

1980 No. 403

## WEIGHTS AND MEASURES

Weights and Measures (Packaged Goods) (Amendment)  
Regulations (Northern Ireland) 1980

Made . . . . . 11th November 1980

Coming into operation . . . . . 1st January 1981

The Department of Commerce, in exercise of the powers conferred on it by sections 1, 5, 13, 14(1) and 15 of the Weights and Measures Act 1979(a) and of every other power enabling it in that behalf, having consulted pursuant to section 15(3) of that Act with such organisations as it considers are representative of interests which would be substantially affected by these Regulations, hereby makes the following Regulations:—

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 1st January 1981.

(2) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendment of the Regulations of 1979*

2. The provisions of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979(c) set out in column 1 of the Schedule shall be amended as set out in column 2 of the Schedule.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 11th November 1980.

(L.S.)

W. T. McCrory

Assistant Secretary

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(a) 1979 c. 45 s. 21 and Sch. 6 modify this Act in its application to Northern Ireland

(b) 1954 c. 33 (N.I.)

(c) S.R. 1979 No. 435

## SCHEDULE

Regulation 2

Amendments to the Weights and Measures (Packaged Goods) Regulations  
(Northern Ireland) 1979

(Column 1)	(Column 2)
Regulation	Amendment
2	<p>(a) After paragraph (3) insert: “(4) The Interpretation Act (Northern Ireland) 1954(q) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.”</p> <p>(b) At the foot of the page on which Regulation 2(4) is inserted a footnote reference as follows shall be added: “(q) 1954 c. 33 (N.I.)”.</p>
3	For “packages” substitute “containers”.
4	<p>(a) In paragraph (1)(a) after “the lower limit” insert “and not more than the upper limit”, and delete “and not more than the upper limit so specified”; and</p> <p>(b) at the end of paragraph (2) add “and Part I of the Act shall apply in relation to packages of those classes subject to the provisions made by Regulation 5(2).”.</p>
5(1)	<p>After sub-paragraph (b) insert: “(bb) packages marked with the EEC mark containing goods of any description where—</p> <p>(i) in a case other than that mentioned in (ii), the packages are made up in a predetermined constant quantity which exceeds the relevant limit, and</p> <p>(ii) in the case of packages in relation to which an upper limit of predetermined constant quantity is specified in column 3 of Part I or II of Schedule 1 to these Regulations, being a limit which is higher than the relevant limit, the packages are made up in a predetermined constant quantity which exceeds that upper limit.</p> <p>For the purposes of this sub-paragraph, “the relevant limit” is that one of the limits of quantity secondly specified in paragraph (a) or (b) of Regulation 6 which applies in relation to the packages in question according to the case mentioned in each of those paragraphs;”.</p>
6	<p>(a) In paragraph (b) for “volume” there shall be substituted “volume.” and the words “which do not contain” to the end of the paragraph shall be omitted; and</p> <p>(b) Paragraph (c) shall be omitted.</p>
8(1)	<p>For sub-paragraph (a) substitute: “(a) shall be given in writing before the expiry of the day on which—</p> <p>(i) in a case falling within the said paragraph (a), the packages in question are marked with the said mark, and</p> <p>(ii) in a case falling within the said paragraphs (b) and (c), the packages in question are imported;”.</p>
26	<p>(a) In paragraph (3) after “of the Act” insert “except in the case mentioned in paragraph (4A) and”;</p>

Regulation	Amendment
27(4)	<p>(b) in paragraph (4)(b), for "exceed that lower limit" substitute "equal or exceed that lower limit but not to exceed the upper limit so mentioned"; and</p> <p>(c) after paragraph (4) add:</p> <p>"(4A) In a case mentioned in paragraph (1)(a)(i) where the goods contained in the inner packages consist of cocoa products or chocolate products (within the meaning of the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(r)) and—</p> <p>(a) the circumstances mentioned in paragraph (3) apply with respect to the outer container and the inner packages; but</p> <p>(b) paragraph (4)(a) and (b) apply with respect to those packages,</p> <p>then the said paragraph (4) shall apply to the outer container as it applies to an outer container in a case mentioned in that paragraph."</p> <p>(d) At the foot of the page on which Regulation 26(4A) is inserted a footnote reference as follows shall be added:</p> <p>"(r) S.R. 1976 No. 183 (I, p. 846)".</p> <p>For "but a test" substitute "but such a test".</p>
Schedule	Amendment
1	For Schedule 1 substitute the Schedule marked "Schedule 1" set out in the annex hereto.
2	<p>After paragraph 2 add:</p> <p>"3. Packages containing alcoholic beverages when made up in bottles where—</p> <p>(a) the beverage has an alcoholic strength by volume of more than 1.2 per cent; and</p> <p>(b) the packages were made up before, but not imported until on or after, 1st January 1980."</p>
3	<p>(a) In Part I, in paragraph 1(A)(b)(ii) for "paragraph (b)(i)" substitute "paragraph (b)", and for "sub-paragraph (i) above" substitute "this paragraph";</p> <p>(b) in Part I the modifications set out in column 2 in paragraph 2 shall have effect in relation to packages of the description mentioned in paragraph 1 (instead of the modification set out in that paragraph so far as they relate to the provisions mentioned in the said column 2) when such packages are made up as mentioned in sub-paragraph (b) in column 1 in the said paragraph 2; and for the modifications set out in the said column 2 there shall be substituted the following modifications:—</p> <p>"2(A) Part I of the Act shall have effect as if, in both cases mentioned in column 1, sections 1(4)(b) and 3(6) were omitted.</p> <p>2(B) These Regulations shall have effect as if—</p> <p>(a) in the case mentioned in sub-paragraph (a) in column 1, Regulation 11 were omitted; and</p> <p>(b) in the case mentioned in sub-paragraph (b) in column 1, Regulation 11 and in Schedule 4, paragraph 2(1)(d), (2)(b) and (3)(b) were omitted."</p>

Schedule	Amendment
4	<p>(c) in Part II—</p> <p>(i) in paragraph 2(b) (in the inserted subsection (4A)(a)), for “and which he intends so to mark” substitute “, or are marked with the one but not the other, and which he intends to mark so that they are marked with both” and (in the inserted subsection (4A)(b)) for “so to mark” substitute “to mark so that they are marked with both”,</p> <p>(ii) for head (ii) of paragraph 5(a), substitute:  “(ii) for the definition of “relevant package” there shall be substituted the following definition:—  “‘relevant class B package’ means a class B package which is made up in the United Kingdom or imported on or after 1st January 1980 or, in the case of a class B package to which section 5(3) of this Act applies, is brought into the United Kingdom on or after that date;”,</p> <p>(iii) for sub-paragraph (c) of paragraph 5 substitute:  “(c) where—</p> <p>(i) at the time when a class B package is made up or imported the container included in the package is not marked both with a statement of quantity and the EEC mark, or is marked with the one but not the other, and</p> <p>(ii) the packer or importer of the package subsequently marks the container so that it is marked with both, then, whether or not he has performed the duty imposed on him by subsection (4A) of section 1 of this Act in relation to the package, he shall be treated for the purposes of this Part of this Act (except the said subsection (4A)) in relation to the package as the packer or, as the case may be, the importer of a package which is so marked.”, and</p> <p>(iv) for paragraph 6 substitute:  “6. In section 15, in subsection (6) for “A statement” to “of this Act” there shall be substituted “Where a class B package is marked both with a statement of quantity and the EEC mark, the statement of quantity”.”.</p> <p>(a) In paragraph 2(1), in column 1 of Table 1 for each reference to 20 kg substitute a reference to 10 kg;</p> <p>(b) in paragraph 2(3) after “weighing machine” insert “itself capable of indicating weight”;</p> <p>(c) in paragraph 4—</p> <p>(i) for sub-paragraphs (b) to (e) substitute:  “(b) it shall be marked with its nominal capacity and with scale marks which comply with the following requirements, that is to say:—</p> <p>(i) the marks shall represent amounts (each being the same) above and below that nominal capacity, being amounts in millilitres equal to <math>1 \times 10^n</math>, <math>2 \times 10^n</math> or <math>5 \times 10^n</math>, the index n being a positive or negative whole number or zero,</p>

Schedule	Amendment
	<ul style="list-style-type: none"> <li>(ii) they shall include marks marked "T" and "2 × T" respectively representing the amounts, expressed in units of volume, of the tolerable negative error and twice that error which, in relation to a measure of a particular nominal capacity, would fall to be determined in accordance with Regulation 24 as that applicable in relation to a package of a nominal quantity equivalent to that capacity,</li> <li>(iii) there shall be at least three scale marks representing amounts above the said nominal capacity,</li> <li>(iv) there shall be at least two scale marks representing amounts between the said nominal capacity and the amount represented (in accordance with head (ii) above) by the scale mark "T",</li> <li>(v) the scale mark which represents the lowest amount shall be such that that amount is equal to or less than the amount represented (in accordance with head (ii) above) by the scale mark "2 × T" and</li> <li>(vi) the limit of error in excess of, or in deficiency in, any amount represented by any of the marks shall be two-fifths of the amount which is equal to the difference between the amounts represented by any two successive such marks;</li> <li>(c) that part of the measure which bears the scale marks shall be cylindrical in shape and shall have no undue variation in internal diameter or wall thickness;"</li> <li>(ii) in sub-paragraph (f) for "the neck" substitute "the measure" and for "5" substitute "2", and</li> <li>(iii) delete Table 6; and</li> <li>(d) in paragraph 7— <ul style="list-style-type: none"> <li>(i) in sub-paragraph (4)(b) after "mentioned above," insert "either a visible indication or" and after "together" insert "(in each case)", and</li> <li>(ii) in sub-paragraph (5) for "placed in the packages" substitute "made up into packages, either" and after "of the weighing machine" insert "or by weighing the goods after they have been made up into packages and when the packages are on the said load receptor".</li> </ul> </li> </ul>
5	<ul style="list-style-type: none"> <li>(a) In paragraph 9(4) for "a second sample shall be taken at random from the group and checked" substitute "a second sample taken at random from the remainder of the packages in the group shall be checked"; and</li> <li>(b) in paragraph 17(2)(a) at the end add "and which is not marked with a statement of quantity different from the nominal capacity indicated on the container in accordance with those requirements".</li> </ul>
7	<ul style="list-style-type: none"> <li>(a) In Part I, in paragraph 1 after "bread", and in Part II, in paragraph 5(b) after that word where it secondly occurs, insert "in single loaf form";</li> </ul>

Schedule	Amendment
	<p>(b) in paragraph 3(b) for "sub-paragraph (i)" substitute "this paragraph",</p> <p>(c) in paragraph 4(e) for "section 3(6), 5" substitute "sections 3(6), 5(3) to (5)";</p> <p>(d) after paragraph 4 insert:  "4A. In relation to relevant items of knitting yarn and rug yarn, section 5(3) to (5) shall be omitted.";</p> <p>(e) in paragraph 7 delete the reference to Regulation 6;</p> <p>(f) in paragraph 11 for the reference to Regulation 12 substitute Regulation 12(2);</p> <p>(g) after paragraph 13 insert:  "13A. In Schedule 4, paragraph 2(1)(d), (2)(b) and (3)(b) shall be omitted in relation to relevant items of bread when made up by a retailer for sale only—  (a) on premises where the items were made up; or  (b) by delivery from a vehicle used solely by him."; and</p> <p>(h) for paragraph 14 substitute:  "14. Schedules 4 and 5 shall apply in relation to a relevant item of bread as if for any reference to the nominal weight on a package there were substituted a reference to the predetermined constant quantity in relation to which the item was made up."</p>

## ANNEX

## "SCHEDULE 1

Regulations-3 and 4

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## PRESCRIBED GOODS AND OTHER MATTERS RELATING TO PACKAGES

## Part I: Foodstuffs (excluding goods specified in Part III)

1 Description of goods (Regulation 3)	2 Excluded category of such goods (Regulation 4(1)(a) and (2))	3 Lower and upper limits of predetermined constant quantity (Regulation 4(1)(a))	
<p>(Note: Items 1-23 specify goods to be made up by weight)</p> <p>1. Meat of any description, whether fresh, chilled, frozen, salted, cooked or processed; including any article which, though it also contains other food, consists substantially of meat.</p> <p>In this item, "meat" means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine, and includes sausage-meat in any form whether cooked or uncooked.</p>	<p>(i) bath chaps, meat pies, meat puddings and sausage rolls;</p> <p>(ii) single cooked sausages made up in a predetermined constant quantity of less than 500 g; and</p> <p>(iii) sausage-meat products other than in sausage form made up in a predetermined constant quantity of less than 500 g</p>	25 g	10 kg
<p>2. Fish or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed, including any article which, though it also contains other food, consists substantially of fish or poultry.</p> <p>In this item "poultry" includes any part of any poultry.</p>	poultry pies, fish pies	25 g	10 kg
3. Bread in single loaf form		300 g	10 kg

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1 Description of goods (Regulation 3)	2 Excluded category of such goods (Regulation 4(1)(a) and (2))	3 Lower and upper limits of predetermined constant quantity (Regulation 4(1)(a))	
<p>4. Cheese of any of the following descriptions:—</p> <p>(a) processed cheese;</p> <p>(b) cheese spread; and</p> <p>(c) the following types of natural cheese:— Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.</p> <p>In this item "cheese" means cheese whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour.</p>		25 g	10 kg
5. Cereal breakfast food in flake form, flour of oats, oatflakes and oatmeal.		15 g	10 kg
6. Tea (including tea in a tea bag)		25 g	10 kg
7. Cocoa products and chocolate products within the meaning of the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(i).		50 g	10 kg

(i) S.R. 1976 No. 183 (I, p. 846)



8. Coffee products within the meaning of the Weights and Measures (Coffee Extracts and Chicory Extracts) Order (Northern Ireland) 1979(j).	liquid coffee	25 g	10 kg
9. Honey		25 g	10 kg
10. Jam and marmalade		25 g	10 kg
11. Jelly preserves		25 g	10 kg
12. Molasses, syrup and treacle		25 g	10 kg
13. Salt		25 g	10 kg
14. Sugar		50 g	10 kg
15. Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas)		25 g	10 kg
16. Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca		15 g	10 kg
17. Flour and flour products of any of the following descriptions:— (a) flour of bean, maize, pea, rice, rye, soya bean or wheat; and (b) flour products being cake flour, cornflour or self-raising flour		25 g	10 kg
18. Pasta		25 g	10 kg

1 Description of goods (Regulation 3)	2 Excluded category of such goods (Regulation 4(1)(a) and (2))	3 Lower and upper limits of predetermined constant quantity (Regulation 4(1)(a))	
19. Edible fat of any of the following descriptions:— (a) butter, margarine, any mixture of butter and margarine, and other spreadable table fats (that is to say, butter or margarine substitutes); (b) dripping and shredded suet; (c) lard and compound cooking fat and substitutes therefor; and (d) edible oil in solid form		25 g	20 kg
20. Dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad		25 g	10 kg
21. Biscuits and shortbread	shortbread in a piece or pieces each weighing 200 g or more and biscuits made up in a predetermined constant quantity of less than 100 g for sale on the premises on which they are made up	50 g	10 kg
22. Potato crisps and other similar products commonly known as snack foods		50 g	10 kg
23. Herbs and spices		25 g	4 kg
(Note: Items 24-27 specify goods to be made up by volume) 24. Milk in liquid form		25 ml	10 l

25. Alcoholic beverages	wine to which the Prepackaging and Labelling of Wine and Grape Must (EEC Requirements) Regulations 1978(k) apply	85 ml	5 l
26. Edible oil in liquid or gel form		25 ml	20 l
27. Liquid coffee		25 ml	10 l
<p>(Note: This item specifies goods to be made up by weight or by volume)</p> <p>28. Food (including drink) for human consumption of any description (excluding a description mentioned in any of the foregoing items or specified as goods of an excluded category in relation to any such item)</p>	<p>cheese not falling within item 4;  flour confectionery (except when consisting of or including uncooked pastry), including bun loaves, fruit loaves, malt loaves and fruited malt loaves;  fresh fruits or vegetables of any description;  hops;  iced lollies, water ices and freeze drinks;  ice cream;  micro-biological preparations for addition to food;  single toffee apples;  soft drinks of any description in a syphon or made up in a predetermined constant quantity of less than 50 ml; and  sugar confectionery and chocolate confectionery (not being confectionery falling within item 7) of any of the following descriptions:—</p> <p>(a) Easter eggs;  (b) figurines of sugar or of chocolate;  (c) rock or barley sugar in sticks or novelty shapes;  (d) single articles made up in a predetermined constant quantity of less than 85 g; and  (e) a collection of articles each of which is either an article mentioned in (a) to (d) or an article in a container marked with a statement of quantity</p>	<p>25 g</p> <p>25 ml</p>	<p>10 kg</p> <p>or</p> <p>10 l</p>

Part II: Non-Foodstuffs (excluding goods specified in Part III)

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1 Description of goods (Regulation 3)	2 Excluded category of such goods (Regulation 4(1)(a) and (2))	3 Lower and upper limits of predetermined constant quantity (Regulation 4(1)(a))	
(Note: Items 1-13 specify goods to be made up by weight) 1. Agricultural liming materials and agricultural salt	calcareous sand	25 g	10 kg
2. Inorganic fertilisers	liquid fertilisers	25 g	50 kg
3. Solid fuel		1 kg	100 kg
4. Soap, soap flakes, washing and cleaning products in powder form, washing soda, scouring powders and lavatory cleaners in powder form	liquid soap	25 g	50 kg
5. Paint and distemper in powder form		250 g	25 kg
6. Pet foods (other than bird seed)	animal feed in biscuit or cake form packed in a quantity by number not exceeding 16	25 g	10 kg
7. Bird seed		125 g	10 kg
8. Rolled oats		25 g	10 kg
9. Nails	nails when made up by number	25 g	10 kg
10. Portland cement		25 g	5 kg
11. Paint remover in solid form		25 g	10 kg

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12. Knitting yarn and rug yarn	rug yarn in cut pack form	10 g	10 kg
13. Tobacco for pipes and for cigarettes rolled by hand or by the use of a device operated only by hand	hard pressed uncut tobacco and uncut spun-roll tobacco	25 g	1 kg
(Note: Items 14-18 specify goods to be made up by volume)			
14. Liquid fertilisers		25 ml	50 l
15. Liquid soap, liquid detergents, dishwashing rinse aids, liquid bleaches and fabric conditioners in liquid form		125 ml	50 l
16. Anti-freeze fluid for internal combustion engines		150 ml	10 l
17. Paint in liquid or gel form, linseed oil, paint thinner, turpentine, turpentine substitute, varnish, wood preservative fluid (including fungicides and insecticides), paint remover in liquid or gel form, petrifying fluid and rust remover		150 ml	25 l
18. Dentifrice in tubes		12 ml	10 l
(Note: Items 19-25 specify goods to be made up by weight or by volume)			
19. Liquid fuel, lubricating oil (including any mixture of such fuel and oil) and lubricating grease	liquefied petroleum gas in returnable containers	250 g	10 kg
		250 ml	10 l
20. Disinfectants and cleaning products which incorporate disinfectants		25 g	50 kg
		25 ml	50 l

1 Description of goods (Regulation 3)	2 Excluded category of such goods (Regulation 4(1)(a) and (2))	3 Lower and upper limits of predetermined constant quantity (Regulation 4(1)(a))	
21. Perfumes and toilet waters	pharmaceutical preparations	12 g 12 ml	10 kg or 10 l
22. Other toilet preparations for use on the hair or scalp of human beings	(i) pharmaceutical preparations; (ii) products specifically manufactured for, and sold for use by, hairdressers in hairdressing salons	20 g 20 ml	10 kg or 10 l
23. Other toilet preparations for external use on any other part of the human body	pharmaceutical preparations	12 g 12 ml	10 kg or 10 l
24. Dentifrices other than in tubes	pharmaceutical preparations	12 g 12 ml	10 kg or 10 l
25. Polishes and dressings analogous to polishes		30 g 30 ml	50 kg or 50 l

## Part III: Composite goods

1 Description of goods (Regulation 3)	2 Lower and (as applicable) upper limits of predetermined constant quantity (Regulation 4(1)(a))
<p>(Note: Items 1 and 2 specify goods to be made up by weight or by volume)</p> <p>1. Goods (being neither aerosol products nor goods of any of the descriptions mentioned in column 1 of Parts I and II, other than goods of an excluded category mentioned in column 2 of each of those Parts) which consist of a mixture constituted wholly or mainly of goods of any of those descriptions.</p> <p>For the purposes of this paragraph, "the relevant upper limit" means the limit specified in column 3 of Part I or II as applicable in relation to the goods of which the mixture in question is wholly or mainly constituted when they are made up in packages otherwise than as mentioned in this paragraph</p>	<p>25 g or 25 ml } the relevant upper limit</p>
<p>2. Aerosol products containing goods of any of the descriptions mentioned in column 1 of Parts I and II, including goods of an excluded category mentioned in column 2 of each of those Parts</p>	<p>25 g or 25 ml"</p>

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979. The main changes are—

- (a) Regulation 5(1) is amended to provide that Part I of the Weights and Measures Act 1979 (which relates to the “average” system of quantity control of packaged goods sold by weight or volume) shall not apply to packages marked with the EEC mark (as defined in section 5(6) of that Act) when the packages are made up above certain specified limits of quantity;
- (b) Regulation 8(1) is amended to provide that the time within which a notice has to be given to the Department of Commerce by a person who intends to import packages which are either marked, or which he intends to mark, with the EEC mark and to export them from the United Kingdom to another member State of the Economic Community, shall be before the expiry of the day on which the packages are imported (instead of the day on which they are so marked);
- (c) Regulation 26 is amended to provide for Part I of the Act to apply to an outer container of certain packages of cocoa or chocolate products in circumstances where that Part would otherwise not so apply; and
- (d) Schedule 1 is replaced by a new Schedule. The new Schedule 1 prescribes, among other things, the goods which, when made up within certain specified limits of quantity, are to be treated as class A packages (to which the average system applies obligatorily) for the purposes of the Regulations. The principal changes made by the new Schedule are—
  - (i) to ensure that bread only when made up in single loaf form is to be treated as a class A package for those purposes (item 3 of Part I of the Schedule),
  - (ii) to exclude packages of certain kinds of cheese and of pharmaceutical products from being so treated (item 28 of Part I and items 21-24 of Part II of the Schedule), and
  - (iii) to vary, for those purposes, the limits of quantity applicable in relation to packages of certain commodities (items 9-12 of Part I and items 20 and 25 of Part II of the Schedule) including packages which contain a mixture of prescribed goods (see Part III of the Schedule as read with Regulation 4(1)(a) of the principal Regulations as amended by these Regulations).