

1979 No. 1752

## WEIGHTS AND MEASURES

## The Weights and Measures Act 1963 (Milk) Order 1979

*Laid before Parliament in draft**Made - - - - 21st December 1979**Coming into Operation 1st January 1980*

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 sections 21(2), (3) and (5) and 54(1) and (4) 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 (Milk) Order 1979 and shall come into operation on 1st January 1980.

(2) In this Order "milk" means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream.

(3) The Weights and Measures (Exemption) (Milk) Order 1966(c) and the Weights and Measures (Pre-packed Milk in Vending Machines) Order 1976(d) are hereby revoked.

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

(2) In paragraph 3 of Part XI of the said Schedule, after sub-paragraph (3) there shall be inserted "(3A) milk within the meaning of the Weights and Measures Act 1963 (Milk) Order 1979;".

3. Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

(a) 1963 c. 31.  
(c) S.I. 1966/237.

(b) S.I. 1970/1537.  
(d) S.I. 1976/794.

4. Milk shall be pre-packed, except where made up in a quantity of 50 ml or less, only if it is made up in one of the following quantities by capacity measurement, that is to say:—

- (i)  $\frac{1}{3}$  pt,  $\frac{1}{2}$  pt or a multiple of  $\frac{1}{2}$  pt; or
- (ii) 200 ml, 250 ml, 500 ml, 750 ml, 1 litre, 2 litre or thereafter a multiple of 500 ml; or
- (iii) if made up before 1st January 1981, 100 ml or 600 ml.

5. If in the case of any pre-packed milk made up in a quantity of less than  $\frac{1}{2}$  pt its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in Article 4 above, a person shall not by reason only of that fact be guilty of an offence under section 22(2) of the Act—

- (a) in respect of a sale of that milk by that or any other person if the sale is by means of a vending machine or is otherwise than by retail; or
- (b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—
  - (i) for sale by means of a vending machine which complies with Article 6 of this Order; or
  - (ii) for sale otherwise than by retail; or
  - (iii) for delivery after sale otherwise than by retail.

6. Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

*Norman Tebbit,*  
Parliamentary Under-Secretary of State,  
Department of Trade.

21st December 1979.

## EXPLANATORY NOTE

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

This Order implements the requirements of Council Directive No. 75/106/EEC (O.J. No. L42, 15.2.1975, p. 1 as corrected by O.J. No. L324, 16.12.1975, p. 31) as to the prescribed range of quantities for pre-packed liquid cows' milk, and, with other requirements, supersedes Part V of Schedule 4 to the Weights and Measures Act 1963. It also exempts milk from Part XI of the Schedule which would otherwise require pre-packed milk to be marked with an indication of quantity. Requirements as to the marking of quantity on packages containing milk (except for certain transparent containers) are provided by Section 1, and by Regulations made under Part I, of the Weights and Measures Act 1979. The Order consequently revokes the Weights and Measures (Exemption) (Milk) Order 1966, which provided an exemption from quantity marking on certain transparent containers of milk. The Order also revokes the Weights and Measures (Pre-packed Milk in Vending Machines) Order 1976, but re-enacts similar provisions.

The principal provisions of the Order are:—

- (a) milk which is not pre-packed shall be sold only by capacity measurement or by net weight (Art. 3);
- (b) milk in quantities of more than 50 ml (approximately  $1\frac{3}{4}$  fl oz) may be pre-packed only in certain prescribed imperial or metric quantities by capacity measurement (Art. 4);
- (c) it is not an offence under section 22(2) of the 1963 Act in certain circumstances to sell or possess for **sale** pre-packed milk made up in quantities of less than  $\frac{1}{2}$  pt if the container indicates that the milk is to be sold only in vending machines, in quantities other than those prescribed in Article 4 (Art. 5);
- (d) pre-packed milk may be sold in vending machines only if the machines display certain information (including the quantity of milk in each item for sale) (Art. 6).

SI 1979/1752  
ISBN 0-11-094752-5



780110 947525