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STATUTORY INSTRUMENTS

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**1981 No. 231**

**Weights and Measures (Northern Ireland) Order 1981**

**PART I**

**INTRODUCTORY**

**Title and commencement**

1.—(1) This Order may be cited as the Weights and Measures (Northern Ireland) Order 1981.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of one month from the day on which it is made.

(3) <sup>F1</sup> . . . <sup>F2</sup> . . . ,<sup>F3</sup> shall come into operation on such date or dates as may be appointed by the Secretary of State under subsection (2) of section 43 of the Act of 1985 for the coming into force of that section.]

<b>F1</b>	1996 NI 11
<b>F2</b>	SR 1986/226
<b>F3</b>	1985 c. 72

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

[<sup>F4</sup>“the Act of 1985” means the Weights and Measures Act 1985;]

[<sup>F5</sup>“approved verifier” has the meaning given by Article 9(3B);]

“beer” has the same meaning as in the Alcoholic Liquor Duties Act 1979 ;

“capacity measurement” means measurement in terms of a unit of measurement included in Part IV of Schedule 1 to the<sup>F4</sup> Act of 1985];

“check-weighed”, in relation to any vehicle, means weighed with its load by means of the nearest suitable and available weighing equipment, and weighed again after it has been unloaded by means of the same or other suitable weighing equipment;

“cider” has the same meaning as in the Alcoholic Liquor Duties Act 1979;

“container” includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

“credentials”, in relation to an inspector, means some duly authenticated document showing that he is authorised to act as an inspector;

“the Department” means the Department of Commerce;

“designated country” in any provision of this Order means such, if any, of the following countries, that is to say, Great Britain, any of the Channel Islands and the Isle of Man, as the Department, having regard to the law for the time being in force in that country, designates for the purposes of that provision by order;

“drugs” and “food” have the same meanings respectively as for the purposes of the<sup>[F6]</sup> Food Safety (Northern Ireland) Order 1991];

[<sup>F7</sup>“the FIC Regulation” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;]

“gross weight”, in relation to any goods, means the aggregate weight of the goods and any container in or on which they are made up;

“indication of quantity”, in relation to any container in or on which goods are made up, means a statement in writing to the effect that those goods are of, or of not less than, a specified quantity by net weight, gross weight or other measurement or by number, as the case may require;

“inspector” means a chief or other inspector of weights and measures within the meaning of Article 40; and “chief inspector” means such a chief inspector of weights and measures;

“instrument” has the same meaning as in section 1( c) of the Interpretation Act (Northern Ireland) 1954 ;

“intoxicating liquor” means spirits, beer, wine, made-wine or cider as defined in section 1 of the Alcoholic Liquor Duties Act 1979;

“mark” includes a label;

“Northern Ireland local standard” means a standard maintained under Article 3;

“Northern Ireland working standard” means a standard maintained under Article 4;

“occupier”, in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

[<sup>F8</sup>“packaged goods regulations” means the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011;]

“premises”, except in Article 29(3), includes any place and any stall, vehicle, ship or aircraft;

“pre-packed” means made up in advance ready for retail sale in or on a container; and on any premises where articles of any description are so made up, or are kept or stored for sale after being so made up, any article of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this Order or any instrument made under it with respect to the pre-packing of such articles;

“prescribed” except in Article 36(3), means prescribed by the Department by regulations;

“regulations” means regulations made by the Department;

“ship” includes any boat and any other description of vessel used in navigation;

“stamp” means<sup>[F5]</sup>, subject to Article 13A(4),] a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise howsoever;

“testing equipment” means testing equipment maintained under Article 4;

“weighing or measuring equipment” means equipment for measuring in terms of length, area, volume, capacity, weight or number, whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement.

(3) Any reference in this Order to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

(4) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

(5) The provisions of this Order which re-enact provisions of an order made under any statutory provision shall have no greater effect by virtue of their re-enactment.

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| <b>F4</b> | 1985 c. 72  |
| <b>F5</b> | 2000 c. 5(NI)   |
| <b>F6</b> | 1991 NI 7   |
| <b>F7</b> | Words in art. 2(2) inserted (18.4.2016) by <a href="#">The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187)</a> , regs. 1, 4   |
| <b>F8</b> | Art. 2(2): definition of "packaged goods regulations" inserted (1.11.2011) by <a href="#">Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 (S.R. 2011/331)</a> , reg. 22, <b>Sch. 1 Pt. 2 para. 2</b> (with regs. 3, 21) |

**Changes to legislation:**

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