

1994 No. 321

WEIGHTS AND MEASURES

Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1994

Made 17th August 1994

Coming into operation 19th September 1994

The Department of Economic Development, in exercise of the powers conferred by Articles 30, 31, 32, 33, 34, 37 and 38 of and paragraph 1 of Schedule 8 to the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 48(4) of that Order, with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 19th September 1994.

Amendment of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990

2. The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(c) shall be amended as provided by regulations 3 to 5.

3. In Part I of Schedule 1 (Foodstuffs and natural mineral waters (excluding goods specified in Part III))—

(a) in item 29, after the words “Alcoholic beverages” there shall be added the words “not falling within item 29A.”; and

(b) after item 29 there shall be added item “29A” consisting—

(i) in column 1, of the words “Intoxicating liquor and other liquids specified in column 1 of the Schedule to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(d).” and

(ii) in column 3, of the words “5 ml 10 L”.

(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) S.R. 1990 No. 410 as amended by S.R. 1992 No. 485

(d) S.R. 1989 No. 164 as amended by S.R. 1990 No. 395

4. For Part II of Schedule 1 (Non-Foodstuffs (excluding goods specified in Part III)) there shall be substituted the Part set out in the Schedule.

5. In Part II of Schedule 6 (Packages of Desiccating Goods) for the words “goods to which Council Directive No. 76/768/EEC applies” where they appear in paragraph 2 of column 1, there shall be substituted “cosmetic products as defined in item 20 in Part II of Schedule 1”.

Sealed with the Official Seal of the Department of Economic
Development on 17th August 1994

(L.S.)

A. L. Brown

Assistant Secretary

SCHEDULE

regulation 4

"Part II: Non-Foodstuffs (excluding goods specified in Part III)

1 <i>Description of goods (see regulation 3)</i>	2 <i>Excluded category of such goods (see regulation 4(1)(a) and (2))</i>	3 <i>Lower and upper limits of predetermined constant quantity (see regulation 4(1)(a))</i>	
(Note: Items 1-13 specify goods to be made up by weight). 1. Agricultural liming materials and agricultural salt.	calcareous sand	25 g	10 kg
2. Bird seed.		125 g	10 kg
3. Inorganic fertilisers.	liquid fertilisers	25 g	50 kg
4. Knitting yarn and rug yarn.	rug yarn in cut pack form	10 g	10 kg
5. Nails.	nails when made up by number	25 g	10 kg
6. Paint and distemper in powder form.		250 g	25 kg
7. Paint remover in solid form.		25 g	10 kg
8. Pet foods (other than bird seed).	animal feed in biscuit or cake form packed in a quantity by number not exceeding 16	25 g	10 kg
9. Portland cement.		25 g	5 kg
10. Rolled oats.		25 g	10 kg
11. Soap not being a cosmetic product as defined in item 20, soap flakes, washing and cleaning products in powder form, wash- ing soda, scouring powders and lavatory cleaners in powder form.	liquid soap	25 g	50 kg
12. Solid fuel.		1 kg	100 kg

1 <i>Description of goods (see regulation 3)</i>	2 <i>Excluded category of such goods (see regulation 4(1)(a) and (2))</i>	3 <i>Lower and upper limits of predetermined constant quantity (see regulation 4(1)(a))</i>	
13. Tobacco for pipes and for cigarettes rolled by hand or by the use of a device operated only by hand.	hard pressed uncut tobacco and uncut spun-roll tobacco	25 g	1 kg
(Note: Items 14-17 specify goods to be made up by volume). 14. Anti-freeze fluid for internal combustion engines.		150 ml	10 L
15. Liquid fertilisers.		25 ml	50 L
16. Liquid soap not being a cosmetic product as defined in item 20, liquid detergents, dishwashing rinse aids, liquid bleaches and fabric conditioners in liquid form.		125 ml	50 L
17. Paint in liquid or gel form, linseed oil, paint thinner, turpentine, turpentine substitute, varnish, wood preservative fluid (including fungicides and insecticides), paint remover in liquid or gel form, petrifying fluid and rust remover.		150 ml	25 L
(Note: Items 18-21 specify goods to be made up by weight or by volume). 18. Disinfectants and cleaning products which incorporate disinfectants.		25 g or 25 ml	50 kg or 50 L

1 <i>Description of goods (see regulation 3)</i>	2 <i>Excluded category of such goods (see regulation 4(1)(a) and (2))</i>	3 <i>Lower and upper limits of predetermined constant quantity (see regulation 4(1)(a))</i>	
19. Liquid fuel, lubricating oil (including any mixture of such fuel and oil) and lubricating grease.	liquefied petroleum gas in returnable containers	250 g or 250 ml	10 kg or 10 L
20. Cosmetic products, that is to say, 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.	(i) products in sachets or other containers for single use only; (ii) packages comprising items for which particulars of weight or volume are not significant	5 g or 5 ml	10 kg or 10 L
21. Polishes and dressings analogous to polishes.		30 g or 30 ml	50 kg or 50 L

(This note is not part of the Regulations.)

These Regulations amend Schedule 1 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990 (S.R. 1990 No. 410) which lists products which fall to be made up under the average system of quantity control without having to be marked with the EEC sign (the e mark).

The amendments made by the Regulations implement as respects Northern Ireland Article 6 of Council Directive 76/768/EEC on the approximation of the laws of member States relating to cosmetic products (O.J. No. L262, 27.9.76, p. 169) as substituted by Article 1(4) of Council Directive 88/667/EEC (O.J. No. L382, 31.12.88, p. 46).

The principal changes—

- (a) revise the list of goods included in Schedule 1 in conformity with the Directive;
- (b) amend Schedule 1 in relation to intoxicating liquor; and
- (c) set, for the purposes of that Schedule, the lower limit of predetermined constant quantity in packages of certain cosmetic products at 5 g or 5 ml.

A Compliance Cost Assessment of the impact that these Regulations will have on business is available, copies of which can be obtained from the Department of Economic Development, Trading Standards Branch, 176 Newtownbreda Road, Belfast BT8 4QS.