

## SCHEDULES

### SCHEDULE 1

Articles 3(1), 4(1), 6(1)(b), (2), (3)(b), (4)  
and 8(1).

### MEASURES AND WEIGHTS LAWFUL FOR USE FOR TRADE

#### PART I

#### LINEAR MEASURES

*Para. 1 rep. by SR 1995/227*

##### Metric system

Measures of—

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50 metres	2 metres
30 metres	1.5 metres
20 metres	1 metre
10 metres	0.5 metre
5 metres	1 decimetre
3 metres	1 centimetre

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#### PART II

#### SQUARE MEASURES

*Para. 1 rep. by SR 1995/227*

##### Metric system

2. Measures of, or of any multiple of, 1 square decimetre.

#### PART III

#### CUBIC MEASURES

##### Metric system

1. Measures of, or of any multiple of, 0.1 cubic metre.
2. Measures of—

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any multiple of 10 litres

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

10 litres	100 millilitres
5 litres	50 millilitres
2.5 litres	25 millilitres
2 litres	20 millilitres
1 litre	10 millilitres
500 millilitres	5 millilitres
250 millilitres	2 millilitres
200 millilitres	1 millilitre

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## PART IV CAPACITY MEASURES

[<sup>F1</sup>Imperial system

<b>F1</b> SR 1995/227
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### 1. Measures of—

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16 pints  
8 pints  
4 pints  
2 pints  
1 pint  
 $\frac{1}{2}$  pint  
 $\frac{1}{3}$  pint]

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Metric system

### 2. Measures of—

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any multiple of 10 litres	[ <sup>F2</sup> 125 millilitres]
10 litres	100 millilitres
5 litres	[ <sup>F3</sup> 70 millilitres]
2.5 litres	50 millilitres
2 litres	[ <sup>F2</sup> 35 millilitres]
1 litre	25 millilitres
500 millilitres	20 millilitres
250 millilitres	10 millilitres
200 millilitres	5 millilitres

[ <sup>F2</sup> 175 millilitres]	2 millilitres
[ <sup>F2</sup> 150 millilitre]	1 millilitre

<b>F2</b>	SR 1983/302
<b>F3</b>	SR 2004/370

## PART V

### WEIGHTS

#### Imperial system

*Para. 1 rep. by SR 1995/227*

#### 2. Weights of—

500 ounces troy	0.4 ounce troy
400 ounces troy	0.3 ounce troy
300 ounces troy	0.2 ounce troy
200 ounces troy	0.1 ounce troy
100 ounces troy	0.05 ounce troy
50 ounces troy	0.04 ounce troy
40 ounces troy	0.03 ounce troy
30 ounces troy	0.025 ounce troy
20 ounces troy	0.02 ounce troy
10 ounces troy	0.01 ounce troy
5 ounces troy	0.005 ounce troy
4 ounces troy	0.004 ounce troy
3 ounces troy	0.003 ounce troy
2 ounces troy	0.002 ounce troy
1 ounce troy	0.001 ounce troy
0.5 ounce troy	

#### Metric system

#### 3. Weights of—

25 kilogrammes	3 grammes
20 kilogrammes	2 grammes
10 kilogrammes	1 gramme
5 kilogrammes	500 milligrammes

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

2 kilogrammes	400 milligrammes
1 kilogramme	300 milligrammes
500 grammes	200 milligrammes
200 grammes	150 milligrammes
100 grammes	100 milligrammes
50 grammes	50 milligrammes
20 grammes	20 milligrammes
15 grammes	10 milligrammes
10 grammes	5 milligrammes
5 grammes	2 milligrammes
4 grammes	1 milligramme

#### 4. Weights of—

500 carats (metric)	1 carat (metric)
200 carats (metric)	0.5 carat (metric)
100 carats (metric)	0.25 carat (metric)
50 carats (metric)	0.2 carat (metric)
20 carats (metric)	0.1 carat (metric)
10 carats (metric)	0.05 carat (metric)
5 carats (metric)	0.02 carat (metric)
2 carats (metric)	0.01 carat (metric)

## PART VI

### SPECIAL RESTRICTIONS ON USE FOR TRADE

**1.** No person shall use the ounce troy for trade except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe.

**2.** No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls.

[<sup>F4</sup>**3.** No person shall use a capacity measure of 35 millilitres, 70 millilitres, 125 millilitres, 150 millilitres or 175 millilitres for trade except for the purposes of transactions in intoxicating liquor.]

**F4** SR 2004/370

[<sup>F5</sup>**4.** No person shall use the pint for trade except for—

- (a) the purposes of the sale of draught beer and cider; or
- (b) the purposes of the sale of milk in returnable containers;<sup>F5</sup> . . .

*Sub#para. (c) rep. by SR 1995/227]*

<b>F5</b> SR 1995/227
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*Para.5 rep. by SR 1995/227*

SCHEDULE 2

Article 6(1)(a), (3)(b), (4)(b) and (5).

UNITS OF MEASUREMENT LAWFUL FOR USE FOR TRADE

PART I

MEASUREMENT OF LENGTH

*Entry for imperial units rep. by SR 1995/226*

Metric units

Kilometre

Metre

Decimetre

Centimetre

Millimetre

PART II

MEASUREMENT OF AREA

*Entry for imperial units rep. by SR 1995/226*

Metric units

Hectare

Decare

Are

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

Square metre

Square decimetre

Square centimetre

Square millimetre

### PART III

#### MEASUREMENT OF VOLUME

Metric units

Cubic metre

Cubic decimetre

Cubic centimetre

Hectolitre

Litre

Decilitre

Centilitre

Millilitre

### PART IV

#### MEASUREMENT OF CAPACITY

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*[<sup>F6</sup>Imperial unit]*

*Metric units*

F6

Hectolitre

. . .

F6

Litre

...

Pint

Decilitre

F6

Centilitre

...

F6

Millilitre

...

F6 SR 1995/226

F6 SR 1995/226

## PART V

### MEASUREMENT OF MASS OR WEIGHT

[<sup>F7</sup>Imperial unit]

F7 SR 1995/226

F8

...

F8 SR 1995/226

F8 SR 1995/226

Ounce troy

Metric units

Tonne

Metric tonne

Kilogramme

Hectogramme

Gramme

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

Carat (metric)

Milligramme

## PART VI

### SPECIAL RESTRICTIONS ON USE FOR TRADE

1. No person shall use the ounce troy for trade except for the purposes of transactions in, or in articles made from, gold, silver or other precious metals, including transactions in gold or silver thread, lace or fringe.

2. No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls.

[<sup>F9</sup>3. No person shall use the pint for trade except for—

(a) the purposes of the sale of draught beer and cider; or

(b) the purposes of the sale of milk in returnable containers;<sup>F9</sup> . . .

*Sub#para. (c) rep. by SR 1995/227]*

<b>F9</b> SR 1995/227
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*Paras. 4, 5 rep. by SR 1995/227*

## [<sup>F10</sup>SCHEDULE 2A

### APPROVALS UNDER ARTICLE 9A

<b>F10</b> 2000 c. 5(NI)
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## PART I

### APPROVALS: GENERAL

#### Fees

1. Where—

(a) any person makes an application for an approval, or

(b) an approval is to be, or has been, granted to any person,

the Department may require that person to pay, in respect of any work carried out by or on behalf of the Department in relation to the application or the approval, such reasonable fee as the Department may determine with the approval of the Department of Finance and Personnel.



### Form, effect and conditions of approvals

2.—(1) An approval shall be in writing and, unless previously withdrawn in accordance with any term in that behalf contained in the approval and subject to the following provisions of this Part, shall continue in force for such period (not exceeding five years) as may be specified in the approval.

(2) An approval—

- (a) shall specify the classes or descriptions of weighing or measuring equipment for the testing, passing as fit for use for trade and stamping of which the verifier is approved;
- (b) may include such conditions as appear to the Department to be requisite or expedient having regard to the need to ensure that only such equipment as is fit for use for trade is passed as fit for such use; and
- (c) shall contain conditions requiring the verifier to satisfy the requirements set out in Part II.

(3) Without prejudice to the generality of sub-paragraph (2), conditions included in an approval by virtue of that sub-paragraph may.

- (a) require the verifier to comply with any direction given by the Department as to such matters as are specified in the approval or are of a description so specified;
- (b) require the verifier to ensure that his procedures for the testing of weighing or measuring equipment conform with such quality standards as are specified in the approval or are of a description so specified.

### Suspension of approvals

3.—(1) If it appears to an inspector that, otherwise than in accordance with Article 13A, the prescribed stamp has been, or is being, applied by an approved verifier to equipment which had not, or has not, been duly tested and passed as fit for use for trade, he may give to the verifier a notice (a “suspension notice”) suspending the verifier's approval (either generally or in relation to particular areas or places) for a period not exceeding 28 days.

(2) Where an inspector gives a suspension notice, he shall forthwith send a copy of the notice to the chief inspector and inform the approved verifier in writing of.

- (a) the circumstances which have led to the giving of the notice;
- (b) the date on which the notice takes effect; and
- (c) the effect of the following provisions of this paragraph.

(3) An approved verifier who has taken steps to prevent a recurrence of the circumstances which led to the giving of a suspension notice may apply to the inspector for the suspension to be withdrawn before the expiry of the specified period; and an application under this sub-paragraph—

- (a) shall be made by notice to the inspector given not later than 21 days after the date of the suspension notice; and
- (b) shall state the steps taken to prevent such a recurrence.

(4) An inspector shall consider any application made to him under sub-paragraph (3) and, having done so, shall notify the approved verifier of his decision.

(5) An approved verifier who is aggrieved by a suspension notice may apply to the chief inspector to review the suspension; and an application under this sub-paragraph.

- (a) shall be made by notice to the chief inspector given not later than 21 days after the date of the suspension notice; and
- (b) shall state the grounds on which the application is made.

(6) The chief inspector shall consider any application under sub-paragraph (5) and, having done so, shall notify the approved verifier and the inspector of his decision.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)*

(7) Where the chief inspector decides under sub-paragraph (6) to uphold the suspension, he shall also notify the approved verifier and the inspector of the grounds for his decision.

(8) Where the chief inspector decides under sub-paragraph (6) not to uphold the suspension, he shall instruct the inspector to withdraw the suspension.

#### Withdrawal of approvals

4.—(1) Subject to sub-paragraph (2), the Department may by written notice withdraw an approval if at any time during the continuance of the approval.

- (a) the Department is of the opinion that if the approval had expired at that time it would have been minded not to grant a further approval;
- (b) it appears to the Department on reasonable grounds that the verifier is, or has been, in breach of any condition contained in the approval; or
- (c) any fee due to the Department by virtue of a requirement made by it under paragraph 1 has not been paid.

(2) Except where the Department considers in the circumstances of any particular case that it is necessary for it to withdraw an approval without delay, it shall not withdraw an approval unless it has given the verifier at least 28 days written notice of its intention to do so and of the grounds for withdrawal.

(3) Where the Department withdraws an approval without giving the notice required by sub-paragraph (2), it shall, at or before the time when the withdrawal takes effect, give the verifier written notice of the grounds for withdrawal and of its reasons for considering it necessary to withdraw the approval without delay.

(4) Where a verifier receives notice under sub-paragraph (2) or (3), he may within 21 days of receipt of the notice make representations in writing to the Department.

(5) The Department shall consider any representations so made and, having done so, shall notify the verifier of its decision.

#### Grant of new approval following withdrawal

5.—(1) Where the Department decides, whether in the light of representations or otherwise, that an approval which has been withdrawn should not have been withdrawn, it shall as soon as reasonably practicable grant a new approval to the former verifier.

(2) The new approval shall expire on the date on which the withdrawn approval would have expired and (except as may otherwise be agreed with the former verifier) shall be subject to the same terms and conditions as the withdrawn approval.

(3) Where the Department grants a new approval under sub-paragraph (1), the verifier shall be deemed to have remained approved for the period beginning on the date on which the original approval was withdrawn and ending on the date on which the new approval took effect.

#### Application for further approval

6.—(1) This paragraph applies where, not less than three months before the end of the period specified in an approval as the period for which the approval is to continue in force, the verifier applies to the Department for the grant of a further approval in the same, or substantially the same, terms as those of the existing approval.

(2) The existing approval shall remain in force until the Department gives the verifier notice of its decision with respect to the application.

## PART II

### REQUIREMENTS TO BE MET BY APPROVED VERIFIERS

#### Maintenance of quality system

7.—(1) An approved verifier shall maintain in force such systems and procedures (in this Part referred to as his quality system) as will ensure that—

- (a) any weighing or measuring equipment passed by the verifier as fit for use for trade satisfies any requirements relating to it imposed by or under this Order; and
- (b) adequate testing procedures are undertaken by the verifier having regard to the nature of weighing or measuring equipment with which the verifier is concerned and, in particular, to whether any such equipment is electronic.

(2) An approved verifier shall give the Department written notice, within five working days of their occurrence, of any modifications to the verifier's quality system which are liable to affect its appropriateness or effectiveness.

(3) An approved verifier shall permit the Department, at any reasonable time after giving written notice, to carry out such audits and inspections of the verifier's quality system as the Department considers necessary to establish that the conditions of the approval have been, and will continue to be, observed.

#### Preparation etc. of quality system manual

8.—(1) An approved verifier shall prepare and keep up-to-date a quality system manual, that is to say, a document—

- (a) showing how his quality system satisfies the requirements of paragraph 7(1);
- (b) setting out the objectives of that system;
- (c) containing details of his organisational structure, including details
  - (i) the persons who have management responsibility for that system, including their names and individual responsibilities;
  - (ii) the persons who are authorised to test, pass or stamp weighing or measuring equipment with which the verifier is concerned, including their names and qualifications;
- (d) containing details of the equipment and other items required for the testing of weighing or measuring equipment with which the verifier is concerned;
- (e) containing a description of the regulations made under this Order and certificates of approval issued under Article 10, which are applicable to the testing, passing or stamping of weighing or measuring equipment with which the verifier is concerned;
- (f) containing a description of the verifier's procedures.
  - (i) for the testing of weighing or measuring equipment;
  - (ii) for ensuring that weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval;
  - (iii) for ensuring that weighing or measuring equipment which does not conform with any such regulations, or (where applicable) any such certificates of approval, is prevented from being passed as fit for use for trade;
  - (iv) for ensuring that any persons conducting tests of weighing or measuring equipment have the necessary skills and qualifications to do so;

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

- (v) for ensuring that the verifier exercises control over and retains responsibility for the actions of any sub-contractor of his in relation to the testing of weighing or measuring equipment;
  - (vi) for enabling identification of individual items or batches of weighing or measuring equipment;
  - (vii) for the control of the equipment used for the testing of weighing or measuring equipment;
  - (viii) for the control and use of the prescribed stamp;
  - (ix) for the control of documents and data;
  - (x) for undertaking internal reviews and audits of the verifier's quality system; and
- (g) containing a description of the verifier's system of records for showing that any weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval.
- (2) An approved verifier shall, on demand by the Department, provide it with such copies of or extracts from the verifier's quality system manual as may be specified or of a description specified in the demand.

#### Keeping of records

**9.** An approved verifier shall keep a record of every test carried out by him of equipment to which Article 9 applies.]

*Schedule 3 rep. by SR 1989/69*

## SCHEDULE 4

Articles 19(1), 22(4), 47(1) and Sch.6  
Pts.II and III.

### SAND AND OTHER BALLAST

#### PART I

##### GENERAL PROVISIONS

- 1.** In this Schedule, "ballast" means any of the following materials, that is to say—
- (a) sand, gravel, shingle, ashes and clinker of any description;
  - (b) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement);
  - (c) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate;
  - (d) any other material commonly known in the said industries as ballast.

2. Subject to paragraph 3, ballast shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight.

3. There shall be exempted from the requirements of paragraph 2—

- (a) ballast in a quantity both less than<sup>F11</sup> 1 tonne] and less than one cubic metre;
- (b) any sale with a view to its industrial use of ballast of any description mentioned in paragraph 1( b), ( c) or ( d);
- (c) any sale in the case of which the buyer is to take delivery in or from a ship;
- (d) any sale as a whole of ballast produced in the demolition or partial demolition of a building where the buyer is responsible for the removal of the ballast from the site of the building;
- (e) any sale in the state in which it was produced of clinker or ashes produced as a byproduct, or of any other ballast produced as a casual product, of the carrying on of an industrial process on any premises or of any mining operations where the buyer is responsible for the removal of the ballast from those premises or, as the case may be, from the place of those operations.

**F11** SR 1995/227

4. Without prejudice to Article 13, no article shall be used for trade as a cubic measure of ballast other than a receptacle (which may, if so desired, form part of a vehicle) which conforms to such requirements as to form, capacity, calibration and other matters as may be prescribed; and any person who uses for trade, or has in his possession for use for trade, as a cubic measure of ballast any article other than such a receptacle as aforesaid shall be guilty of an offence.

5. In measuring any ballast against a calibration mark on such a receptacle as aforesaid, the ballast shall be filled into all parts of the receptacle as far as, and be levelled off against, that calibration mark as nearly as the nature of the ballast will permit; and where any ballast is measured for purposes of trade in such a receptacle, any person who—

- (a) being the person carrying out the measuring, fails so to level off the ballast when it is loaded into the receptacle; or
- (b) causes or permits a heaped load to be sent out in the receptacle,

shall be guilty of an offence.

## PART II

### CARRIAGE OF BALLAST BY ROAD

6. The provisions of this Part shall have effect with respect to the carriage of ballast by a road vehicle on a journey any part of which is along a highway.

7.—(1) If any of the ballast is being carried for delivery to a buyer in pursuance of, or of an agreement for, a sale thereof and paragraph 2 applies to the sale, the following provisions of this paragraph shall have effect with respect to that ballast.

(2) There shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the seller stating—

- (a) the name and address of the seller;
- (b) the name of the buyer, and the address of the premises to which the ballast is being delivered;

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)

- (c) the type of the ballast;
- (d) subject to sub-paragraph (4), the quantity of the ballast either by net weight or by volume;
- (e) sufficient particulars to identify the vehicle; and
- (f) the place, date and time of the loading of the ballast in the vehicle.

(3) Where the quantity of the ballast is stated in the document aforesaid by volume, the ballast shall be carried on the vehicle only in such a receptacle as is mentioned in paragraph 4.

(4) The statement referred to in sub-paragraph (2)(d) shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the whole of the vehicle's load is being delivered to the same person at the same premises and the document mentioned in sub-paragraph (2) states that the quantity of the ballast is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(5) In any case to which sub-paragraph (4) applies, the person in charge of the vehicle at the time when the net weight of the ballast is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(6) If any of the provisions of sub-paragraph (2) or (3) is contravened, the seller shall be guilty of an offence.

(7) If the vehicle is carrying ballast as mentioned in sub-paragraph (1) for delivery to each of two or more persons, sub-paragraphs (1) to (3) shall apply separately in relation to each of those persons, so however that this sub-paragraph shall not be construed as prohibiting the use of the same receptacle such as is mentioned in sub-paragraph (3) for the carriage of ballast for delivery to two or more different persons.

**8.** If all or any of the ballast on the vehicles is being carried in such circumstances that paragraph 7 does not apply thereto, there shall before the journey begins be delivered to the person in charge of the vehicle a document containing a statement to that effect signed by or on behalf of the person causing that ballast to be carried and giving the name and address of the last-mentioned person, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence; but this paragraph shall not apply where all the ballast in the vehicle is being carried in such circumstances as aforesaid and is being so carried in a container which does not form part of the vehicle.

**9.** Any document required by paragraph 7 or 8 shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in paragraph 7, on the unloading of the ballast to which the document relates at the premises to which that ballast is to be delivered—

- (a) before any of that ballast is so unloaded, the document shall be handed over to the buyer; or
- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;

and if at any time any of the provisions of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

**10.** In the case of any document such as is mentioned in paragraph 7, if at any time during the journey or on unloading at the place of delivery the quantity of the ballast to which the document relates is found to be less than that stated in the document, the statement shall nevertheless be deemed for the purposes of this Order to be correct if, but only if, it is proved that the deficiency is solely attributable to the draining away of normal moisture from, or the consolidation of, the ballast during the journey.

## SCHEDULE 5

Articles 19(1), 26(1)(a)(i), 28(1), 47(1)  
and (2) and 48(2).

### SOLID FUEL

#### PART I

#### GENERAL

**1.** This Schedule applies to goods of any of the following descriptions (in this Schedule referred to as “solid fuel”), that is to say, coal, coke and any solid fuel derived from coal or of which coal or coke is a constituent.

**2.—(1)** Subject to sub-paragraph (2), solid fuel shall be sold only by net weight.

(2) There shall be exempted from the requirements of sub-paragraph (1) any solid fuel pre-packed in a securely closed container marked with an indication of quantity by net weight.

**3.—(1)** Subject to sub-paragraph (3), solid fuel shall be made up in a container for sale or for delivery after sale only if—

- (a) it is made up in one of the following quantities by net weight, that is to say,<sup>F12</sup> . . . 10, 15, 25, 50 or 62.5 kilogrammes; and
- (b) except in a case where the provisions of paragraph 5 or of an order under paragraph 7(2)(a) or the provisions of Part III of this Schedule apply, the quantity by net weight of solid fuel so made up is made known to the buyer before or at the time when he takes possession of the solid fuel.

(2) Subject to sub-paragraph (3), where solid fuel of any description made up in containers in any of the following quantities, that is to say,<sup>F12</sup> . . . 25, 50 or 62.5 kilogrammes, is carried on a road vehicle on a highway for sale or for delivery after sale, solid fuel of that description so made up in any other of those quantities shall not at the same time be carried on that vehicle; and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(3) There shall be exempted from all the requirements of sub-paragraphs (1) and (2) solid fuel made up in a container only for ease of handling as part of the load of a vehicle or ship where the whole of that load so far as it consists of solid fuel is being delivered to—

- (a) a single buyer; or
- (b) not more than three separate buyers in pursuance of, or of any agreement for, the sale thereof otherwise than by retail.

**F12** SR 1995/227

**4.** Solid fuel 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 net weight of the fuel 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.

**5.—(1)** This paragraph applies to any vehicle on or from which any solid fuel available for purchase in a quantity of<sup>F13</sup> . . . 200 kilogrammes or less is sold or kept or exposed for sale.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)*

(2) On every vehicle to which this paragraph applies there shall, in respect of solid fuel of every description which is available as described in sub-paragraph (1), be displayed a notice specifying the quantity in which solid fuel of that description is kept or exposed for sale in containers or is made available for delivery in containers after sale and the name and address of the seller.

(3) Every such notice—

- (a) shall be constructed of wood or other durable material;
- (b) shall be clearly and permanently inscribed in characters—
  - (i) of a height of not less than<sup>F13</sup> 62.5 millimetres]; and
  - (ii) composed of strokes of a breadth of not less than<sup>F13</sup> 12.5 millimetres];
- (c) shall be securely and conspicuously affixed to the vehicle in such a position as to be easily read from either side of the vehicle.

(4) If in the case of any vehicle there is a contravention of any of the requirements of this paragraph, the person by or on behalf of whom the solid fuel is made available for purchase as described in sub-paragraph (1), and any other person who is in charge of the vehicle at the time of the contravention, shall each be guilty of an offence.

<b>F13</b> SR 1995/227
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6. Any person who, with intent to defraud or deceive, damps any solid fuel shall be guilty of an offence.

7.—(1) This paragraph applies to any vehicle which is used on highways for carrying solid fuel for sale, or for delivery after sale, or on or from which any solid fuel is sold or kept or exposed for sale, and in this paragraph “container” means any container in which solid fuel is carried on such a vehicle, or is delivered from such a vehicle.

(2) The Department may by order make provision—

- (a) for securing the display on any such vehicle of an indication of the quantities in which solid fuel is made up in containers;
- (b) for requiring all containers carried on or delivered from any one vehicle to be made up in the same quantity, or for regulating in any other way the quantities in which they are made up;
- (c) for imposing any requirement as to the loading of the vehicle, or the delivery of solid fuel from the vehicle, which appears to the Department appropriate for securing that purchasers are not misled as to the quantity of fuel they purchase.

(3) An order under sub-paragraph (2) may—

- (a) make provision for any of the purposes mentioned in that sub-paragraph by means of amending, or of applying with or without modifications, or of excluding the application in whole or in part of, any of the provisions of this Part;
- (b) contain such consequential, incidental or supplementary provisions, whether of such kinds as aforesaid or otherwise, as appear to the Department to be expedient;
- (c) make provision, in respect of contraventions of the order for which no penalty is provided by this Order, for the imposition of penalties not exceeding those provided by Article 47 for an offence under this Order.

8. An order under Article 19 may amend or repeal this Part.



## PART II

### WEIGHING OF SOLID FUEL AT BUYER'S REQUEST

**9.** If in the case of any solid fuel sold otherwise than by means of a vending machine, the buyer so requests—

- (a) with respect to any of that fuel the delivery of which has not at the time of the request been completed; or
- (b) if the request is made before the departure from the premises at which the fuel is delivered of the person delivering it, with respect to any of that fuel the delivery of which has been completed but which is still capable of identification,

the seller shall cause the fuel to be weighed by means of suitable weighing equipment in the presence of the buyer and, in the case of any fuel such as is mentioned in sub-paragraph (a), before the delivery of that fuel is completed; and if this paragraph is contravened, the seller shall be guilty of an offence.

**10.** Where a request under paragraph 9 is made in respect of the whole load of a vehicle, the requirements of that paragraph shall be deemed to be satisfied, notwithstanding that the weighing is not done in the presence of the buyer, if the seller causes the vehicle to be check-weighed and the statements of the weights found by the person or persons attending to the check-weighing to be delivered to the buyer.

**11.** Where after weighing in pursuance of a request under paragraph 9 the weight of the solid fuel is found to be not less than, as the case may be,—

- (a) that purporting to be contained in the relevant number of any securely closed containers in which the fuel is made up, having regard to the weight marked on each of those containers;
- (b) that which is made known to the buyer in accordance with paragraph 3(1)(b);
- (c) that purporting to be contained in the relevant number of containers having regard to the weight stated on a notice displayed on a vehicle in accordance with paragraph 5(2) or an indication of quantities so displayed in accordance with an order under paragraph 7(2)(a); or
- (d) that stated by the seller in any document delivered to the buyer at or before the delivery of the fuel to him;

the buyer shall be liable to repay to the seller all costs reasonably incurred by the seller in connection with the weighing.

## PART III

### CARRIAGE OF SOLID FUEL BY ROAD

**12.** This Part shall have effect with respect to the carriage by a road vehicle on a journey any part of which is along a highway of any solid fuel required by paragraph 2 to be sold only by net weight (in this Part referred to as “relevant goods”).

**13.**—(1) If the vehicle is carrying any relevant goods for delivery to a buyer in pursuance of, or of an agreement for, a sale of such goods, then before the journey begins, there shall be delivered to the person in charge of the vehicle a document such as is described in sub-paragraph (2); and if this sub-paragraph is contravened the seller shall be guilty of an offence.

(2) The document referred to in sub-paragraph (1) is a document signed by or on behalf of the seller stating—

- (a) the name and address of the seller;

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981. (See end of Document for details)*

- (b) the name of the buyer and the address of the premises to which the goods to which the document relates are being delivered;
- (c) the type of the said goods;
- (d) subject to sub-paragraph (3), the aggregate net weight of the said goods; and
- (e) where any of the said goods are made up in containers—
  - (i) the number of those containers; and
  - (ii) except in circumstances such as are described in paragraph 3(3), the net weight of the goods in each of those containers.

(3) Where the whole of the vehicle's load consists of relevant goods not made up in containers and is being delivered to the same person at the same premises, the statement referred to in sub-paragraph (2)(d) shall not be required at any time while the vehicle is travelling between the place where it was loaded and the nearest suitable and available weighing equipment if the document aforesaid states that the quantity of the relevant goods is to be expressed by net weight determined by means of that equipment and specifies the place at which the equipment is situated.

(4) In any case to which sub-paragraph (3) applies, the person in charge of the vehicle at the time when the net weight of the relevant goods is determined shall forthwith add to the document aforesaid a statement of that net weight, and if he fails so to do he shall be guilty of an offence.

(5) If the vehicle is carrying relevant goods to which sub-paragraph (1) applies for delivery to each of two or more buyers—

- (a) that sub-paragraph shall apply separately in relation to each of those buyers; and
- (b) subject to sub-paragraph (6), the relevant goods for delivery to each respectively of those buyers shall be carried on the vehicle made up separately in containers or in separate compartments;

and if head (b) is contravened the seller shall be guilty of an offence.

(6) Sub-paragraph (5)(b) shall not apply where the vehicle is constructed or adapted for the mechanical making up in containers of the fuel carried thereon and incorporates weighing equipment approved by the Department for that purpose nor shall it apply in circumstances such as are described in paragraph 3(3)(b).

**14.**—(1) Subject to sub-paragraph (2), if all or any of the relevant goods on the vehicle are being carried in such circumstances that paragraph 13(1) does not apply there shall, before the journey begins, be delivered to the person in charge of the vehicle a document signed by or on behalf of the person causing the goods to be carried giving the name and address of the last-mentioned person and containing a statement to the effect that all or part of the relevant goods on the vehicle are goods to which paragraph 13(1) does not apply, and if this paragraph is contravened the last-mentioned person shall be guilty of an offence.

(2) Sub-paragraph (1) shall not apply where the total quantity of the relevant goods carried on the vehicle does not exceed<sup>[F14]</sup> 125 kilograms].

**F14** SR 1995/227

**15.** Any document required by paragraph 13 or 14 shall at all times during the journey be carried by the person for the time being in charge of the vehicle and shall be handed over by him to any other person to whom he hands over the charge of the vehicle in the course of the journey; and in the case of any document such as is mentioned in paragraph 13, on the unloading of the goods to which the document relates at the premises to which those goods are to be delivered—

- (a) before any of those goods are so unloaded, the document shall be handed over to the buyer;
- or

- (b) if the document cannot be so handed over by reason of the absence of the buyer, it shall be left at some suitable place at those premises;

and if at any time any of the requirements of this paragraph is contravened without reasonable cause, the person in charge of the vehicle at that time shall be guilty of an offence.

## SCHEDULE 6

Article 19(1).

### MISCELLANEOUS GOODS OTHER THAN FOODS

#### PART I

##### LIQUID FUEL AND LUBRICANTS

1. This Part applies to—
  - (a) liquid fuel, lubricating oil and any mixture of such fuel and oil; and
  - (b) lubricating grease.
2. Subject to paragraph 3, goods to which this Part applies—
  - (a) unless pre-packed, shall be sold only by net weight or by capacity measurement;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement;
  - (c) in the case of lubricating oil in a quantity of<sup>F15</sup> one litre] or less, shall be made up in a container for sale otherwise than by way of pre-packing only if the container is marked with an indication of quantity by capacity measurement.

**F15** SR 1995/227

3. Notwithstanding anything in paragraph 2, liquid fuel—
  - (a) when not pre-packed may be sold by volume, and
  - (b) may be pre-packed in a container marked with an indication of quantity by volume,

being in either case the volume of the gas which would be produced from the fuel in question at such temperature and such atmospheric pressure as are specified in regulations made by the Department with respect to fuel of the type in question or, if no such regulations are in force, as may be made known by the seller to the buyer before he pays for or takes possession of the fuel; and there shall be exempted from all requirements of paragraph 2 goods of any description in a quantity of less than<sup>F16</sup> 250 grams] or of less than<sup>F16</sup> 250 millilitres].

**F16** SR 1995/227

#### PART II

##### READY-MIXED CEMENT MORTAR AND READY-MIXED CONCRETE

1. This Part applies to ready-mixed cement mortar and ready-mixed concrete.

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2. Subject to paragraph 3, any goods to which this Part applies shall be sold only by volume in a multiple of 0.1 cubic metre.
3. There shall be exempted from the requirements of paragraph 2 any goods in a quantity of less than one cubic metre.
4. Part II of Schedule 4 except sub-paragraph (3) of paragraph 7 of that Schedule, shall apply for the purposes of this Part as if—
  - (a) any reference in the said Part II to ballast included a reference to goods to which this Part applies; and
  - (b) the reference in sub-paragraph (1) of the said paragraph 7 to paragraph 2 of Schedule 4 were a reference to paragraph 2 of this Part.

### PART III

#### AGRICULTURAL LIMING MATERIALS, AGRICULTURAL SALT AND INORGANIC FERTILISERS

1. This Part applies—
  - (a) to agricultural liming materials, other than calcareous sand;
  - (b) to agricultural salt;
  - (c) to, and to any mixture consisting mainly of, inorganic fertilisers, other than such fertilisers or such a mixture made up into pellets or other articles for use as individual items; and
  - (d) to any mixture of any of the foregoing.
- 2.—(1) Goods to which this Part applies which are not pre-packed, other than liquid fertilisers, shall be sold only by quantity, being—
  - (a) quantity by net weight; or
  - (b) if the goods are sold in a container which does not exceed the permitted weight and the gross weight of the goods is not less than<sup>[F17]</sup> 25 kilograms], quantity either by net weight or by gross weight; or
  - (c) quantity by volume.
 (2) Goods to which this Part applies shall be pre-packed only if the container is marked with an indication of quantity, being—
  - (a) in the case of liquid fertilisers, quantity by capacity measurement;
  - (b) in any other case, quantity by net weight or, if the container does not exceed the permitted weight and the gross weight of the goods is not less than<sup>[F17]</sup> 25 kilograms], quantity either by net weight or by gross weight.
 (3) In this paragraph, “permitted weight” means a weight at the rate of<sup>[F17]</sup> 650 grams per 50 kilograms].
 (4) There shall be exempted from all requirements of this paragraph any sale of goods with a view to their industrial use.

**F17** SR 1995/227

3. Paragraphs 4 and 5 of Schedule 4 shall have effect as if any reference in those paragraphs to ballast included a reference to any goods to which this Part applies.

## PART IV

### PEAT AND WOOD FUEL

1. Subject to paragraph 2,—
  - (a) peat or wood fuel which is not made up in a container for sale shall be sold by retail only by net weight;
  - (b) in the case of the sale by retail of peat or wood fuel made up in a container for sale, the quantity by net weight of the peat or wood fuel sold shall be made known to the buyer before he pays for or takes possession of it.
2. There shall be exempted from the requirements of paragraph 1 any sale of peat or wood fuel in a quantity which does not exceed<sup>[F18]</sup> 7.5 kilograms] or which exceeds<sup>[F18]</sup> 500 kilograms].

**F18** SR 1995/227

3. Any person, who with intent to defraud or deceive, damps any peat or wood fuel shall be guilty of an offence.

## [<sup>F19</sup>PART V

### COSMETIC PRODUCTS

**F19** SR 1994/319

1. In this Part, “cosmetic product” means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.
2. Subject to paragraph 3, cosmetic products shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume.
3. There shall be exempted from the requirements of paragraph 2—
  - (a) cosmetic products in quantities of less than 5 grammes or 5 millilitres;
  - (b) cosmetic products in sachets or other containers for single use only; and
  - (c) cosmetic products normally sold as a number of items for which particulars of weight or volume are not significant if—
    - (i) the number of items is marked on the package; or
    - (ii) the number of items may readily be seen without opening the package; or
    - (iii) the items are normally sold only individually.
4. Cosmetic products which are not pre-packed shall be sold only by quantity expressed as net weight, volume or number.]

*Status: Point in time view as at 01/01/2006.*

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## PART VI

### SOAP

1. Subject to paragraph 2,—
  - (a) soap in the form of a cake, tablet or bar shall be pre-packed only if the container is marked with an indication of quantity by net weight;
  - (b) liquid soap shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement;
  - (c) soap in any other form—
    - (i) unless pre-packed, shall be sold by retail only by net weight;
    - (ii) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
2. There shall be exempted from the requirements of this Part—
  - (a) liquid soap in a quantity of less than<sup>[F20]</sup> 125 millilitres;
  - (b) soap in any other form in a quantity of less than<sup>[F20]</sup> 25 grams].

**F20** SR 1995/227

<sup>[F21]</sup>3. In this Part “soap” does not include any soap which is a cosmetic product as defined in paragraph 1 of Part V.]

**F21** SR 1994/319

## PART VII

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH LENGTH

1. This Part applies to goods of any of the following descriptions, that is to say, bias binding, elastic, ribbon, tape and sewing thread.
2. Subject to paragraph 3, goods to which this Part applies—
  - (a) unless pre-packed, shall be sold by retail only by length;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by length.
3. There shall be exempted from all requirements of paragraph 2 goods of any description in a quantity of less than<sup>[F22]</sup> one metre].

**F22** SR 1995/227

## PART VIII

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH NET WEIGHT

1. This Part applies to—
  - (a) distemper;

- (b) articles offered as feed for household pets, being manufactured feed or bird feed, other than animal feed in biscuit or cake form pre-packed in a quantity by number not exceeding 16;
  - (c) nails;
  - (d) paste paint;
  - (e) seeds, other than pea or bean seeds;
  - (f) rolled oats.
2. Subject to paragraph 3 goods to which this Part applies—
- (a) unless pre-packed, shall be sold by retail only by net weight;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by net weight.
- [<sup>F23</sup>3. There shall be exempted from all requirements of this Part—
- (a) distemper or paste paint in a quantity of less than 250 grams,
  - (b) bird seed in a quantity of less than 125 grams, and
  - (c) any other goods in a quantity of less than 25 grams;
- and, notwithstanding any thing in paragraph 2, nails—
- (i) when not pre-packed may be sold by retail by number;
  - (ii) may be pre-packed in or on a container marked with an indication of quantity by number.]

**F23** SR 1995/227

## PART IX

### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH NET WEIGHT

1. This Part applies to—
- (a) Portland cement;
  - (b) cleansing powders and scouring powders;
  - (c) detergents, other than liquid detergents;
  - (d) paint remover, other than liquid paint remover.
2. Subject to paragraph 3, goods to which this Part applies shall be pre-packed only if the container is marked with an indication of quantity by net weight.
3. There shall be exempted from the requirements of this Part goods of any description in a quantity of less than [<sup>F24</sup> 25 grams].

**F24** SR 1995/227

*Status: Point in time view as at 01/01/2006.*

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## PART X

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH CAPACITY MEASUREMENT

1. This Part applies to antifreeze fluid for internal combustion engines, linseed oil, paint (other than paste paint), paint thinner, turpentine, turpentine substitute, varnish, and wood preservative fluid (including fungicides and insecticides).
2. Subject to paragraph 3 goods to which this Part applies—
  - (a) unless pre-packed, shall be sold by retail only by capacity measurement;
  - (b) shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.
3. There shall be exempted from all requirements of this Part goods of any description in a quantity of less than<sup>[F25]</sup> 150 millilitres].

**F25** SR 1995/227

## PART XI

### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH CAPACITY MEASUREMENT

1. This Part applies to enamel, lacquer, liquid detergents, liquid paint remover, petrifying fluid and rust remover.
2. Subject to paragraph 3, goods to which this Part applies shall be pre-packed only if the container is marked with an indication of quantity by capacity measurement.
- <sup>[F26]</sup>3. There shall be exempted from the requirements of this Part—
  - (a) liquid detergents in a quantity of less than 125 millilitres, and
  - (b) goods of any other description in a quantity of less than 150 millilitres.]

**F26** SR 1995/227

## PART XII

### MISCELLANEOUS GOODS TO BE SOLD BY OR MARKED WITH NET WEIGHT OR CAPACITY MEASUREMENT

1. This Part applies to—
  - (a) polishes;
  - (b) dressings analogous to polishes;
  - (c) pea seeds and bean seeds.
2. Subject to paragraph 3 goods to which this Part applies—
  - (a) unless pre-packed, shall be sold by retail only by net weight or by capacity measurement;



- (b) shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.
3. There shall be exempted from all the requirements of this Part—
- (a) pea or bean seeds in a quantity of less than<sup>[F27]</sup> 250 grams] or of less than<sup>[F27]</sup> 250 millilitres];
- (b) any other goods in a quantity of less than<sup>[F27]</sup> 30 grams] or of less than<sup>[F27]</sup> 30 millilitres].

F27 SR 1995/227

### PART XIII

#### MISCELLANEOUS GOODS TO BE MARKED WHEN PRE-PACKED WITH QUANTITY BY NUMBER

1. This Part applies—
- (a) to cheroots, cigarettes and cigars;
- (b) to postal stationery, that is to say, paper or cards for use in correspondence and envelopes;
- (c) to, and to any mixture consisting mainly of, inorganic fertilisers, being such fertilisers or such a mixture made up into pellets or other articles for use as individual items; and
- (d) to manufactured animal feed in biscuit or cake form pre-packed in a quantity by number of 16 or less.
2. Subject to paragraphs 3 and 4, goods to which this Part applies shall be pre-packed only if the container is marked with an indication of quantity by number.
3. In relation to postal stationery, the reference to number in paragraph 2 shall be construed as a reference to the number of sheets of paper, cards or envelopes, as the case may be, in the pad, confining band or other form of container; and postal stationery shall be exempted from the requirements of that paragraph if pre-packed as part of a collection of articles made up for sale together and including any article other than postal stationery and blotting or other paper.
4. There shall be exempted from the requirements of this Part any goods in a quantity by number of one.

#### SCHEDULE 7

Article 19(1).

#### COMPOSITE GOODS AND COLLECTIONS OF ARTICLES

- 1.—(1) This paragraph applies to any goods which, not being pre-packed, and not themselves being goods—
- (a) required by or under any other provision of this Order to be sold (whether on any sale or on a sale of any particular description) only by quantity expressed in a particular manner; or
- (b) on a sale of which (whether any sale or a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Order to be made known to the buyer at or before a particular time; or
- (c) expressly exempted by or under any other provision of this Order from all such requirements as aforesaid which would otherwise apply thereto,

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consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5, goods to which this paragraph applies shall be sold only by net weight or by capacity measurement or by volume.

**2.—(1)** This paragraph applies to any goods which, not being aerosol products and not themselves being goods—

- (a) required by or under any other provision of this Order to be pre-packed only if the container is marked with an indication of quantity; or
- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any other provision of this Order to be made known to the buyer at or before a particular time; or
- (c) expressly exempted by or under any other provision of this Order from all such requirements as aforesaid which would otherwise apply thereto,

consist of a mixture constituted wholly or mainly of goods of one or more descriptions to which there applies any such requirement as aforesaid made by reference to any of the following (whether exclusively or otherwise), that is to say, weight, capacity measurement or volume.

(2) Subject to paragraph 5, goods to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement or by volume.

**3.—(1)** This paragraph applies to aerosol products containing any goods required by or under any other provision of this Order to be pre-packed only if the container is marked with an indication of quantity expressed in a particular manner.

(2) Subject to paragraph (5), any aerosol product to which this paragraph applies shall be pre-packed only if the container is marked with an indication of quantity by net weight of the entire contents thereof.

**4.—(1)** This paragraph applies to any collection of two or more items which, not itself being—

- (a) required by or under any other provision of this Order to be pre-packed only if the container is marked with particular information; or
- (b) expressly exempted by or under any other provision of this Order from any such requirement which would otherwise apply thereto,

contains one or more articles to which any such requirement applies.

(2) Any collection to which this paragraph applies shall be pre-packed only if—

- (a) the container in which the collection is pre-packed is marked with an indication of the quantity of each of any such articles as aforesaid contained in it; or
- (b) each of any such articles contained in the container is made up in an individual container marked with an indication of quantity,

being in either case the like indication of the quantity of each respectively of those articles as would have been required if that article had itself been pre-packed.

[<sup>F28</sup>5. There shall be exempted from any requirement of paragraph 1, 2 or 3 food of any description in a quantity of less than five grammes or of less than five millilitres and goods of any other description in a quantity of less than [<sup>F29</sup> 25 grams] or of less than [<sup>F29</sup> 25 millilitres].]

**F28** SR 1989/69

**F29** SR 1995/227

## SCHEDULE 8

Articles 30(5) and 32(3).

### INSTRUCTIONS UNDER ARTICLE 32(3)

1. Instructions given to a person by an inspector in pursuance of Article 32(3) shall not come into force until the expiration of the prescribed period beginning with the day when the instructions are given to him and, if during that period the person gives notice to the inspector that he objects to the instructions, shall not come into force except as agreed in writing by the person or as directed by the Department.

2. Where in pursuance of paragraph 1 a person gives to an inspector notice of objection to instructions, the inspector shall refer the instructions to the Department.

3. Where instructions are referred to the Department in pursuance of paragraph 2, the Department shall—

- (a) invite representations in writing about the instructions from the inspector who gave them and from the person to whom they were given and consider any representations made in response to the invitations within the periods specified in the invitations; and
- (b) direct that the instructions shall come into force, without modifications or with modifications specified in the direction, on a day so specified or shall not come into force and to give notice of the direction to the inspector and the person in question.

## SCHEDULE 9

Articles 30(5), 32(8), 36(1)(b) and 46(2)  
and (5).

### POWERS AND DUTIES OF INSPECTORS, ETC.

1.—(1) An inspector may, on production if so requested of his credentials, at all reasonable times—

- (a) enter any premises (except premises used only as a private dwelling) as to which he has reasonable cause to believe that packages are made up on the premises or that imported packages belonging to the importer of them are on the premises or that relevant packages intended for sale are on the premises;
- (b) inspect and test any equipment which he has reasonable cause to believe is used in making up packages in the United Kingdom or in carrying out a check mentioned in Article 31(9) and (10);

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- (c) inspect, and measure in such manner as he thinks fit, anything which he has reasonable cause to believe is or contains or is contained in a package and, if he considers it necessary to do so for the purpose of inspecting the thing or anything in it, break it open;
  - (d) inspect and take copies of, or of anything purporting to be, a record, document or certificate mentioned in Article 31(6) to (11);
  - (e) require any person on premises which the inspector is authorised to enter by virtue of head ( a ) to provide such assistance as the inspector reasonably considers necessary to enable the inspector to exercise effectively any power conferred on him by heads ( a ) to ( d );
  - (f) require any person to give to the inspector such information as the person possesses about the name and address of the packer and of any importer of a package which the inspector finds on premises he has entered by virtue of this sub-paragraph or paragraph 2.
- (2) <sup>F30</sup>An inspector may serve, on any person carrying on business as the packer or importer of packages a notice requiring the person—
- (a) to furnish the inspector with particulars of the kind specified in the notice of any marks which, otherwise than in pursuance of Article 31(5)( c ), are applied to packages made up in that area by the person or, as the case may be, to packages imported by him, for the purpose of enabling the place where the packages were made up to be ascertained; and
  - (b) if the person has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied for the purpose aforesaid to such packages as aforesaid, to give notice of the cesser to the inspector;

but a notice given by an inspector in pursuance of this sub-paragraph shall not require a person to furnish information which the person does not possess.

<b>F30</b> mod. SR 1990/410
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2. Where a justice of the peace, is satisfied by complaint in writing and on oath—
- (a) that there is reasonable ground to believe that a package or a thing containing a package or that any such equipment, record, document or certificate as is mentioned in sub-paragraph (1) of paragraph 1 is on any premises or that an offence under Article 32 is being or is about to be committed on any premises; and
  - (b) either—
    - (i) that admission to the premises has been refused or that a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
    - (ii) that an application for admission or the giving of such a notice would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,
 he may issue a warrant under his hand, which shall continue in force for a period of one month, authorising an inspector to enter the premises, if need be by force.

3.—(1) An inspector entering any premises by virtue of paragraph 1 or 2 may take with him such other persons and such equipment as he considers necessary.

(2) An inspector who leaves premises which he has entered by virtue of paragraph 2 and which are unoccupied or of which the occupier is temporarily absent shall leave the premises as effectively secured against trespassers as he found them.

4. Where an inspector has reasonable cause to believe that an offence under Article 32 or 34 or this Schedule has been committed and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence he may seize it and detain it for as long as it is so required.

5.—(1) The Department may purchase goods, and may authorise any of its officers to purchase goods on behalf of the Department, for the purpose of ascertaining whether an offence under Article 32 or 34(2) has been committed.

(2) <sup>F31</sup>If an inspector breaks open a package in pursuance of paragraph 1(1)(c) otherwise than on premises occupied by the packer or importer of the package and the package is not inadequate, the inspector shall, if the owner of the package requests him to do so, buy the package on behalf of the Department.

**F31** mod. SR 1990/410

6. <sup>F32</sup>A person who wilfully obstructs an inspector acting in pursuance of this Schedule or Part VI or who without reasonable cause fails to comply with a requirement made of him in pursuance of paragraph 1(1)(e) or (f) or 1(2) shall be guilty of an offence.

**F32** mod. SR 1990/410

#### *Schedule 10—Amendments*

#### *Schedule 11—Repeals*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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