

**2005 No. 3057**

**WEIGHTS AND MEASURES**

**The Weights and Measures (Miscellaneous Foods)  
(Amendment) Order 2005**

*Made* - - - - *1st November 2005*

*Coming into force* - - *15th November 2005*

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985(a) 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 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), and 86(1) of that Act, hereby makes the following Order:—

1. This Order may be cited as the Weights and Measures (Miscellaneous Foods) (Amendment) Order 2005 and shall come into force on the fourteenth day after the day on which it is made.

2. In article 2 of the Weights and Measures (Miscellaneous Foods) Order 1988(b) (“the 1988 Order”) after the definition of “liquid coffee and chicory products” there is inserted—

“Member State” means a member State as defined in Part II of Schedule 1 to the European Communities Act 1972(c), Norway, Iceland or Liechtenstein;”

3. In article 3 of the 1988 Order after paragraph (3) there is inserted—

“(4) Paragraph (1) shall not apply to a pre-packed food which is made up in a quantity other than as specified in column 2 of Schedule 1, provided the package was brought into the United Kingdom from another Member State in which a package made up in such a quantity could lawfully be marketed.”

4. In Schedule 1 omit the entries beginning “Chocolate products in bar or tablet form” and “Cocoa products of the following reserved descriptions”.

*Gerry Sutcliffe*  
Parliamentary Under Secretary of State for  
Employment relations and Consumers  
Department of Trade and Industry

1st November 2005

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(a) 1985 c.72.  
(b) S.I. 1988/2040, to which there are amendments not relevant to this Order.  
(c) 1972 c.68.

## EXPLANATORY NOTE

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

This Order amends the Weights and Measures (Miscellaneous Foods) Order 1988 (“the 1988 Order”). Article 3 of the 1988 Order requires that certain foods are pre-packed only in the quantities prescribed in Schedule 1 to the 1988 Order. This Order gives effect to the judgment of the European Court of Justice in Case C-3/99 Cidrerie Ruwet SA v Cidre Stassen SA and HP Bulmer Ltd by exempting from that requirement imports into the UK of pre-packed foods made up in a quantity which is not specified in Schedule 1 to the 1988 Order from another member State of the European Community, or one of the other States in the European Economic Area, provided that it is lawful to sell such packages in that quantity in that other State.

The Order also provides for deletion of the prescribed quantities for chocolate and cocoa products in Schedule 1 to the 1988 Order, implementing Article 7 of Council Directive 2000/36/EC<sup>(a)</sup> which repealed Council Directive 73/241/EEC<sup>(b)</sup> in which those requirements were prescribed.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available from Lynnette Falk, Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. Copies of a transposition note relating to this Order have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate at the above address.

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<sup>(a)</sup> OJ No. L197, 3.8.2000 p19.

<sup>(b)</sup> OJ No. L228, 16.8.73 p23.

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