
STATUTORY INSTRUMENTS

1981 No. 231

Weights and Measures (Northern Ireland) Order 1981

PART V

REGULATION OF CERTAIN TRANSACTIONS IN GOODS

Short weight, etc.

22.—(1) Subject to the provisions of this Part, any person who, in selling or purporting to sell any goods by weight or other measurement or by number, delivers or causes to be delivered to the buyer a lesser quantity than that purported to be sold or than corresponds with the price charged shall be guilty of an offence.

(2) ^{F1}

(3) If, in the case of any [^{F2}goods that are pre-packed within the meaning of this Order or are prepacked food within the meaning of the FIC Regulation and (in either case) are] in or on a container marked with a statement in writing with respect to the quantity of the goods, the quantity of the goods is at any time found to be less than that stated, then, subject to the provisions of this Part and in particular to Article 24(2), any person who has those goods in his possession for sale, and (if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been sold by retail and delivered to, or to a person nominated in that behalf by, the buyer) any person by whom or on whose behalf those goods have been sold or agreed to be sold at any time while they were pre-packed [^{F3}within the meaning of this Order or were prepacked food within the meaning of the FIC Regulation and (in either case) were] in or on the container in question, shall be guilty of an offence.

(4) If—

- (a) in the case of a sale or agreement to sell any goods which, not being pre-packed [^{F4}within the meaning of this Order or prepacked food within the meaning of the FIC Regulation] , are made up for sale or for delivery after sale in or on a container marked with a statement in writing with respect to the quantity of the goods; or
- (b) in the case of any goods which, in connection with a sale or agreement for the sale of the goods, have associated with them a document containing such a statement as is mentioned in sub-paragraph (a),

the quantity of the goods is at any time found to be less than that stated, then, if it is shown that the deficiency cannot be accounted for by anything occurring after the goods had been delivered to, or to a person nominated in that behalf by, the buyer, and subject to the provisions of this Part and in particular to Article 24(2) and (3) and paragraph 10 of Schedule 4, the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence.

(5) Paragraphs (3) and (4) shall have effect notwithstanding that the quantity stated is expressed to be the quantity of the goods at a specified time falling before the time in question, or is expressed with some other qualification of whatever description, except where—

- (a) that quantity is so expressed in pursuance of an express requirement of this Order or any instrument made under it; or
 - (b) the goods, although falling within paragraph (3) or paragraph (4)(*a*)—
 - (i) are not required by or under this Order to be pre-packed as mentioned in paragraph (3) [^{F5}or required by the FIC Regulation to be prepacked food as mentioned in that paragraph] or, as the case may be, to be made up for sale or for delivery after sale in or on a container only if the container is marked as mentioned in paragraph (4)(*a*); and
 - (ii) are not goods on a sale of which (whether any sale or a sale of any particular description) the quantity sold is required by or under any provision of this Order other than Article 21 [^{F6}or required by the FIC Regulation] to be made known to the buyer at or before a particular time; or
 - (c) the goods, although falling within sub-paragraph (*b*) of paragraph (4) are not required by or under this Order to have associated with them such a document as is mentioned in that sub-paragraph.
- (6) In any case to which, by virtue of paragraph (5)(*a*), (*b*) or (*c*), the provisions of paragraph (3) or (4) do not apply, if it is found at any time that the quantity of the goods in question is less than that stated and it is shown that the deficiency is greater than can be reasonably justified on the ground justifying the qualification in question, then, subject to the provisions of this Part—
- (a) in the case of goods such as are mentioned in paragraph (3), if it is further shown as mentioned in that paragraph, then—
 - (i) where the container in question was marked in Northern Ireland, the person by whom, and any other person on whose behalf, the container was marked, or
 - (ii) where the container in question was marked outside Northern Ireland, the person by whom, and any other person on whose behalf, the goods were first sold in Northern Ireland,
 shall be guilty of an offence;
 - (b) in the case of goods such as are mentioned in paragraph (4), the person by whom, and any other person on whose behalf, the goods were sold or agreed to be sold shall be guilty of an offence if, but only if, he would, but for paragraph (5)(*a*), (*b*) or (*c*), have been guilty of an offence under paragraph (4).
- (7) Without prejudice to paragraphs (4) to (6), if in the case of any goods required by or under this Order to have associated with them a document containing particular statements, that document is found to contain any such statement which is materially incorrect, any person who, knowing or having reasonable cause to suspect that statement to be materially incorrect, inserted it or caused it to be inserted in the document, or used the document for the purposes of this Order or any instrument made under it while that statement was contained therein shall be guilty of an offence.
- (8) For the purposes of this Article, any statement, whether oral or in writing, as to the weight of any goods shall be deemed, unless otherwise expressed, to be a statement as to the net weight of the goods.
- (9) Nothing in this Article shall apply in relation to—
- (a) any such goods or sales as are mentioned in Article 19(7)(*a*) or (*b*);
 - (b) any pre-package of wine or grape must within the meaning of the Pre-packaging and Labelling of Wine and Grape Must (EEC Requirements) Regulations 1978 .
- [^{F7}(10) For the purposes of this Article the quantity of goods in a package, or of a loaf of bread, to which the packaged goods regulations apply shall be deemed to be the nominal quantity (within the meaning of those regulations) of the package or the loaf of bread.]

- F1** Art. 22(2) revoked (26.5.2008) by Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(1)(3), Sch. 2 para. 77, **Sch. 4 Pt. 2** (with savings in reg. 28(2)(3))
- F2** Words in art. 22(3) substituted (18.4.2016) by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187), regs. 1, **6(a)**
- F3** Words in art. 22(3) inserted (18.4.2016) by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187), regs. 1, **6(a)**
- F4** Words in art. 22(4)(a) inserted (18.4.2016) by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187), regs. 1, **6(b)**
- F5** Words in art. 22(5)(b)(i) inserted (18.4.2016) by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187), regs. 1, **6(c)**
- F6** Words in art. 22(5)(b)(ii) inserted (18.4.2016) by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187), regs. 1, **6(d)**
- F7** Art. 22(10) added (1.11.2011) by Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 (S.R. 2011/331), reg. 22, **Sch. 1 Pt. 2 para. 4** (with regs. 3, 21)

Changes to legislation:

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, Section 22.