grape must is prepacked in measuring container bottles, the packer shall use a lawful measuring instrument suitable for the purpose either—

- (a) to fill each container, or
- (b) to check the contents of the prepackages adequately after filling.

(2) Where wine or grape must is prepacked in measuring container bottles, the packer shall adequately check that the bottles have been correctly filled.

(3) The packer shall—

- (a) make records of the checks carried out in accordance with paragraphs (1)(b) and (2) above; and
- (b) preserve those records for a period of one year after their making.

(4) Where an inspector has reasonable grounds to believe that any records referred to in paragraph (3)(a) above, or method of filling or checking prepackages used, are not adequate to ensure that prepackages comply with regulation 5 above he may, without prejudice to any other provision of these regulations but subject to regulation 8 below, give directions to the packer as to the records to be made or the method to be used, or both, as he considers necessary to ensure such compliance.

(5) In this regulation “lawful measuring instrument”—

- (a) for the purposes of paragraph (1)(a) above, means a liquid capacity measure complying with the description set out in Part I of Schedule 3 to these regulations, which has been certified by an inspector to be of such accuracy as falls within the limits of error mentioned in column 4 of the table in the said Part, and
- (b) for the purposes of paragraph (1)(b) above, means a liquid capacity measure certified as aforesaid or a weighing instrument complying with the description and falling within the limits of error set out in Part II of Schedule 3 to these regulations used in conjunction with a device for measuring the density of the wine capable of an accuracy of 2 kilograms per cubic metre in excess or in deficiency of the true density.

(6) Section 9A(1)(b) of the Weights and Measures Act 1963 (as inserted by the Weights and Measures &c. Act 1976(a)) shall not apply to a liquid capacity measure for use only for the purpose of paragraph (1) above or regulation 7(2) below.

(7) The Weights and Measures Regulations 1963(b) shall not apply to a lawful measuring instrument for use only for the purpose of paragraph (1) above or regulation 7(2) below.

(a) 1976 c. 77.

(b) S.I. 1963/1710.

Importers

7.—(1) It is the responsibility of the importer to ensure that prepackages imported by him comply with regulation 5 above.

(2) In the case of imported prepackages the importer shall—

(a) be in possession of adequate documentary evidence that the prepackages satisfy the requirements of section 1 of Annex I to the Directive; or

(b) where wine or grape must is prepacked in measuring container bottles, adequately check that the bottles have been correctly filled; or

(c) adequately check the contents of prepackages by means of a lawful measuring instrument. For the purposes of this subparagraph, “lawful measuring instrument” has the same meaning as for the purposes of regulation 6(1)(b) above.

(3) The importer shall—

(a) make records of the checks carried out in accordance with paragraphs (2)(b) and (2)(c) above; and

(b) preserve those records for a period of one year after their making.

(4) The importer shall preserve the documentary evidence referred to in paragraph (2)(a) above for a period of one year after the date on which the prepackages to which the evidence relates were imported.

(5) Where an inspector has reasonable grounds to believe that any documentary evidence referred to in paragraph (2)(a) above or records referred to in paragraph (3)(a) above, or methods of checking prepackages used, are not adequate to ensure that prepackages comply with regulation 5 above, he may, without prejudice to any other provision in these regulations but subject to regulation 8 below, give directions to the importer as to the documentary evidence to be held, the records to be kept or the methods to be used, or all or any of these, as he considers necessary to ensure such compliance.

Right of objection to directions

8.—(1) Where an inspector proposes to give directions to a packer under regulation 6(4) above or to an importer under regulation 7(5) above he shall, not less than 21 days before doing so, give to the packer or, as the case may be, the importer concerned written notice (a “directions notice”)—

(a) containing particulars of the proposed directions;

(b) specifying the date on which it is proposed to give them; and

(c) informing the packer or importer of his right of objection under this regulation and of the requirements specified in paragraph (3) below with respect thereto.

(2) A packer or importer to whom a directions notice is given may, in accordance with paragraph (3) below, make representations to the Secretary of State, objecting to any of the proposed directions set out in the notice.

(3) Representations under paragraph (2) above shall contain particulars of the grounds of objection and shall be made to the Secretary of State (a copy of the representations also being sent to the inspector concerned) not later than the expiration of the period of 21 days beginning with the date on which the directions notice in question was given.

(4) Where objection is made in accordance with paragraph (3) above the directions shall not be given—

- (a) unless the objection is withdrawn; or
- (b) until the decision of the Secretary of State with respect to the objection is notified to the objector in accordance with paragraph (6) below, and shall then be given only in accordance with that decision in a case where it is one which falls within paragraph (6)(a) below.

(5) In considering an objection the Secretary of State shall take into account any representations made with respect thereto by the inspector concerned and give to the objector a reasonable opportunity to make further representations in writing with respect to any such representations made by the inspector.

(6) In giving his decision on the objection the Secretary of State may—

- (a) confirm the directions either as proposed in the directions notice in question or subject to such modifications as he thinks fit; or
- (b) determine that the directions shall not be given,

and shall notify the objector and the inspector concerned accordingly together with the reasons for his decision.

(7) Any notice required to be given or made under this regulation may be sent by post.

The EEC mark

9.—(1) A prepackage shall not be marked with the EEC mark unless—

- (a) it satisfies the requirements of section 1 of Annex I to the Directive; and
- (b) the nominal volume thereof is one of the permitted nominal volumes indicated—
 - (i) in column I, or
 - (ii) until the end of 31st December 1983 in column II,

of Annex III to the Directive in relation to point 1(a) of that Annex.

(2) The EEC mark shall be at least 3 mm high, placed in the same field of vision as the indication of the nominal volume of the contents, and shall be indelible, easily legible and visible under normal conditions of presentation of the prepackage.

Powers of entry and inspection etc.

10.—(1) Subject to the production if so requested of his credentials an inspector may, within the area for which he was appointed inspector, at all reasonable times exercise the following powers, that is to say—

- (a) for the purposes of ascertaining whether an offence under these regulations has been committed—
 - (i) he may inspect any prepackage or container of wine or grape must or any article which he has reasonable cause to believe to be, or to contain, a prepackage or such a container;
 - (ii) he may inspect and test any measuring instrument which he has reasonable cause to believe is used by a packer or importer for the purposes of regulation 6, or as the case may be, 7 above, and inspect any certificate associated with a liquid capacity measure;
- (b) for the purpose of ascertaining whether prepackages of which the nominal volume is not less than 0.05 litre and not more than 5 litres comply with regulation 5 above, at premises of a packer or importer or

his agent he may select batches of prepackages in accordance with the procedures set out in Annex II to the Directive and test samples from those batches in accordance with such procedures, or by means of an equivalent procedure;

- (c) for the purposes of either of the two foregoing subparagraphs—
 - (i) he may enter any premises, not being premises used only as a private dwelling, on which he has reasonable cause to believe that prepackages or containers of wine or grape must are being made up or are held by or on behalf of an importer, or are held for sale;
 - (ii) if necessary he may break open any prepackage or container of wine or grape must or any article which he has reasonable cause to believe to be, or to contain, a prepackage or such a container;
 - (iii) he may require any person on whose premises the prepackages or containers of wine or grape must are being made up or, as the case may be, are held as aforesaid to provide such reasonable facilities or assistance as appear to the inspector to be necessary for those purposes;
- (d) for the purposes mentioned in paragraph (a) above—
 - (i) he may weigh or otherwise measure the quantity of wine or grape must in any prepackage;
 - (ii) he may weigh or otherwise measure any package in which wine or grape must is made up;
- (e) for the purpose mentioned in subparagraph (b) above—
 - (i) he may require a packer or importer to produce and permit the inspector to inspect and copy records preserved by him in accordance with regulation 6(3)(b) or, as the case may be, regulation 7(3)(b) above;
 - (ii) he may require an importer to produce and permit the inspector to inspect and copy documentary evidence preserved by him in accordance with regulation 7(4) above;
- (f) if he has reasonable cause to believe that an offence under these regulations has been committed, he may seize and detain any prepackage, container of wine or grape must, measuring instrument or certificate referred to in subparagraph (a) above, or records or documentary evidence referred to in subparagraph (e) above, which he has reason to believe may be required as evidence in proceedings for such an offence.

(2) An inspector, if he finds that a batch selected in accordance with paragraph (1)(b) above fails to satisfy the requirements mentioned in regulation 5 above when tested as mentioned in the said paragraph (1)(b), shall give directions to the packer or importer to sort that batch to bring it into conformity with those requirements or otherwise to ensure that the prepackages in the batch comply with regulation 5.

11.—(1) A local weights and measures authority may make, or may authorise an inspector to make on their behalf, such purchases of prepackages as may appear expedient for the purpose of determining whether or not an offence under these regulations has been committed.

(2) Where any prepackage is broken open under regulation 10(1)(c)(ii) above otherwise than at premises of a packer or importer or his agent and the prepackage is not deficient by an amount greater than twice the tolerable negative error set out in the table in subsection 2.4 of Annex I to the Directive, the

inspector shall at the request of the owner thereof buy the prepackage on behalf of the local weights and measures authority.

Powers of entry under a warrant

12.—(1) If a justice of the peace, on sworn information in writing—

- (a) is satisfied that there is reasonable ground to believe either—
 - (i) that any prepackage, container of wine or grape must, measuring instrument, record or documentary evidence which an inspector has power by virtue of regulation 10 above to inspect is on any premises and that inspection of it is likely to disclose evidence of the commission of an offence under regulation 13 or 14 below, or
 - (ii) that any offence under regulation 13 or 14 below has been, is being or is about to be, committed on any premises, and
- (b) is also satisfied either—
 - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier, or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises if need be by force.

(2) An inspector entering any premises by virtue of this regulation or regulation 10 may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under paragraph (1) of this regulation, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(3) If an inspector or other person who enters any work-place by virtue of this regulation or regulation 10 above discloses to any other person any information obtained by him in the work-place with regard to any manufacturing process or trade secret he shall, unless the disclosure was made in performance of his duty, be guilty of an offence.

Offences

13.—(1) Paragraphs (2) to (5) of this regulation apply only in relation to prepackages with a nominal volume of not less than 0.05 litre and not more than 5 litres.

(2) Any packer or importer who sells or has in his possession for sale prepackages not complying with regulation 5 above shall be guilty of an offence.

- (3) Any packer who—
- (a) without reasonable cause fails to comply with any requirement imposed by regulation 6(1), (2) or (3) above; or
 - (b) without reasonable cause fails to produce records required by an inspector under regulation 10(1)(e) above; or
 - (c) without reasonable cause fails to comply with directions given under regulation 6(4) or 10(2) above; or

(d) makes any record for the purpose of regulation 6(3) above which he knows to be false, or with intent to deceive alters or causes to be altered any such records;

shall be guilty of an offence.

(4) Any importer who—

(a) without reasonable cause fails to comply with any requirement imposed by regulation 7(2), (3) or (4) above; or

(b) without reasonable cause fails to produce any documentary evidence or records required by an inspector under regulation 10(1)(e) above; or

(c) without reasonable cause fails to comply with directions given under regulation 7(5) or 10(2) above; or

(d) is in possession of any documentary evidence referred to in regulation 7(2) above which he knows to be false; or

(e) makes any record for the purpose of regulation 7(3) above which he knows to be false; or

(f) with intent to deceive, alters or causes to be altered any such documentary evidence or record as is mentioned in subparagraphs (d) and (e) above;

shall be guilty of an offence.

(5) Any person who knowingly sells or has in his possession for sale a prepackage which is deficient by an amount greater than twice the tolerable negative error set out in the table in subsection 2.4 of Annex I to the Directive shall be guilty of an offence.

(6) Any person who—

(a) sells or has in his possession for sale a prepackage which is marked with the EEC mark but which does not comply with all the requirements set out in regulation 9 above; or

(b) sells or has in his possession for sale a prepackage which is marked with a mark so closely resembling the EEC mark as to be likely to deceive;

shall be guilty of an offence.

(7) Any person who—

(a) wilfully obstructs an inspector acting in the execution of any provision of these regulations; or

(b) without reasonable cause fails to give an inspector acting as aforesaid any facilities, assistance or information which the inspector may reasonably require of him for the purpose of the performance by the inspector of his functions under these regulations;

shall be guilty of an offence.

Offences in connection with relevant Community provisions

14.—(1) Any person who contravenes or fails to comply with a relevant Community provision shall be guilty of an offence.

(2) Except as otherwise expressly provided by Article 3(4) of Commission Regulation (EEC) No. 1608/76(a), a person who, in any case where a statement of nominal volume is required by a relevant Community provision, states that volume otherwise than in metric units only shall be guilty of an offence.

(a) O.J. No. L183, 8.7.1976, p. 1.

Offences by bodies corporate

15.—(1) Where an offence under any provision of these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Third party offence: and defences

16.—(1) Where the commission by any person of an offence under these regulations is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) In any proceedings for an offence under regulation 13(2) above it shall be a defence for the person charged with the offence to prove—

- (a) that the wine or grape must was prepacked in measuring container bottles bearing an indication in accordance with section 8.2.2. of Annex I of Council Directive No. 75/107/EEC, which were correctly filled in relation to the indicated filling level; or
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) In any proceedings for an offence under regulation 13(6) or 14 above it shall be a defence for any person charged with that offence to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Extension of time

17.—(1) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952(a), a magistrates' court in England or Wales may try an information for an offence—

- (a) under regulation 13(2) above if the information was laid at any time within twelve months from the commission of the offence; or
- (b) under regulation 13(5) or 13(6) above, if the information was laid at any time within three months from the discovery of the offence, provided that the information was laid not later than two years from the commission of the offence.

(2) Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975(b) (limitation of time for proceedings in statutory offences) summary proceedings in Scotland may be commenced for an offence—

- (a) under regulation 13(2) above, at any time within twelve months from the time when the offence was committed; or

(a) 1952 c. 55.

(b) 1975 c. 21.

(b) under regulation 13(5) or 13(6) above, at any time within three months from the discovery of the offence but not after two years from the time when the offence was committed;

and section 331(3) of the said Act shall apply for the purposes of this paragraph as it applies for the purposes of that section.

Penalties

18.—(1) Any person guilty of an offence under any of the following provisions of these regulations, that is to say regulations 13(3)(b), 13(4)(b), 13(5), 13(6), and 14(2), shall be liable on summary conviction to a fine not exceeding £50.

(2) Any person guilty of an offence under any provision of these regulations other than those mentioned in the foregoing paragraph shall be liable on summary conviction to a fine not exceeding £200.

Enforcement

19.—(1) It shall be the duty of the enforcement authority to enforce the provisions of these regulations.

(2) For the purposes of paragraph (1) above, “the enforcement authority” means the local weights and measures authority or any other person by whom the duty imposed by that paragraph may be discharged in pursuance of arrangements made by virtue of any enactment.

(3) Nothing in paragraph (1) or (2) above shall be taken as authorising a local weights and measures authority in Scotland to institute proceedings for an offence.

(4) In England and Wales proceedings for any offence under these regulations shall not be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

John Fraser,

Minister of State,

Department of Prices and Consumer Protection.

20th March 1978.

Regulations 2(1) and 14

SCHEDULE 1

RELEVANT COMMUNITY PROVISIONS

Column 1	Column 2	Column 3
Relevant Community Provisions	Supplementing Provisions	Subject Matter
Council Regulation (EEC) No. 2133/74: Article 45 so far as it relates to— Articles 2(1)(b) 12(1)(c) 22(1)(c) 27(1)(b) 28(1)(b) 29(1)(c) as respectively amended by Article 2 of Council Regulation (EEC) No. 1475/77(a).	Commission Regulation (EEC) No. 1608/76: Articles 3(1) and 3(2) as amended by Article 1(3) of Commission Regulation (EEC) No. 1054/77(b).	Requirements relating to the statement of nominal volume and the marking of an EEC mark on labels and restrictions on the nominal volumes in which after 31st December 1983 pre-packages of wine and grape must may be made up.

Regulation 2(4)

SCHEDULE 2

ADAPTATION FOR NORTHERN IRELAND

1. In regulation 2(1) for the definition of “credentials” there shall be substituted “‘credentials’, in relation to an inspector, means some duly authenticated document showing that he is authorised to act as an inspector”.

2. In regulation 10(1) the words “within the area for which he was appointed inspector” shall be omitted.

3. For regulation 17 there shall be substituted the following—

“Notwithstanding anything in section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964(c) a magistrates’ court in Northern Ireland may hear and determine a complaint for an offence—

(a) under regulation 13(2), if the complaint was made at any time within twelve months from the commission of the offence; or

(b) under regulation 13(5) or 13(6), if the complaint was made at any time within three months from the discovery of the offence, provided that complaint was made not later than two years from the commission of the offence”.

4. For regulation 19 there shall be substituted the following—

“(1) It shall be the duty of the Department of Commerce for Northern Ireland to enforce these regulations.

(2) No proceedings for an offence under these regulations may be instituted except by or on behalf of the Department of Commerce for Northern Ireland”.

(a) O.J. No. L164, 2.7.1977, p. 1.

(b) O.J. No. L130, 25.5.1977, p. 1.

(c) 1964 c. 21 (N.I.).

Regulations 6(5) and 7(2)

SCHEDULE 3

LAWFUL MEASURING INSTRUMENTS FOR THE PURPOSE OF REGULATIONS 6(5) AND 7(2)

PART I

Description of lawful liquid capacity measure

The measure shall be of clear glass, substantially free from visible defects, and well annealed. It shall be conical in shape (or, in the case of a measure with a capacity of 1 litre or more, either conical or cylindrical in shape) and shall have a flat base.

The neck shall be cylindrical in shape and there shall be no undue variation in internal diameter or wall thickness. The top of the neck shall be provided with a conical funnel, the rim of which shall be smoothly rounded to ensure the absence of sharp edges and parallel to the base.

The rim shall have a pouring lip. The neck of the measure shall be provided with scale marks representing the nominal capacity (in millilitres) and amounts above and below the nominal capacity as shown in the following table; the neck shall be so constructed that the addition or removal of the amount of liquid corresponding to the interval between two successive scale marks (unless one of these scale marks represents the tolerance limit (T) or twice the tolerance limit (2xT)) results in a change in the liquid level of at least 5 millimetres. The maker's name or trade mark shall be marked on the measure together with a serial number identifying the measure.

1	2	3	4
Nominal capacity (millilitres)	Scale marks above nominal capacity (millilitres)	Scale marks below nominal capacity (millilitres)	Error in excess or in deficiency (millilitres)
100	2, 4, 6	2, 4, 4.5 (marked T), 6, 8, 9 (marked 2xT), 10	0.5
200 } 250 }	2, 4, 6, 8, 10	2, 4, 6, 8, 9 (marked T), 10, 12, 14, 16, 18 (marked 2xT) 20	0.75
350	5, 10, 15	5, 10, 10.5 (marked T), 15, 20, 21 (marked 2xT), 25	1.25
360	5, 10, 15	5, 10, 10.8 (marked T), 15, 20, 21.6 (marked 2xT), 25	
375	5, 10, 15	5, 10, 11.25 (marked T), 15, 20, 22.5 (marked 2xT), 25	
475	5, 10, 15	5, 10, 14.25 (marked T), 15, 20, 25, 28.5 (marked 2xT), 30	
500 } 600 }	5, 10, 15, 20	5, 10, 15 (marked T), 20, 25, 30 (marked 2xT), 35, 40	1.5
680 } 700 } 720 } 750 }	5, 10, 15, 20	5, 10, 15 (marked T), 20, 25, 30 (marked 2xT), 35, 40	1.75
950 } 1000 }	5, 10, 15, 20	5, 10, 15 (marked T), 20, 25, 30 (marked 2xT), 35, 40	2.5
1500	10, 20, 30	10, 20, 22.5 (marked T), 30, 40, 45 (marked 2xT), 50, 60	3.25
1750	10, 20, 30	10, 20, 26.25 (marked T), 30, 40, 50, 52.5 (marked 2xT), 60	3.75
1880	10, 20, 30, 40	10, 20, 28.2 (marked T), 30, 40, 50, 56.4 (marked 2xT), 60	4.0
2000	10, 20, 30, 40	10, 20, 30 (marked T), 40, 50, 60 (marked 2xT), 70	4.0
5000	10, 20, 30, 40, 50	10, 20, 30, 40, 50, 60, 70, 75 (marked T), 80, 90, 100, 110, 120, 130, 140, 150 (marked 2xT), 160	6.0

PART II

Description of lawful weighing instrument

The weighing instrument shall be of the self- or semi-self-indicating type, with or without ancillary equipment, whose maximum scale interval and maximum limits of error in relation to the least nominal volume of the prepackages for which it is used are as follows:—

Least nominal volume of prepackages checked (ml)	Maximum scale interval (g)	Limits of error in excess or deficiency with any ancillary equipment connected (g)
Less than 350	1	0.5
350, 360, 375, 475, 500, 600, 680, 700, 720, 750, 950 or 1000	2	1.0
1500, 1750, 1880 or 2000	5	2.5
5000	10	5.0

If the weight indicator is constructed on the analogue principle the scale spacing shall not be less than 1.25 mm.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations implement certain requirements relating to the pre-packaging and labelling of wine and grape must imposed by Council Regulation (EEC) No. 2133/74 (O.J. No. L227, 17.8.1974, p. 1) as amended by Council Regulation (EEC) No. 1475/77 (O.J. No. L164, 2.7.1977, p. 1), and Commission Regulation (EEC) No. 1608/76 (O.J. No. L183, 8.7.1976, p. 1) as amended by Commission Regulation (EEC) No. 1054/77 (O.J. No. L130, 25.5.1977, p. 1). These Community provisions lay down general and particular rules for the description and presentation of wine and grape must. "Wine" in the present regulations means wine of fresh grapes, but does not include sparkling wines or vermouths or British wine (e.g. fruit or tonic wines) or liqueur (fortified) wines.

2. Regulations 4(1) and (2), 5, 6 and 7 implement Article 3 of Commission Regulation (EEC) 1608/76 mentioned above. Article 3 requires wine and grape must prepacked in quantities between 0.05 litre and 5 litres to be packed in accordance with Council Directive No. 75/106/EEC (O.J. No. L42, 15.2.1975, p.1 corrected by O.J. No. L324, 16.12.1975, p. 31) on the approximation of the laws of the Member States relating to the making-up by volume of certain pre-packaged liquids. The prepackages must contain, on average, at least the nominal volume of the contents marked on the label of the bottle or other container and no individual prepackage may have a greater deficiency than twice the tolerable negative error laid down in the Directive. Prepackages complying with these regulations are exempted from those provisions of the Weights and Measures Act 1963 and the Weights and Measures Act (Northern Ireland) 1967 which would otherwise require a prepackage which is marked with a quantity to contain at least that quantity, and for the purposes of the Trade Descriptions Act 1968 the nominal volume marked on the container is to be an indication that the quantity is in accordance with these regulations.

The Regulations require packers to fill or check the filling of bottles or other containers using measuring instruments described in the regulations and to keep records of filling or checking (regulation 6). Importers are responsible for prepackages of wine or grape must imported by them from outside the EEC, and must either check the quantity of wine in the same way as a packer, or hold documentary evidence that the prepackage has been correctly made up (regulation 7). The regulations permit prepackages to be marked with the EEC mark defined in the Directive mentioned above only if they comply with requirements as to quantity, and are made up in sizes, prescribed in the Directive (regulation 9).

3. Regulation 14 provides for offences for breaches of certain other Community requirements specified in Schedule 1 to these regulations. These relate to the statement of nominal volume on the labels of prepackages of wine or grape must covered by the Directive, and on the labels of other containers of wine or grape must, and to the restrictions on nominal quantities in which wine and grape must may be made up after 31 December 1983.

4. The Regulations contain provisions for enforcing both the requirements mentioned in paragraph 2 above and those in paragraph 3 above. There are powers for inspectors to give directions to packers and importers to ensure that prepackages are correct (regulations 6(4) and 7(5)), and a right of objection (regulation 8). There are powers of entry and inspection and of checking, at packers' or importers' premises, batches of prepackages and for inspectors to give directions with respect to prepackages in a batch which is found to be defective (regulation 10). There are provisions for offences by packers and importers who sell or have in possession for sale prepackages not complying with the regulations (regulation 13). There are also offences of failing to keep records, and failing to comply with the directions of an inspector relating to defective prepackages (regulation 13). Defences are made available, in relevant cases, to persons who can prove that they both took all reasonable precautions and exercised all due diligence to avoid the commission of an offence (regulation 16).

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