

1990 No. 1550

**WEIGHTS AND MEASURES**

**The Weights and Measures (Various Foods)  
(Amendment) Order 1990**

*Made* - - - - *26th July 1990*

*Coming into force* *27th July 1990*

Whereas the Secretary of State, pursuant to section 86(2) of the Weights and Measures Act 1985(a), has consulted 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 86(5) of that Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 22(1) and (2), 24(1) and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, interpretation and commencement**

1.—(1) This Order may be cited as the Weights and Measures (Various Foods) (Amendment) Order 1990 and shall come into force on the day after the day on which it is made.

(2) In this Order, “the Act” means the Weights and Measures Act 1985.

**Amendment of the Weights and Measures (Intoxicating Liquor) Order 1988**

2. The Weights and Measures (Intoxicating Liquor) Order 1988(b) is hereby amended as follows:—

- (a) in article 1(2), by the insertion, after the word “Order”, of the words “except where the context expressly otherwise requires”;
- (b) in article 3(1) –
  - (i) in subparagraph (a), by inserting after the words “ $\frac{1}{6}$  gill” the words “or 25 ml”; and
  - (ii) by adding, after subparagraph (b), the following proviso:  
“Provided that the quantities of  $\frac{1}{4}$  gill,  $\frac{1}{5}$  gill and  $\frac{1}{6}$  gill referred to in subparagraph (a) of this paragraph shall not be permitted after 31st December 1994.”;
- (c) in article 5(2)(b), by the insertion, before the words “is sold”, of the words “subject to article 5A below,”;
- (d) by the insertion, after article 5, of the following article –

“5A.—(1) For the purposes of this article “wine” shall mean only the intoxicating liquor and other liquids specified in column 1 of Part I of Schedule 1 to this Order.

(2) When sold in the glass or other vessel from which it is intended to be drunk, wine for consumption on the premises at which it is sold shall, on or after 1st January 1995, be sold only –

(a) in, or in a multiple of, the following quantities, that is to say, 125 ml and 175 ml; and

(b) if a statement in writing of the kind required by subparagraph (c) of article 5(1) above is displayed or otherwise provided as required by that subparagraph.

(3) Nothing in this article shall make unlawful the sale, at the express request of the buyer, of any mixture of liquids containing wine in a quantity not otherwise permitted by this article.”;

(e) in article 7(1), by the omission of the words “or 5(1)(c)” and the substitution of the words “,5(1)(c) or 5A(2)(b)”;

(f) in Part I of Schedule 1 by –

(i) inserting in the list of prescribed quantities in column (2) the following additional quantities:

4 L, 8 L;

(ii) deleting the footnote (x) in column (2) and substituting therefor the following:

“(x) for consumption on board aircraft, ships and trains, or for sale duty-free”;

(iii) adding to the list of exceptions in column (3) the following:

“(d) not more than 25 cl, when for consumption on the premises of the seller”.

#### **Amendment of the Weights and Measures (Miscellaneous Foods) Order 1988**

3. The Weights and Measures (Miscellaneous Foods) Order 1988(a) is hereby amended as follows:–

(a) in article 2, by deleting the definition of “coffee bag” and substituting therefor the following: ““coffee bag” means a permeable sealed bag, which is intended to be immersed in water or to have water percolated through it, containing coffee, or a coffee mixture, or a combination of either coffee or a coffee mixture (or both) with a lesser quantity of instant coffee”;

(b) in article 3 –

(i) in paragraph (1), by deleting the words “and cut lump salt”; and

(ii) in paragraph (2), by deleting the words “cut lump salt and”;

(c) in Schedule 1–

(i) in the item relating to barley kernels, pearl barley etc, by deleting the entry in column (2) and substituting therefor:

“125 g, 250 g, 375 g, 500 g or a multiple of 500 g.”;

(ii) in the item relating to tea in a tea bag, by adding in column (2) the following note:

“*Note*

In the case of tea in a tea bag the prescribed quantities and quantity marking relate to the contents.”; and

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(a) S.I. 1988/2040.

(iii) in the item relating to tea other than tea in a tea bag,

(aa) by amending the description in column (1) to read as follows:

“Tea, other than instant tea or tea in a tea bag”; and

(bb) in column (2), by deleting the words “(other than tea in a tea bag)” and substituting therefor “(other than instant tea or tea in a tea bag)”.

#### **Transitional provisions**

4. For a period of six months beginning with the date of coming into force of this Order, a person shall not be guilty of an offence under section 25(2) of the Act by reason only of the fact that barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina or tapioca are pre-packed in a quantity of 4 ounces, 8 ounces, 12 ounces, 1 pound, 1½ pounds or a multiple of 1 pound; and for a period of twelve months beginning with that date, a person shall not be guilty of an offence under that section by reason only of having in his possession for sale or for delivery after sale, or causing or permitting any other person to have in his possession for sale or for delivery after sale, any of those foods in any of those quantities, provided that the foods in question were made up in those quantities not more than six months after the date of coming into force of this Order.

26th July 1990

*Hesketh*  
Minister of State,  
Department of Trade and Industry

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Weights and Measures (Intoxicating Liquor) Order (S.I. 1988/2039) and the Weights and Measures (Miscellaneous Foods) Order 1988 (S.I. 1988/2040).

Article 2 makes the following amendments to S.I. 1988/2039:—

- (i) in article 3(1), the metric quantity of 25 ml is added to the prescribed imperial quantities in which gin, rum, vodka and whisky may be sold for consumption on the premises. Sales in the imperial quantities (1/4, 1/5 and 1/6 gill) will not be permitted after 31st December 1994;
- (ii) a new article, 5A, provides that from 1st January 1995, still table wine sold by the glass may only be in quantities of 125 ml and 175 ml (or in multiples of these quantities) and when customers have been made aware of this by means of a written statement that they may readily see;
- (iii) in Part I of Schedule 1, there are three changes which implement Council Directive 89/676/EEC (OJ No. L398, 30.12.1989, p18).

Four and eight litres are added to the range of prescribed quantities for the pre-packed still table wines described there.

The restriction on pre-packing the 18.7 cl quantity, ie that it is only available for consumption on aircraft and ships, is lifted in part so as also to permit consumption on trains and duty-free sales.

Any quantity of not more than 25 cl may now be pre-packed for consumption on the premises of the seller.

Article 3 makes the following amendments to S.I. 1988/2040:—

- (i) in article 2, the definition of “coffee bag” is amended so as to include its use for percolation;

- (ii) in article 3, the exemption from prescribed quantities and quantity marking for pre-packed cut lump salt is revoked;
- (iii) in Schedule 1, there are changes in respect of barley kernels etc and tea. The range of imperial prescribed quantities for pre-packed barley kernels, pearl barley, rice, sago, semolina and tapioca is revoked. Transitional provisions are made in article 4 which provide for imperial quantities pre-packed during a period of six months from the date this order comes into force and for their retail sale during a period of 12 months from that date.

The range of quantities for tea other than tea in a tea bag is amended to make clear that it does not apply to instant tea. A note is added to make clear that the prescribed quantities and quantity marking that apply to tea bags do not include the weight of the bags.

95p net

ISBN 0 11 004550 5

*Reprinted 1990*

Printed in the United Kingdom for HMSO

833 WO 1698 C5 9/90 51.0.0 56219 ON 123169