STATUTORY RULES OF NORTHERN IRELAND

2010 No. 203

WEIGHTS AND MEASURES

The Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations (Northern Ireland) 2010

Made - - - -	*4th June 2010*
Coming into operation	*19th July 2010*

The Department of Enterprise, Trade and Investment, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the packaging of products, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act:

Citation and commencement

1. These Regulations may be cited as the Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations (Northern Ireland) 2010 and shall come into operation on 19 July 2010.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Weights and Measures (Northern Ireland) Order 1981

3.—(1) The Weights and Measures (Northern Ireland) Order 1981(**4**) is amended as follows.

(2) For paragraph 2 of Schedule 4 (sand and other ballast) substitute—

"**2.** Subject to paragraph 3, ballast—

(a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by volume or by net weight, and

(b) if not so made up, shall be sold only by volume in a multiple of 0.2 cubic metre or by net weight.".

(3) In paragraph 3 of Schedule 5 (solid fuel), for sub-paragraph (1) substitute—

(**1**) S.I. 2009/1381.
(**2**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1).
(**3**) 1954 c.33 (N.I.)
(**4**) S.I. 1981/231 (N.I. 10); Schedule 5, paragraph 3 and Schedule 7, paragraph 5 were amended by S.R. 1995 No. 227, Article 2.

"(1) Subject to sub-paragraph (3), solid fuel—

(a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by net weight;

(b) if not so made up—

(i) shall be sold only in one of the following quantities by net weight, that is to say, 10, 15, 25, 50 or 62·5 kilograms; and

(ii) except in a case where the provisions of paragraph 5 or of an order under paragraph 7(2)(a) or the provisions of Part III of this Schedule apply, the quantity by net weight of solid fuel shall be made known to the buyer before or at the time when he takes possession of the solid fuel.".

(4) For paragraph 2 of Part II of Schedule 6 (miscellaneous goods other than foods), substitute—

"**2.** Subject to paragraph 3, any goods to which this Part applies—

(a) if made up in advance ready for retail sale or wholesale in a securely closed container, shall be sold only by volume, and

(b) if not so made up, shall be sold only by volume in a multiple of 0.1 cubic metre.".

(5) In Schedule 7 (composite goods and collections of articles)—

(a) in paragraph 3(2)—

(i) after "marked with" and before "an indication of quantity" insert—

"(a) an indication of the total capacity of the container (indicated in such a way as to avoid giving a false impression of the quantity of goods in the container), and

(b)"; and

(ii) for "net weight" substitute "net volume"; and

(b) in paragraph 5, for "3" substitute "3(2)(b)".

Amendment to the Weights and Measures (Knitting Yarns) Order (Northern Ireland) 1989

4.—(1) The Weights and Measures (Knitting Yarns) Order (Northern Ireland) 1989(**5**) is amended as follows.

(2) For paragraph (1) of Article 2 substitute—

"(1) Subject to the following provisions of this Order—

(a) knitting yarns made up in advance ready for retail sale in a securely closed container must be sold only by net weight in grams; and

(b) knitting yarns not so made up must be pre-packed only in one of the following quantities by net weight in grams, that is to say 25, 50, 100, 150, 200, 250, 300, 350, 400, 450, 500, 1000.".

(3) In Article 3, after "packs of knitting yarn," insert "then, unless the knitting yarn is made up in advance ready for retail sale in a securely closed container,".

(**5**) S.R. 1989 No. 407.

Amendment to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989

5.—(1) The Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(**6**) is amended as follows.

(2) For paragraph (2) of Article 1 substitute—

"(2) In this Order, except where the context expressly otherwise requires—

"the 1979 Act" means the Alcoholic Liquor Duties Act 1979(**7**);

"beer" and "cider" have the same meanings respectively as in section 1 of the 1979 Act but, in the case of "cider", as if the definition in section 1(6) did not include the words "(or perry)" in either place where they occur or "or pear";

"CN code" means a code comprised in the Combined Nomenclature;

"the Combined Nomenclature" means the Combined Nomenclature of the European Community(**8**);

"made-wine" and "wine" have the same meanings respectively as in section 1 of the 1979 Act; and

references to a subheading are to a subheading of the Combined Nomenclature.".

(3) After Article 3 insert—

"**3A.**—(1) Subject to paragraph (2), the intoxicating liquors specified in column 1 of Schedule A1 may be pre-packed only if they are made up in one of the quantities specified in column 3, subject to the exceptions specified in column 4.

(2) Paragraph (1) does not apply to the intoxicating liquors specified in column 1 of Schedule A1 when they are sold duty-free for consumption outside the European Union.

(3) Where two or more pre-packages make up a multi-pack, the quantities specified in column 3 of Schedule A1 apply to each pre-package.

(4) For the purposes of this Article—

(a) "pre-package" means a combination of a product and the individual package in which it is pre-packed; and

(b) "pre-packed" means made up in advance ready for retail sale or wholesale in a securely closed container.".

(4) Omit Article 4.

(5) In Article 6(1), for the words "the Schedule" in each place where they occur, substitute "Schedule 1".

(6) Renumber the Schedule as Schedule 1.

(7) In Schedule 1, omit columns 2 and 3.

(8) Insert the Schedule set out in the Schedule to these Regulations before Schedule 1.

Amendment to the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989

6.—(1) The Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989(**9**) is amended as follows.

(**6**) S.R 1989 No. 164; Schedule 1 was amended by S.R. 1990 No. 395.
(**7**) 1979 c. 4 as amended by S.I. 1979/241
(**8**) *See* Council Regulation (EEC) 2658/87 (OJ No. L256, 7.9.1987, p. 1)
(**9**) S.R. 1989 No. 69, amended by S.R. 1990 No. 395, 1995 No. 230, 2005 No. 516.

(2) In Article 4, after paragraph (4) insert—

"(5) If any of the foods (other than chunk honey) specified in column 1 of Schedule 1 to this Order is made up in advance ready for retail sale or wholesale in a securely closed container, the requirement in paragraph (1) that it be sold only in one of the quantities specified in column 2 in relation to the food does not apply.".

(3) In Article 7—

(a) in paragraph (1) omit ", when not pre-packed,"; and

(b) in paragraph (2)—

(i) after "paragraph (1)" insert "— (a)"; and

(ii) at the end insert—

"; and

(b) a whole loaf of bread made up in advance ready for retail sale or wholesale in a securely closed container".

(4) In Article 12, omit paragraph (2).

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 4th June 2010.

L.S.

M. Bohill
A senior officer of the Department of Enterprise,
Trade and Investment