

1988 No. 2039

WEIGHTS AND MEASURES

**The Weights and Measures
(Intoxicating Liquor) Order 1988**

Approved by both Houses of Parliament

Made - - - - - 16th November 1988

Coming into force - - - - - 1st January 1989

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985(a) 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 86(5) of that Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 22(1) and (2), 24(1) and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:-

1.—(1) This Order may be cited as the Weights and Measures (Intoxicating Liquor) Order 1988 and shall come into force on 1st January 1989.

(2) In this Order-

“the Act” means the Weights and Measures Act 1985;

“beer”, “cider”, “made-wine” and “wine” have the same meanings respectively as in section 1 of the Alcoholic Liquor Duties Act 1979(b); and

references to a subheading are references to a subheading of the Combined Nomenclature of the European Economic Community(c).

(3) The Orders specified in column 1 of Schedule 2 hereto are hereby revoked to the extent specified in column 3 of that Schedule.

2.—(1) Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail-

(a) only in a quantity of $\frac{1}{3}$ pint, $\frac{1}{2}$ pint or a multiple of $\frac{1}{2}$ pint; and

(b) subject to paragraph (2) below, where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

(2) Paragraph (1)(b) above shall not apply where-

(a) the quantity of the intoxicating liquor the subject of the sale is ascertained by means of measuring equipment stamped in accordance with regulation 16(2) of the Measuring Equipment (Intoxicating Liquor) Regulations 1983(d);

(a) 1985 c.72.

(b) 1979 c.4, as amended by S.I. 1979/241.

(c) See Council Regulation (EEC) 2658/87 (OJ No. L256, 7.9. 1987, p. 1).

(d) S.I. 1983/1656, to which there are amendments not relevant to this Order.

- (b) the liquor in question is delivered directly from the measuring equipment into the container in which it is intended the buyer should receive it;
- (c) the liquor in question is so delivered after the buyer has ordered it; and
- (d) the measuring equipment (or that part of it from which the liquor is delivered) is installed in such a position that the delivery of the liquor into the container can readily be seen by customers in that part of the premises where the buyer ordered the liquor.

3.—(1) Subject to paragraphs (2) and (3) below, unless pre-packed in a securely closed container, intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whisky, shall be sold by retail for consumption on the premises at which it is sold only—

- (a) in, or in a multiple of, one of the following quantities, which shall be the same for those parts of any licensed premises or licensed canteen within the meaning of the Licensing Act 1964(a) or the Licensing (Scotland) Act 1976(b) of which any person is the licensee and for all those liquors, that is to say, $\frac{1}{4}$ gill, $\frac{1}{5}$ gill and $\frac{1}{6}$ gill; and
- (b) if there is displayed on those premises, in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, a statement in writing showing in which of those quantities those liquors are offered for sale on those premises.

(2) Any such liquor shall be exempted from the requirements of this article when it forms a constituent of a mixture of three or more liquids.

(3) Nothing in this article shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of those liquors in a quantity not otherwise permitted by this article.

4.—(1) The intoxicating liquor and other liquids specified in column 1 of Schedule 1 to this Order shall be pre-packed or, in the case of those in Part III of Schedule 1, otherwise made up in a container for sale, only if they are made up in one of the quantities by volume specified in column 2, subject to the exceptions specified in column 3.

(2) This article applies to intoxicating liquor specified in column 1 in Part II of Schedule 1 to this Order made up after 31st December 1990, and to intoxicating liquor specified in column 1 in Part III of that Schedule made up after 31st December 1991.

5.—(1) Subject to paragraph (2) of this article, wine and made-wine for consumption on the premises at which it is sold shall—

- (a) be pre-packed only in one of the following quantities, that is to say—
 - (i) 25 cl, 50 cl, 75 cl, or 1 L; or
 - (ii) 10 fl oz, or 20 fl oz;
- (b) when not pre-packed, be sold only in those quantities; and
- (c) whether pre-packed or not, be sold only if a statement in writing showing the quantities in which wine or made-wine is for sale is either displayed on those premises in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, or is contained in every winelist and menu which is available to the buyer on those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption on those premises.

(2) Paragraph (1) above shall not apply in the case of wine or made-wine which—

- (a) is pre-packed in a securely closed container whether or not it is to be decanted at the request of the buyer before being served; or
- (b) is sold in the glass or other vessel from which it is intended to be drunk.

(a) 1964 c.26.

(b) 1976 c.66.

6.—(1) Intoxicating liquor and other liquids specified in column 1 of Schedule 1 to this Order shall be pre-packed in a closed container (or, in the case of those specified in Part III of that Schedule, otherwise made up in such a container for sale) only if the container is marked with an indication of quantity by volume, subject to the exemptions specified in column 4 of that Schedule.

(2) Intoxicating liquor of any other description shall be pre-packed in a closed container in a quantity of 5 ml or more but not exceeding 5 L only if the container is marked with an indication of quantity by volume.

7.—(1) Without prejudice to the provisions of section 25 of the Act, if article 2(1)(b), 3(1)(b) or 5(1)(c) above is contravened, the occupier of the premises in question shall be guilty of an offence.

(2) Any person guilty of an offence under paragraph (1) above shall be liable on summary conviction to a fine not exceeding £2,000.

8. Nothing in this Order shall require any container to be marked with any information or to enclose intoxicating liquor or other liquids of a particular quantity if all the following provisions are satisfied:—

- (a) the contents of the container in which any intoxicating liquor or other liquids is pre-packed consist of two or more packs of goods;
- (b) where the goods in any pack, if sold individually, would be required by the Order to be made up in a specified quantity, the goods in any such pack are so made up;
- (c) 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;
- (d) (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 (c) above applies, with an indication as to the quantity of the goods in each such pack; or
(ii) where each pack to which paragraph (c) 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 (c) 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.

16th November 1988

Eric Forth
Parliamentary Under-Secretary of State,
Department of Trade and Industry

SCHEDULE 1

Articles 4 and 6

PART I

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Wine of fresh grapes; grape must with fermentation prevented or arrested by the addition of alcohol, including wine made of unfermented grape juice blended with alcohol, grape must in fermentation or with fermentation arrested otherwise than by the addition of alcohol, of subheadings 2204 21 21 to 2204 21 39 inclusive, 2204 29 21 to 2204 29 39 inclusive and 2204 30 10	10 cl 18.7 cl (x) 25 cl 37.5 cl 50 cl 75 cl 1 L 1.5 L 2 L 3 L 5 L 6 L 9 L 10 L (x) for consumption on board aircraft and ships only	(a) less than 5 ml, more than 10 L (b) when made up in securely closed containers before 1st January 1989 (c) wine to which article 5(1)(a) applies	less than 5 ml, more than 10 L
"Yellow" wines entitled to use the following designations of origin: "Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon"	62 cl		

PART II

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Sparkling wine and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise made up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C, of subheadings 2204 10 11, 2204 10 19, 2204 10 90, 2204 21 10 and 2204 29 10	12.5 cl 20 cl 37.5 cl 75 cl 1.5 L 3 L 4.5 L 6 L 9 L	(a) less than 5 ml, more than 10 L (b) for consumption on board aircraft, ships and trains, or for sale duty-free (c) when made up in securely closed containers before 1st January 1991	less than 5 ml, more than 10 L

PART III

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Spirits, liqueurs and other spirituous beverages and compound alcoholic preparations of a kind used for the manufacture of beverages, of subheadings 2208 10 10 to 2208 90 79 inclusive	2 cl	(a) less than 5 ml, more than 10 L	less than 5 ml, more than 10 L
	3 cl		
	4 cl	(b) less than 10 cl, where aerated water or soda has been added	
	5 cl		
	7.1 cl		
	10 cl		
	20 cl		
	35 cl		
	50 cl		
	70 cl		
	1 L		
	1.125 L (x)		
	1.5 L	(c) for consumption on board aircraft, ships and trains, or for sale duty-free	
	2 L		
	2.5 L		
3 L	(d) when made up in securely closed containers before 1st January 1992		
4.5 L			
5 L (x)			
10 L (x)			
(x) for non-retail sales only			

SCHEDULE 2

Article 1(3)

<i>Orders revoked</i>	<i>References</i>	<i>Extent of revocation</i>
(1)	(2)	(3)
The Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984.	S.I. 1984/1314.	The whole Order.
The Weights and Measures Act 1963 (Various Foods) (Amendment No. 2) Order 1985.	S.I. 1985/1980.	Article 2.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates and amends the Weights and Measures Act 1963 (Intoxicating Liquor) Order 1984 as amended and implements Council Directive 88/316/EEC (OJ No. L 143, 10.6.1988, p. 26). Article 4 prescribes a range of quantities listed in Schedule 1 to this Order in which intoxicating liquor and certain other liquids may only be pre-packed. The principal changes introduced by this Order are as follows:-

- (a) with effect from 1st January 1992, spirits and liqueurs are added to the list of items to be pre-packed in prescribed quantities except when pre-packed for consumption on board aircraft, ships and trains, or for sale duty-free; and the

requirement to quantity mark is extended from 5 L to 10 L with effect from 1st January 1989;

- (b) certain wines known as table wines and grape must are excluded from the list of items to be pre-packed in prescribed quantities if made up in securely closed containers before 1st January 1989; and the requirement to quantity mark is extended from 5 L to 10 L;
- (c) with effect from 1st January 1991, sparkling wines are added to the list of items to be pre-packed in prescribed quantities except when pre-packed for consumption on board aircraft, ships and trains or for sale duty-free; and the requirement to quantity mark is extended from 5 L to 10 L with effect from 1st January 1989;
- (d) the Order takes account of the Harmonised Commodity Description and Coding System of the European Economic Community, known as the "harmonised system" which includes a Combined Nomenclature replacing the previous Common Customs Tariff Nomenclature.

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