
 STATUTORY INSTRUMENTS

1984 No. 1315

WEIGHTS AND MEASURES

**The Weights and Measures Act 1963
 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry)
 Order 1984**
Laid before Parliament in draft

<i>Made - - - -</i>	17th August 1984
<i>Coming into Operation</i>	1st September 1984

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 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 54(3) of the Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 21(2), (3) and (5) and 54(1) and (4) of the Act and now vested in him (b) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and revocation

1.—(1) This Order may be cited as the Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984 and shall come into operation on 1st September 1984.

(2) The Weights and Measures Act 1963 (Cheese) Order 1977 (c) is hereby revoked.

Interpretation

2. In this Order—

“cheese” means cheese, whether or not containing flavouring or colouring matter, and whether or not coated or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour, and includes processed cheese and cheese spread;

“countable produce” means fruit or vegetables specified in Part I of Schedule 1 to this Order;

(a) 1963 c.31. Part III of Schedule 4 ceased to have effect by virtue of S.I. 1977/1335, Part VII, subject to certain exceptions, ceased to apply to potatoes by virtue of S.I. 1978/741 and Part XII was amended by Schedule 5 to the Weights and Measures Act 1979 (c.45).

(b) S.I. 1970/1537.

(c) S.I. 1977/1335.

“meat” means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine; and

“soft fruits” means fruits of the following descriptions, that is to say, bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants.

Parts of Schedule 4 to the Act to cease to have effect

3.—(1) Except as mentioned in paragraph (2) below, Parts I, II, VII and XII of Schedule 4 to the Act shall cease to have effect.

(2) Part VII of Schedule 4 to the Act shall cease to have effect in relation to potatoes on 2nd September 1984.

Cheese, fish, meat and poultry

4.—(1) This Article applies to food of any of the following descriptions that is to say:—

- (a) cheese;
- (b) fish, meat or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed;
- (c) sausage-meat in any form, whether cooked or uncooked; and
- (d) any article which, though it also contains other food, consists substantially of fish, meat, poultry or sausage-meat,

other than dripping, lard, fish paste, meat paste, poultry paste and shredded suet, and any reference in this Article to poultry includes a reference to any part of any poultry.

(2) Subject to paragraphs (7) to (9) below, any food to which this Article applies which is not pre-packed, shall, if sold by retail, be sold only—

- (a) by net weight; or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, either by net weight or by gross weight.

(3) Subject to paragraphs (7) and (8) below, any food (other than cheese and fish) to which this Article applies shall, if sold otherwise than by retail, be sold only—

- (a) by net weight; or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, either by net weight or by gross weight.

(4) Subject to paragraph (7) below, any food (other than cheese) to which this Article applies shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph any food in a quantity of less than 5 g.

(5) Subject to paragraph (9) below—

- (a) processed cheese;
- (b) cheese spread; and

- (c) natural cheese of any of the following descriptions, that is to say, Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale,

shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(6) On or after 1st January 1986, cheese of any description other than that specified in paragraph (5) above shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph—

- (a) whole Stilton cheese;
(b) any cheese in a quantity of less than 25 g and more than 10 kg; and
(c) any cheese sold by gross weight in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, if the quantity is made known to the buyer before he pays for or takes possession of the goods.

(7) There shall be exempted from the requirements of paragraphs (2) to (4) of this Article—

- (a) bath chaps, meat pies, meat puddings, poultry pies and sausage rolls;
(b) any other goods (other than cheese) in a quantity of less than 5 g.

(8) There shall be exempted from the requirements of paragraphs (2) and (3) of this Article—

- (a) cooked poultry;
(b) shellfish in shell, jellied fish, pickled fish and fried fish;
(c) any sale of fish made otherwise than from a market, shop, stall or vehicle;
(d) single cooked sausages in natural casings less than 500 g in weight; and
(e) sausage-meat products other than in sausage form when offered or exposed for sale as a single item in a quantity of less than 500 g.

(9) There shall be exempted from the requirements of paragraphs (2) and (5) of this Article any cheese in a quantity of less than 25 g.

Fresh fruits and vegetables other than potatoes

5.—(1) This Article applies to food consisting of fruits or vegetables of any description, other than potatoes,—

- (a) in the state in which they were harvested;
(b) in the said state apart from cleaning or trimming;
(c) in the case of beetroots, in the said state apart from having been cooked; or
(d) in the case of peas, in the said state apart from having been shelled.

(2) Where fruits or vegetables of any description to which this Article applies have been divided into pieces or have had part thereof removed or both, then, subject to paragraph 7 below, paragraph 6 shall apply to any food consisting of, or including any part of, any of those fruits or vegetables which have not been subjected to any further process.

(3) Subject to paragraphs (7) to (9) below, fruits and vegetables of any description, other than soft fruits and mushrooms, shall be pre-packed only if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(4) Subject to paragraphs (7) and (9) below, fruits and vegetables of any description, other than soft fruits and mushrooms, which are not pre-packed, shall, if sold by retail, be sold only by net weight or, in the case of countable produce, either by net weight or by number.

(5) Subject to paragraph (7) below, any fruits or vegetables consisting of soft fruits or mushrooms shall, if sold by retail, be sold only—

(a) by net weight; or

(b) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table B of Schedule 2 to this Order, either by net weight or by gross weight,

and the quantity shall be made known to the buyer before he pays for or takes possession of the food.

(6) Any food to which this paragraph applies by virtue of paragraph (2) above, shall—

(a) if not pre-packed and if sold by retail, be sold only by net weight; or

(b) be pre-packed only if the container is marked with an indication of quantity by net weight.

(7) The following shall be exempted from any requirement of paragraph (3), (4) or (5) above which would otherwise apply thereto, that is to say—

(a) food pre-packed in the same container with other goods (except potatoes) to which none of those requirements applies;

(b) food pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Article would otherwise apply or which include potatoes;

and there shall be exempted from all requirements of this Article any goods in a quantity of less than 5 g or more than 5 kg.

(8) There shall be exempted from the requirements of paragraph (3) above a pre-packed collection of not more than eight articles of countable produce, if the container is such that all the articles can be clearly seen by a prospective buyer.

(9) There shall be exempted from the requirements of paragraphs (3) and (4) above any vegetables specified in Part II of Schedule 1 to this Order, if sold in a bunch.

(10) Where at any premises other than a vehicle or ship any food to which this Article applies has been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

(a) a weighing of that container while the food is therein;

(b) a weighing of that container after the removal of the food therefrom;

(c) a weighing of a similar container which is empty,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller without reasonable cause contravenes this requirement he shall be guilty of an offence.

(11) The occupier of any premises at which any food to which this Article applies is made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such food so made up is so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under the foregoing paragraph to be carried out at those premises; and if he without reasonable cause contravenes any of the requirements of this paragraph he shall be guilty of an offence.

(12) Except as provided in paragraph (13) below, any person guilty of an offence under paragraph (10) or (11) above shall be liable on summary conviction to a fine not exceeding £2,000.

(13) Any person guilty of such an offence committed before 1st May 1984 shall be liable on summary conviction to a fine not exceeding £1,000.

Multipacks

6. Nothing in this Order shall require any container to be marked with any information if all the following provisions are satisfied:—

- (a) the contents of the container in which any foods to which this Order applies are pre-packed consist of two or more packs of goods;
- (b) where any pack, if sold individually, would be required by the Order to be marked with an indication as to the quantity of the goods, the pack is so marked;
- (c)
 - (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and where paragraph (b) above applies with an indication as to the quantity of the goods in each such pack; or
 - (ii) where each pack to which paragraph (b) above applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container; or
 - (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (b) above applies, or if there are two or more identical such packs an indication as to the quantity of the goods in at least one of them, is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

Transitional provisions

7.—(1) A person specified in paragraph (2) below in the cases specified in that paragraph shall not be guilty of an offence under section 22(2) of the Act by reason only of the fact that the foods specified in the preceding Articles of this Order are not pre-packed or sold by retail in accordance with the provisions of this Order, if the foods would be pre-packed or sold by retail as the case may be in accordance with the provisions of the Order revoked by this Order, if the former Order were not revoked by this Order, or in accordance with the provisions of Schedule 4 to the Act if Article 3 above were not to apply.

- (2) The cases and persons referred to in paragraph (1) above are—
- (a) in the case of foods pre-packed in Great Britain on or before 1st January 1986 and of foods imported pre-packed into Great Britain on or before that date, all persons;
- (b) in the case of foods pre-packed in Great Britain after that date and of foods imported pre-packed into Great Britain after that date, all persons other than—
- (i) where the foods were pre-packed in Great Britain, the person who pre-packed them and if he pre-packed them on behalf of another person, that other person;
- (ii) where the foods were imported into Great Britain, the person who imported them and if he imported them on behalf of another person, that other person;
- (c) in the case of foods, which are not pre-packed but which are sold by retail in Great Britain on or before 1st July 1985, all persons.
- (3) The provisions of paragraphs (1) and (2) above shall cease to have effect after 30th June 1986.

Alexander Fletcher,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

17th August 1984.

SCHEDULE 1

Articles 2 and 5(9)

PART I

COUNTABLE PRODUCE

Apples	Garlic	Passion fruit
Apricots	Grapefruit	Pawpaw
Artichokes (globe)	Guavas	Peaches
Aubergines	Kiwi fruit	Pears
Avocados	Kohlrabi	Pineapple
Bananas	Lemons	Plums
Beetroots (including cooked)	Lettuce	Pomegranates
Cabbage	Limes	Pomelo
Cauliflower	Mangoes	Pumpkins
Capsicum	Marrows	Radishes
Celery	Melons	Shaddock
Coconuts	Nectarines	Soft citrus fruits
Corn on the cob	Onions (other than spring)	Tomatoes
Cucumber	Oranges	Ugli
Fennel		
Figs (fresh)		

PART II

VEGETABLES WHICH MAY BE SOLD BY THE BUNCH

Asparagus	Mustard and cress
Beetroots	Onions (including spring)
Carrots	Parsley
Chives	Radishes
Endives	Salad cress
Garlic	Turnips
Mint	Watercress

SCHEDULE 2

Articles 4 and 5

Tables of permitted weights for containers

TABLE A

Gross weight	Permitted weight of container
Not exceeding 500 g	5 g
Exceeding 500 g	a weight at the rate of 10 g per kg of the gross weight.

TABLE B

Gross weight	Permitted weight of container
Not exceeding 250 g	a weight at the rate of 120 g per kg of the gross weight.
Exceeding 250 g but not exceeding 1 kg	a weight at the rate of 100 g per kg of the gross weight.
Exceeding 1 kg but not exceeding 3 kg	a weight at the rate of 90 g per kg of the gross weight.
Exceeding 3 kg	a weight at the rate of 60 g per kg of the gross weight.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces Parts I, II, VII and XII of Schedule 4 to the Weights and Measures Act 1963 and the Weights and Measures Act 1963 (Cheese) Order 1977, which relate to the food covered by this Order.

P.T.O.

It also implements the requirements of Article 8 of Council Directive No. 79/112/EEC (O.J. No. L 33, 8.2.1979, p.1) in relation to quantity marking in the case of such foods.

From 1st January 1986 all cheese other than the cheese described in Article 4(5) to the Order, whole Stilton cheese and cheese in a quantity of less than 25 g or more than 10 kg may only be pre-packed if the container is marked with the quantity by net weight, unless it is sold by gross weight in a container which does not exceed the permitted weight for the container and the quantity is made known to the buyer before he pays for or takes possession of the goods. Subject to certain exceptions, other food to which the Order applies, other than fresh fruits and vegetables, may only be prepacked if the container is marked with an indication of quantity by net weight.

Subject to certain exceptions, fruits and vegetables, other than soft fruits and mushrooms, may only be prepacked if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number. If not pre-packed they must be sold by retail only by net weight or, in the case of countable produce, either by net weight or number. Subject to certain exceptions, soft fruits and mushrooms may only be sold by retail by net weight, or by gross weight if the container does not exceed the permitted weight for the container, and the quantity must be made known to the buyer before he pays for or takes possession of the goods.

Transitional provisions are also included in the Order to allow time for goods, which comply with the provisions of the Act or the Weights and Measures Act 1963 (Cheese) Order 1977, to be sold by manufacturers, importers, wholesalers and retailers, notwithstanding that the goods do not comply with this Order.

SI 1984/1315
ISBN 0-11-047315-9

