
STATUTORY INSTRUMENTS

1976 No. 794

WEIGHTS AND MEASURES

**The Weights and Measures (Pre-packed Milk in Vending Machines)
Order 1976***Laid before Parliament in draft**Made - - - 21st May 1976**Coming into Operation in accordance with Article 1*

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963(a) (hereinafter referred to as “the Act”) has consulted with organisations appearing to her to be representative of interests substantially affected by this Order and considered the representations made to her 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 54(3) of the Act:

Now, therefore, the Secretary of State, in exercise of powers conferred by section 21(2) and (3) of the Act and now vested in her(b), and of all other powers enabling her in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Weights and Measures (Pre-packed Milk in Vending Machines) Order 1976 and shall come into operation on the expiration of the period of two months beginning on the date on which this Order is made.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Part V of Schedule 4 to the Act shall have effect subject to the amendment that for paragraph 4 thereof there shall be substituted the following:—

“4. If in the case of any pre-packed milk made up in a quantity of less than half a pint (but not being one-third of a pint) its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in paragraph 3(a) of this Part of this Schedule, a person shall not by reason only of that fact be guilty of an offence under section 22(2) of this Act—

(a) in respect of a sale of that milk by that or any other person if the sale is by means of a vending machine or is otherwise than by retail; or

(a) 1963 c. 31.

(b) S.I. 1970/1537 (1970 III, p. 5293).

(c) 1889 c. 63.

- (b) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—
- (i) for sale by means of a vending machine which complies with paragraph 5 of this Part of this Schedule; or
 - (ii) for sale otherwise than by retail; or
 - (iii) for delivery after sale otherwise than by retail.”.

21st May 1976.

Robert MacLennan,
Parliamentary Under-Secretary of State,
Department of Prices and Consumer Protection.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends Part V of Schedule 4 to the Weights and Measures Act 1963 by removing the requirement that milk pre-packed for sale by means of a vending machine in any quantity other than one-third of a pint, half a pint or a multiple of half a pint shall be sold at the price of 6d (2½p).

In future pre-packed milk may be sold by means of a vending machine in any quantity of less than half a pint if (except where the quantity is one-third of a pint) the container is marked with a statement that the milk is not for sale otherwise than by means of a vending machine. Pre-packed milk may also be sold by means of a vending machine in a quantity of half a pint or a multiple of half a pint.

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