

SCHEDULE 1

Regulation 2

Part 1 Repeals and Revocations

<i>Statutory provision revoked</i>	<i>Reference</i>	<i>Extent of repeal or revocation</i>
The Weights and Measures (Northern Ireland) Order 1981	S.I. 1981/231 (N.I. 10)	Articles 30 to 38. Article 46(2) and (5). Article 47(3). Article 48(4). Schedules 8 and 9.
The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990	S.R. 1990 No.410	The whole Regulations
The Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1992	S.R. 1992 No.485	The whole regulations
The Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No.321	The whole regulations
The Weights and Measures (Packaged Goods) and Quantity Marking and Abbreviations of Units (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No.229	Part II of the Schedule in so far as it amends the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990

Part 2—Minor and Consequential Amendments

The Weights and Measures (Northern Ireland) Order 1981

- The 1981 Order is amended as follows.
- In Article 2(2) after the definition of “occupier”, insert—
“packaged goods regulations” means the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011;”
- After Article 20(5), add—
“(6) For the purposes of this Article the quantity of goods in a package, or of a loaf of bread, to which the packaged goods regulations apply shall be deemed to be the nominal quantity (within the meaning of those regulations) of the package or the loaf of bread.”
- After Article 22(9), add—
“(10) For the purposes of this Article the quantity of goods in a package, or of a loaf of bread, to which the packaged goods regulations apply shall be deemed to be the nominal quantity (within the meaning of those regulations) of the package or the loaf of bread.”

Status: This is the original version (as it was originally made).

5. In Article 40(1) after the words “this Order or any enactment falling to be repealed by it” and after the words “under this Order or any such enactment”, insert “and the packaged goods regulations”.

6. In Article 42(1)(a) and (c), after the words “this Order or any instrument made under it”, insert “or the packaged goods regulations”.

7. In Article 44 after “this Order” insert “or any provision of the packaged goods regulations”.

8. In Articles 45(1)(a) and 45(1A)(b), after the words “this Order or of any instrument made under it”, insert “or the packaged goods regulations”.

9. In Article 46(1) omit the words “other than an offence under Articles 32, 34, 35(3) and 36.”

10. In Article 47(5), omit the words “or Article 36”.

Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989, S.R. 1989 No.69

11. In Article 6(4), omit the words from “or, in the case of a container” to “indication of quantity by net weight”.

*Capacity Serving Measures (Intoxicating Liquor)
Regulations (Northern Ireland) 1993, S.R. 1993 No.441*

12. Regulation 3(2) is revoked.

*Measuring Equipment (Capacity Measures)
Regulations (Northern Ireland) 1998, S.R. 1998 No.48*

13. Regulation 3(1)(b) is revoked.

*Weights and Measures (Quantity Marking and Abbreviations
of Units) Regulations (Northern Ireland) 1999 S.R.1999 No. 84*

14. In regulation 2(1)(a), omit the words “or Article 30(1A) or 31 (5) or (5A)”.

*The Weighing Equipment (Automatic Gravimetric Filling
Instruments) Regulations (Northern Ireland) 2005, S.R. 2005 No.27*

15. Regulation 3(3) is revoked.

*The Weighing Equipment (Non-Automatic Weighing Machines)
Regulations (Northern Ireland) 2006, S.R. 2006 No.5*

16. Regulation 3(2) paragraphs (f) and (g) are revoked.

Criminal Justice and Police Act 2001 (2001 c. 16)

17. The Criminal Justice and Police Act 2001 is amended as follows.

18. In section 57(1)(d), for the words “Schedule 9 to the Weights and Measures (Northern Ireland) Order 1981 (S.I. 1981/231 (N.I. 10))”, substitute “Schedule 7 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011”.

19. For section 66(4)(f) substitute—

“(f) Schedule 7 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 (Powers of inspectors and the Department);”

20. In Part 1 of Schedule 1—

- (a) omit paragraph 31; and
- (b) insert after paragraph 73N(1) —

*“Weights and Measures (Packaged Goods) Regulations
(Northern Ireland) 2011 (S.R. 2011 No. 331)*

73O. The power of seizure conferred by paragraph 4 of Schedule 7 to the Weights and Measures (Packaged Goods) Regulations 2011—

SCHEDULE 2

Regulation 2

The reference test

This Schedule lays down the procedures of the reference test for statistical checking of batches of packages in order to meet the requirements of regulation 4(1)(a) and (b).

1. REQUIREMENTS FOR MEASURING THE ACTUAL CONTENTS OF PACKAGES

- 1.1 The actual contents of packages may be measured directly by means of weighing instruments or volumetric instruments or, in the case of liquids, indirectly, by weighing the packed product and measuring its density.
- 1.2 In all operations for checking quantities of products expressed in units of volume, the value employed for the actual contents shall be measured at or corrected to a temperature of 20°C, whatever the temperature at which packaging or checking is carried out. However this rule shall not apply to deep frozen or frozen products the quantity of which is expressed in units of volume.
- 1.3 Irrespective of the method used, the error made in measuring the actual contents of a package shall not exceed one-fifth of the tolerable negative error for the nominal quantity in the package.

2. REQUIREMENTS FOR CHECKING BATCHES OF PACKAGES

- 2.1 The checking of packages shall be carried out by sampling and shall be in two parts:
 - 2.1.1 a check covering the actual contents of each package in the sample,
 - 2.1.1 another check on the average of the actual contents of the packages in the sample.
- 2.2 A batch of packages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria.
- 2.3 For each of these checks, there are three sampling plans:
 - (a) a single sampling plan for non-destructive testing, i.e. testing which does not involve opening the package,
 - (b) a double sampling plan for non-destructive testing, and
 - (c) a single sampling plan for destructive testing, i.e., testing which involves opening or destroying the package.

(1) Paragraph 73N was inserted by paragraph 2(4) of Schedule 6 to the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010

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- 2.4 For economic and practical reasons, the third test shall be limited to the absolutely essential minimum; it is less effective than the non-destructive tests. Destructive testing shall therefore be used only when non-destructive testing is impracticable. As a general rule it shall not be applied to batches of fewer than 100 units.

Package batches

- 2.5 The batch shall comprise all the packages of the same nominal quantity, the same type and the same production run, packed in the same place, which are to be inspected. The batch size shall be limited to the amounts laid down below.
- 2.6 When packages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size.
- 2.7 In other cases the batch size shall be limited to 10,000.
- 2.8 For batches of fewer than 100 packages, the non-destructive test, where carried out, shall be 100%.
- 2.9 Before the tests in paragraphs 3 and 4 are carried out, a sufficient number of packages shall be drawn at random from the batch so that the check requiring the larger sample can be carried out. For the other check, the necessary sample shall be drawn at random from the first sample and marked.
- 2.10 This marking operation shall be completed before the start of measuring operations.

3. CHECKING OF THE ACTUAL CONTENTS OF A PACKAGE

- 3.1 The minimum acceptable contents shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal quantity of the package.
- 3.2 Packages in the batch whose actual contents are less than the minimum acceptable contents shall be considered defective.

Single sampling plan for non-destructive testing.

- 3.3 The number of packages checked shall be equal to the number in the sample, as indicated in the table below.
- 3.4 If the number of defective packages found in the sample is less than or equal to the acceptance criterion indicated in that table, the group shall be considered as acceptable for the purpose of the check..
- 3.5 If the number of defective packages found in the sample is equal to or greater than the rejection criterion there indicated, the group shall be rejected.

<i>Number in group</i>	<i>Number in sample</i>	<i>Number of defective packages</i>	
		<i>Acceptance criterion</i>	<i>Rejection criterion</i>
100 to 500	50	3	4
501 to 3,200	80	5	6
3,201 and above	125	7	8

- 3.6 For a batch of fewer than 100 packages the batch shall be considered acceptable for the purposes of the check if the number of defective packages does not exceed 5%.

Double sampling plan for non-destructive testing

- 3.7 Non-destructive testing shall be carried out in accordance with a double sampling plan as shown in the table below.
- 3.8 The first number of packages checked shall be equal to the number of units in the first sample, as indicated in the plan.

- 3.9 If the number of defective units found in the first sample is less than or equal to the first acceptance criterion, the batch shall be considered acceptable for the purpose of this check.
- 3.10 If the number of defective units found in the first sample is equal to or greater than the first rejection criterion, the batch shall be rejected.
- 3.11 If the number of defective units found in the first sample lies between the first acceptance criterion and the first rejection criterion, a second sample shall be checked, the number of units in which is indicated in the plan. The defective units found in the first and second samples shall be added together and:
 - 3.11.1 If the aggregate number of defective units is less than or equal to the second acceptance criterion, the batch shall be considered acceptable for the purpose of this check,
 - 3.11.2 If the aggregate number of defective units is greater than or equal to the second rejection criterion, the batch shall be rejected.

Number in batch	Samples		Number of defective units		
	Order	Number	Aggregate number	Acceptance criterion	Rejection criterion
100 to 50	1st	30	30	1	3
	2nd	30	60	4	5
501 to 3,200	1st	50	50	2	5
	2nd	50	100	6	7
3,201 and over	1st	80	80	3	7
	2nd	80	160	8	9

Single sampling plan for destructive testing

- 3.12 Destructive testing shall be carried out in accordance with the single sampling plan below and shall be used only for batches of 100 or more.
- 3.13 The number of packages checked shall be equal to 20.
- 3.14 If the number of defective units found in the sample is less than or equal to the acceptance criterion, the batch of packages shall be considered as acceptable.
- 3.15 If the number of defective units found in the sample is equal to or greater than the rejection criterion, the batch of packages shall be rejected.

Number in batch	Number in sample	Number of defective packages	
		Acceptance criterion	Rejection criterion
Whatever the number (≥ 100)	20	1	2

4. CHECKING OF AVERAGE ACTUAL VOLUME OF THE CONTENTS OF THE INDIVIDUAL PACKAGES MAKING UP A BATCH

4.1 A batch of packages shall be considered acceptable for the purpose of this check if the

mean value $\bar{x} = \frac{\sum x_i}{n}$ of the actual quantity of the contents of the packages in the sample is greater than the value:

$$Q_n = \frac{s}{\sqrt{n}} \cdot t_{(1-\alpha)}$$

4.2 In this formula:

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- Q_n = the nominal quantity of the package,
- n = the number of packages in the sample for this check,
- s = the estimated standard deviation of the actual contents of the batch,
- $t_{(1-\alpha)}$ = 0.995 confidence level of a Student distribution with $\delta = n-1$ degree of freedom

4.3 If χ_i is the measured value for the actual contents of the i -th item in a sample containing n items, then:

The mean of the measured values for the sample is obtained by the following calculation:

$$\bar{x} = \frac{\sum_{i=1}^{i=n} \chi_i}{n}$$

4.4 and the estimated value of the standard deviation s is obtained by the following calculation:

— $\sum_{i=1}^{i=n} (\chi_i)^2$
the sum of the squares of the measured values:

— $\left[\sum_{i=1}^{i=n} \chi_i \right]^2$
the square of the sum of the measured values:

then $\frac{1}{n} \left[\sum_{i=1}^{i=n} \chi_i \right]^2$

— $SC = \sum_{i=1}^{i=n} (\chi_i)^2 - \frac{1}{n} \left[\sum_{i=1}^{i=n} \chi_i \right]^2$
the corrected sum

— $v = \frac{SC}{n-1}$
the estimated variance:

the estimated value of the standard deviation is: $s = \sqrt{v}$

Criteria for acceptance or rejection of the batch of packages for checking the mean

4.5 Criteria for non-destructive testing:

Number in batch	Number in sample	Criteria	
		Acceptance	Rejection
100 to 500 (inclusive)	30	$\bar{x} \geq Q_n - 0.503s$	$\bar{x} < Q_n - 0.503s$
> 500	50	$\bar{x} \geq Q_n - 0.379s$	$\bar{x} < Q_n - 0.379s$

4.6 Criteria for destructive testing:

Number in batch	Number in sample	Criteria	
		Acceptance	Rejection
Whatever the number (≥ 100)	20	$\bar{x} \geq Q_n - 0.640s$	$\bar{x} < Q_n - 0.640s$

- 4.7 For batches of fewer than 100 packages, the average of the measured values of the actual contents shall be determined by application of the formula in paragraph 4.3 where n equals the number of packages in the batch. If the average is equal to or greater than the nominal quantity of the packages in the batch, the batch shall be considered as acceptable for the purposes of the check.

SCHEDULE 3

Regulation 2

Tolerable negative error

In calculating the amount of a tolerable negative error in a case where the error is to be calculated as a percentage of the nominal quantity, the amount shall be rounded up to the nearest one-tenth of a gram or millilitre.

Nominal quantity in grams or millilitres	Total negative error	
	As a percentage of nominal quantity	g or ml
5 to 50	9	–
from 50 to 100	–	4.5
from 100 to 200	4.5	–
from 200 to 300	–	9
from 300 to 500	3	–
from 500 to 1,000	–	15
from 1,000 to 10,000	1.5	–
from 10,000 to 15,000	–	150
above 15,000	1	–

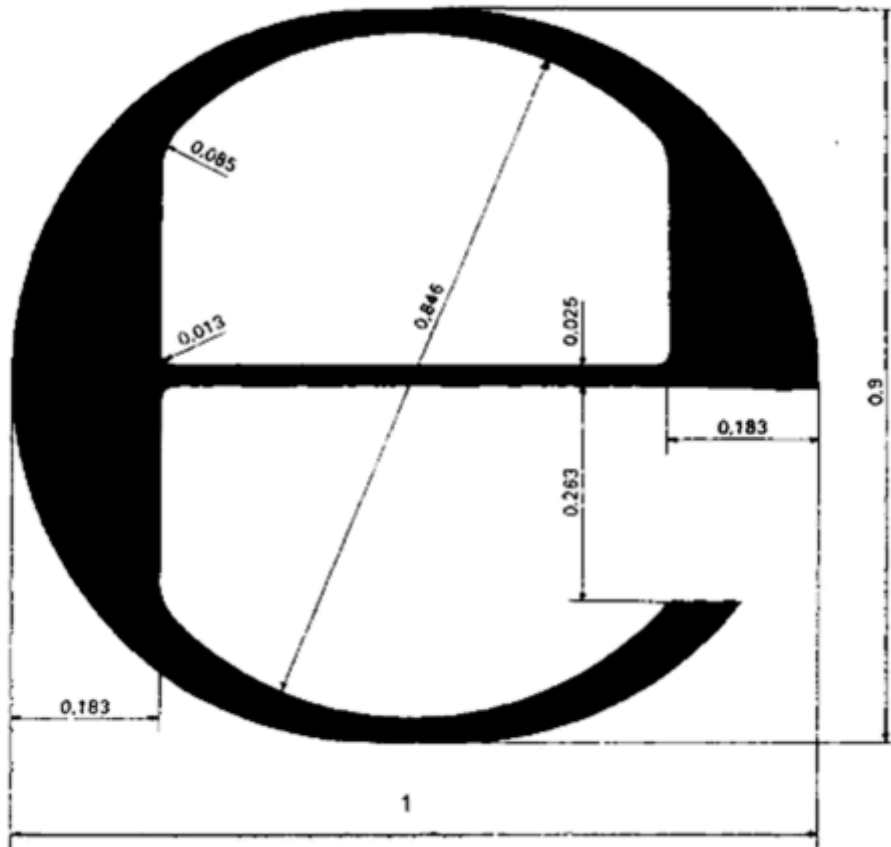
SCHEDULE 4

Regulation 2

The E-Mark

The figures marked on the E-mark below show its relative dimensions as a proportion of its width.

Status: This is the original version (as it was originally made).



SCHEDULE 5

Regulation 3(3)

Application to bread

1. References to the packer shall be treated as referring to the person who made the bread, or in the case of bread supplied to a retailer part-baked, completed the baking.
2. References to the making up or the packing of a package shall be treated as referring to the making up for sale of the loaf of bread.
3. References to the nominal quantity of a package shall be treated as references to the predetermined constant quantity to which the loaf of bread has been made up, including (where applicable) any additional quantity which has been marked on the packaging.
4. In their application to bread which is sold unwrapped—
 - (a) references to a package and references to what a package contains shall be treated as referring to the loaf of bread; and
 - (b) references to the contents of a package shall be treated as referring to the quantity of bread in the loaf.
5. Regulation 3(5) shall not apply.

6. The following provisions of regulations 5 and 6 shall not apply to bread sold in open packets—
 - (a) in regulation 5, paragraphs (1)(a), (2), (3), and (4); and
 - (b) in regulation 6, paragraphs (1)(a) and (b), (2), (3) and (4).
7. Regulations 5 and 6 shall not apply to bread which is sold unwrapped.
8. Regulations 8 and 11 shall not apply.
9. Where the chief inspector gives a written notice to a packer of bread that regulation 9(1)(b)(ii) (duty to keep records) does not apply to him then the packer shall be exempt from that requirement whilst the notice is in force.
10. In Regulation 19(1), for the words “which was not marked on the packages when they were in his possession” there shall be substituted—

“which was not the nominal quantity to which the bread was made up.”
11. Where bread is not made up by means of a continuous process, for paragraphs 2.5 to 2.7 of Schedule 2 there shall be substituted—
 - 2.5 The batch shall comprise all the loaves of bread of the same nominal quantity and type, which have been baked in the same bakery, and which are available to be inspected.
 - 2.6 Where it is reasonably practicable to do so, the batch shall be comprised of bread baked in the same oven at the same time.
 - 2.7 The batch size shall be subject to a maximum of 10,000 in number.”
12. In Schedule 7—
 - (a) paragraph 5 shall not apply; and
 - (b) in paragraph 7, for the words “, 1(f) or 5” there shall be substituted “or 1(f)”.
13. Where bread is supplied part-baked to a retailer who completes the baking in the premises from which the bread is sold, then the retailer may by giving written notice to the Department choose not to have the bread treated as a package under these Regulations.

Status: This is the original version (as it was originally made).

SCHEDULE 6

Regulation 3(4)(g)

Products referred to in regulation 3(4)(g) to which the Regulations do not apply where the predetermined constant quantity is less than that shown

<i>Description of goods</i>	<i>Predetermined constant quantity</i>
Biscuits and shortbread Biscuits includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos	50 g
Cocoa and chocolate products which are “designated products” as defined by regulation 2(1) of the Chocolate Products (England) Regulations 2003(a)	50 g
Chocolate confectionery being any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but not including any biscuits, chocolate products, flour confectionery or edible ice	50 g
Herbs and spices	25 g
Potato crisps and other similar products commonly known as snack foods	25 g
Single portion vending machine beverage packs	25 g or 25 ml
Individual portion of a food intended as a minor accompaniment to another food or another service. This includes butter and other fat spreads, milk, cream and cheeses, jams and marmalades, mustards, sauces, tea, coffee and sugar, and another service includes the provision of sleeping accommodation at an hotel or other establishment at which such accommodation is provided by way of trade or business.	25 g or 25 ml
Sugar confectionary being any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar.	50 g
Sugar	20 g

SCHEDULE 7

Regulation 10(5)

Powers of inspectors and the Department

Powers of entry and inspection

1. Inspectors may on production if so requested of their credentials, at all reasonable times—
 - (a) enter any premises (except premises used only as a private dwelling-house) as to which they have reasonable cause to believe that packages are made up on the premises or that imported packages belonging to the importer of them are on the premises or that packages intended for sale are on the premises;

- (b) inspect and test any equipment which they have reasonable cause to believe is used in making up packages in the United Kingdom or in carrying out a check mentioned in paragraphs (1) and (3) of regulation 9;
 - (c) inspect, and measure in such manner as they think fit, any thing which they have reasonable cause to believe is or contains or is contained in a package and, if they consider it necessary to do so for the purpose of inspecting the thing or anything in it, break it open;
 - (d) inspect and take copies of, or of any thing purporting to be—
 - (i) a record, document, or certificate of a kind mentioned in regulations 5(2), 9(1) or 9(3)(a); or
 - (ii) evidence of a kind mentioned in regulations 9(3)(b) or 9(4);
 - (e) require any person on premises which inspectors are authorised to enter by virtue of paragraph (a) to provide such assistance as the inspectors reasonably consider necessary to enable them to exercise effectively any power conferred on them by paragraphs (a) to (d);
 - (f) require any person to give to them such information as the person possesses about the name and address of the packer and of any importer of a package which inspectors find on premises they have entered by virtue of this paragraph or paragraph 2.
2. If a lay magistrate, on sworn information in writing—
- (a) is satisfied there is reasonable ground to believe that—
 - (i) a package or thing containing a package, or
 - (ii) any such equipment, record, document or certificate as is mentioned in paragraph 1, is on any premises or that an offence under regulations 12 to 15 is being or is about to be committed on any premises, and
 - (b) is also satisfied either—
 - (i) that admission to the premises has been refused or that a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or
 - (ii) that an application for admission or the giving of such a notice would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,
- the lay magistrate may by warrant under his hand, which shall continue in force for a period of one month, authorise inspectors to enter the premises if need be by force.

3.—(1) Inspectors entering any premises by virtue of paragraph 1 or 2 may take with them such other persons and equipment as they consider necessary.

(2) It shall be the duty of inspectors who leave premises which they have entered by virtue of paragraph 2 and which are unoccupied or from which the occupier is temporarily absent to leave the premises as effectively secured against trespassers as they found them.

Power of seizure

4. Where inspectors have reasonable cause to believe that an offence under regulations 12 to 15 or this Schedule has been committed and that any equipment, record, document, package or thing containing or contained in a package may be required as evidence in proceedings for the offence they may seize it and detain it for as long as it is so required.

Status: This is the original version (as it was originally made).

Power to require information

5.—(1) An inspector may serve, on any person carrying on business as a packer or importer of packages, a notice requiring that person—

- (a) to furnish the inspector from time to time with particulars of the kind specified in the notice of any marks which are applied from time to time to packages made up in that area by that person or to packages imported by that person, for the purpose of enabling the place where the packages were made up to be ascertained, and
- (b) if the person has furnished particulars of a mark in pursuance of the notice and the mark ceases to be applied to such packages for that purpose, to give notice of the cesser to the inspector.

(2) A notice given by an inspector under this paragraph shall not require a person to furnish information which that person does not possess.

Purchase of goods

6.—(1) The Department may purchase goods, and authorise any of its officers to purchase goods on its behalf, for the purpose of ascertaining whether an offence under regulations 12 to 15 has been committed.

(2) If an inspector breaks open a package in pursuance of paragraph 1(c) otherwise than on premises occupied by the packer or importer of the package, and the package is not such that the packer or importer is in breach of regulation 4(1)(c), it shall be the duty of the inspector, if the owner of the package requests the inspector to do so, to buy the package on behalf of the Department.

Failure to provide assistance or information

7. Any person who without reasonable cause fails to comply with a requirement made of that person in pursuance of paragraph 1(e), 1(f) or 5 shall be guilty of an offence.