
 STATUTORY INSTRUMENTS

1984 No. 1314

WEIGHTS AND MEASURES

**The Weights and Measures Act 1963
(Intoxicating Liquor) Order 1984**
Laid before Parliament in draft

Made - - - - 17th August 1984

Coming into Operation 1st September 1984

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 the 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 (Intoxicating Liquor) Order 1984 and shall come into operation on 1st September 1984.

(2) In this Order “beer”, “cider”, “made-wine” and “wine” have the same meanings respectively as in section 1 of the Alcoholic Liquor Duties Act 1979 **(c)**.

(3) The Weights and Measures (Exemption) (Beer and Cider) Order 1966 **(d)**, the Weights and Measures (Sale of Wine) Order 1976 **(e)** and the Weights and Measures Act 1963 (Wine and Grape Must) Order 1983 **(f)** are hereby revoked.

(a) 1963 c. 31; section 58 and Part VI of Schedule 4 were amended by Schedule 3 to the Alcoholic Liquor Duties Act 1979 (c. 4); and Part VI was also amended by Schedule 5 to the Weights and Measures Act 1979 (c. 45).

(b) S.I. 1970/1537.

(d) S.I. 1966/815.

(f) S.I. 1983/1078.

(c) 1979 c. 4, as amended by S.I. 1979/241.

(e) S.I. 1976/1120.

2. Part VI of Schedule 4 to the Act shall cease to have effect.

3.—(1) Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail—

- (a) only in a quantity of 1/3 pint, 1/2 pint or a multiple of 1/2 pint; and
- (b) subject to paragraph (2) below, where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

(2) Paragraph 1(b) above shall not apply where—

- (a) the quantity of the intoxicating liquor the subject of the sale is ascertained by means of measuring equipment stamped in accordance with Regulation 16(2) of the Measuring Equipment (Intoxicating Liquor) Regulations 1983(a);
- (b) the liquor in question is delivered directly from the measuring equipment into the container in which it is intended the buyer should receive it;
- (c) the liquor in question is so delivered after the buyer has ordered it; and
- (d) the measuring equipment (or that part of it from which the liquor is delivered) is installed in such a position that the delivery of the liquor into the container can readily be seen by customers in that part of the premises where the buyer ordered the liquor.

4.—(1) Subject to paragraphs (2) and (3) below, unless pre-packed in a securely closed container intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whisky, shall be sold by retail for consumption on the premises at which it is sold only—

- (a) in, or in a multiple of, one of the following quantities, which shall be the same for those parts of any licensed premises or licensed canteen within the meaning of the Licensing Act 1964(b) or the Licensing (Scotland) Act 1976(c) of which any person is the licensee and for all those liquors, that is to say, 1/4 gill, 1/5 gill and 1/6 gill; and
- (b) if there is displayed on those premises, in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, a statement in writing showing in which of those quantities those liquors are offered for sale on those premises.

(2) Any such liquor shall be exempted from the requirements of this Article when it forms a constituent of a mixture of three or more liquids.

(3) Nothing in this Article shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of those liquors in a quantity not otherwise permitted by this Article.

(a) S.I. 1983/1656.

(b) 1964 c. 26.

(c) 1976 c. 66.

5.—(1) Subject to paragraph (2) of this Article, wine and made-wine for consumption on the premises at which it is sold shall—

- (a) be pre-packed only in one of the following quantities, that is to say—
 - (i) 25 cl, 50 cl, 75 cl, or 1 L; or
 - (ii) 10 fl oz, or 20 fl oz;
- (b) when not pre-packed, be sold only in those quantities; and
- (c) whether pre-packed or not, be sold only if a statement in writing showing the quantities in which wine or made-wine is for sale is either displayed on those premises in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, or is contained in every winelist and menu which is available to the buyer on those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption on those premises.

(2) Paragraph (1) above shall not apply in the case of wine or made-wine which—

- (a) is pre-packed in a securely closed bottle whether or not it is to be decanted at the request of the buyer before being served; or
- (b) is sold in the glass or other vessel from which it is intended to be drunk.

6.—(1) This Article applies to the wine and grape must specified in paragraph 1(a) and (b) of Annex III to Council Directive No. 75/106/EEC **(a)**, that is to say:—

- (a) wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22.05 A and B and liqueur wines (subheading ex 22.05 C);
- (b) grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (heading 22.04); and
- (c) “yellow” wines entitled to use the following designations of origin: “Côtes du Jura”, “Arbois”, “L’Étoile” and “Château-Chalon”.

(2) In this Article references to a heading or subheading are references to a heading or subheading of the Common Customs Tariff of the European Economic Community **(b)**.

(3) Subject to the following provisions of this Article, wine and grape must shall be pre-packed only if they are made up in one of the following quantities by volume, that is to say:—

10 cl, 25 cl, 37.5 cl, 50 cl, 75 cl,
1 L, 1.5 L, 2 L, 3 L and 5 L.

(a) OJ No. L 42, 15.2.1975, p. 1, as amended by Council Directive No. 79/1005/EEC (OJ No. L 308, 4.12.1979, p. 25).

(b) See Annex to Council Regulation (EEC) No. 950/68 (OJ No. L 172, 22.7.1968, p. 1) as last amended by Council Regulation (EEC) No. 3333/83 (OJ No. L 313, 14.11.1983, p. 1).

(4) Until 31st December 1985, wine and grape must may be pre-packed if they are made up in the quantity by volume of 73 cl; and until 31st December 1988, they may be pre-packed if they are made up in one of the following quantities by volume, that is to say:—

35 cl, 70 cl and 1.25 L.

(5) Subject to paragraph (6) below, yellow wine specified in paragraph (1)(c) above shall be pre-packed only if it is made up in the quantity by volume of 62 cl.

(6) There shall be exempted from the requirements of paragraphs (3) and (5) above:—

- (a) wine and grape must made up in quantities of less than 5 ml and more than 10 L;
- (b) wine to which Article 5(1)(a) above applies; and
- (c) wine and grape must made up in securely closed containers before 1st January 1984.

7.—(1) Subject to paragraph (2) below, intoxicating liquor of any description shall be pre-packed in a closed container only if the container is marked with an indication of quantity by capacity measurement.

(2) There shall be exempted from the requirements of this Article any liquor in a quantity of less than 85 ml up to and including 31st December 1985 and thereafter 5 ml or in a quantity of more than 5 L.

8.—(1) Without prejudice to the provisions of section 22 of the Act, if Article 3(1)(b), 4(1)(b) or 5(1)(c) above is contravened, the occupier of the premises in question shall be guilty of an offence.

(2) Except as provided in paragraphs (3) and (4) below, any person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding £2,000.

(3) Any person guilty of an offence under paragraph (1) above in the case of a contravention of Article 3(1)(b) or 4(1)(b) committed before 1st May 1984 shall be liable on summary conviction to a fine not exceeding £1,000.

(4) Any person guilty of an offence under paragraph (1) above in the case of a contravention of Article 5(1)(c) above committed before 1st September 1984 shall be liable on summary conviction to a fine not exceeding £100.

9. Nothing in this Order shall require any container to be marked with any information or to enclose intoxicating liquor or grape must of a particular quantity if all the following provisions are satisfied:—

- (a) the contents of the container in which any intoxicating liquor or grape must is pre-packed consist of two or more packs of goods;
- (b) where the goods in any pack, if sold individually, would be required by the Order to be made up in a specified quantity, the goods in any such pack are so made up;
- (c) where any pack, if sold individually, would be required by the Order to be marked with an indication as to the quantity of the goods, the pack is so marked;

- (d) (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and where paragraph (c) above applies with an indication as to the quantity of the goods in each such pack; or
- (ii) where each pack to which paragraph (c) above applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container; or
- (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (c) above applies, or if there are two or more identical such packs an indication as to the quantity of the goods in at least one of them is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

10.—(1) A person specified in paragraph (2) below in the cases specified in that paragraph shall not be guilty of an offence under section 22(2) of the Act by reason only of the fact that the goods specified in the preceding Articles of this Order are not pre-packed in accordance with the provisions of this Order, if the goods would be pre-packed in accordance with the provisions of an Order revoked by the Order, if the former Order were not revoked by this Order, or in accordance with the provisions of Schedule 4 to the Act if Article 2 above were not to apply.

(2) The cases and persons referred to in paragraph (1) above are—

- (a) in the case of goods pre-packed in Great Britain on or before 1st January 1986 and of goods imported pre-packed into Great Britain on or before that date, all persons;
- (b) in the case of goods pre-packed in Great Britain after that date and of goods imported pre-packed into Great Britain after that date, all persons other than—
- (i) where the goods were pre-packed in Great Britain, the person who pre-packed them and if he pre-packed them on behalf of another person, that other person;
- (ii) where the goods were imported into Great Britain, the person who imported them and if he imported them on behalf of another person, that other person.

(3) The provisions of paragraphs (1) and (2) above shall cease to have effect after 30th June 1986.

Alexander Fletcher,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

17th August 1984.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces Part VI of Schedule 4 to the Weights and Measures Act 1963, which relates to the sale by retail of intoxicating liquor, and the exemption provided by the Weights and Measures (Exemption) (Beer and Cider) Order 1966 from the requirement that draught beer or cider sold for consumption on the premises of the seller must be sold in a capacity measure. The exemption only applies where the liquor is measured by equipment which is designed to dispense a pre-determined quantity and which has been caused to be stamped by an inspector of weights and measures. The exemption is subject to limitations which give customers an opportunity to see their liquor being dispensed. A small change is made in the Article relating to the sale of gin, rum, vodka and whisky for consumption on the premises at which they are sold (Article 4(1)). The Article applies whether or not those premises are licensed premises, which was the position under the Weights and Measures Act 1963 as originally enacted.

The Order also replaces the Weights and Measures (Sale of Wine) Order 1976, which relates to the sale of wine for consumption on the premises of the seller otherwise than pre-packed in a securely closed bottle or in a drinking glass and the Weights and Measures Act 1963 (Wine and Grape Must) Order 1983, which relates to the pre-packing of certain wines known as table wines and grape must. It increases the penalty under the 1976 Order to £2,000 for not displaying on the premises or containing in a winelist or menu a written statement showing the quantities in which wine is offered on these premises, so as to bring the penalty into line with that for other offences under Part VI of Schedule 4 to the Act replaced by the Order.

The Order also implements the requirements of Article 8 of Council Directive No. 79/112/EEC (OJ No. L 33, 8.2.1979, p. 1.) in relation to quantity marking of closed containers of intoxicating liquor.

Transitional provisions are also included in the Order to allow time for intoxicating liquor or grape must, which complies with the provisions of the Act or the existing Orders, to be sold by manufacturers, importers, wholesalers and retailers, notwithstanding that it does not comply with the Order.

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