

1980 No. 33

WEIGHTS AND MEASURES

Weights and Measures (Milk) Order (Northern Ireland) 1980

Made 25th January 1980

Coming into operation 10th March 1980

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department(a) of Commerce, in exercise of the powers conferred on it by section 15(2), (3) and (5) of the Weights and Measures Act (Northern Ireland) 1967(b) (in this Order referred to as "the Act") and of every other power enabling it in that behalf, after consultation, in accordance with section 35(2) of the Act, with such organisations as appear to it to be representative of interests substantially affected by this Order and consideration of the representations made to it by such organisations with respect to the subject matter of this Order, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Weights and Measures (Milk) Order (Northern Ireland) 1980 and shall come into operation on 10th March 1980.

(2) In this Order "milk" means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream.

Revocation and amendment

2.—(1) The Weights and Measures (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1976(c) is hereby revoked.

(2) Part V of Schedule 2 to the Act shall cease to have effect.

(3) In paragraph 3 of Part XI of the said Schedule after sub-paragraph (3) there shall be inserted:—

"(3A) milk within the meaning of the Weights and Measures (Milk) Order (Northern Ireland) 1980;"

Control of sale

3.—(1) Milk which is not pre-packed shall be sold only by capacity measurement or by net weight.

(2) Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

(a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine; and

(b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

(a) Formerly Ministry: see 1973 c. 36 s. 40 and Sch. 5 para. 8(1)

(b) 1967 c. 6 (N.I.)

(c) S.R. 1976 No. 352 (II, p. 1707)

Pre-packing requirements

4.—(1) Subject to paragraph (2), milk shall, except where made up in a quantity of 50 ml or less, be pre-packed only if it is made up in one of the following quantities by capacity measurement, that is to say—

- (a) $\frac{1}{3}$ pt, $\frac{1}{2}$ pt, or a multiple of $\frac{1}{2}$ pt; or
- (b) 200 ml, 250 ml, 500 ml, 750 ml, 1 litre, 2 litres or thereafter a multiple of 500 ml; or
- (c) if made up before 1st January 1981, 100 ml, 600 ml.

(2) If, in the case of any pre-packed milk made up in a quantity of less than $\frac{1}{2}$ pt, 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 (1), a person shall not by reason only of that fact be guilty of an offence under section 16(2) of the 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
- (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 Article 3(2); or
 - (ii) for sale otherwise than by retail; or
 - (iii) for delivery after sale otherwise than by retail.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 25th January 1980.

(L.S.)

W. T. McCrory

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order implements the requirements of Council Directive No. 75/106/EEC (O.J. No. L42, 15.2.1975, p. 1, as corrected by O.J. No. L324, 16.12.1975, p. 31) as to the prescribed range of quantities for pre-packed liquid cows' milk, and, with other requirements, supersedes Part V of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967. It also exempts milk from Part XI of that Schedule which would otherwise require pre-packed milk to be marked with an indication of quantity.

Requirements as to the marking of quantity on packages containing milk (except for certain transparent containers) are provided by section 1, and by Regulations made under Part I, of the Weights and Measures Act 1979. The Order also revokes the Weights and Measures (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1976 (S.R. 1976 No. 352), but re-enacts similar provisions.

The principal provisions of the Order are:—

- (a) milk which is not pre-packed shall be sold only by capacity measurement or by net weight (Article 3(1));
- (b) milk sold by means of a vending machine must carry an indication of—
 - (i) the quantity by capacity measurement of each item, and
 - (ii) the name and address of the seller except where the machine is on the seller's premises (Article 3(2));
- (c) milk in quantities of more than 50 ml (approximately 1¾ fl. oz.) may be pre-packed only in certain prescribed imperial or metric quantities by capacity measurement (Article 4(1));
- (d) it is not an offence under section 16(2) of the 1967 Act in certain circumstances to sell or possess for sale pre-packed milk made up in quantities of less than ½ pint if the container indicates that the milk is to be sold in vending machines (Article 4(2)).