1991 No. 320

WEIGHTS AND MEASURES

Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations (Northern Ireland) 1991

Made . . . . . *23rd July 1991*

Coming into operation . . *2nd September 1991*

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The Department of Economic Development, in exercise of the powers conferred by Articles 2(2)(**a**), 13(1)(*g*), 19(6)(*a*) and (*d*), 30(1A)(*a*), 31(5)(*a*) and (5A) and 38 of the Weights and Measures (Northern Ireland) Order 1981(**b**) and now vested in it(**c**) and if every other power enabling it in that behalf, and after consultation, in accordance with Article 48(4) of that Order, with such organisations as appear to it to be representative of interests substantially affected by the Regulations, hereby makes the following Regulations:—

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited at the Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations (Northern Ireland) 1991 and shall come into operation on 2nd September 1991.

(2) In these Regulations "the Order" means the Weights and Measures (Northern Ireland) Order 1981.

(3) The Weights and Measures (Marking and Abbreviations) Regulations (Northern Ireland) 1976(**d**), the Weights and Measures (Marking and Abbreviations) (Amendment) Regulations (Northern Ireland) 1978(**e**) and the Weights and Measures (Marking and Abbreviations) (Amendment) Regulations (Northern Ireland) 1980(**f**) are hereby revoked.

PART II

QUANTITY MARKING OF CONTAINERS AND UNITS OF MEASUREMENT TO BE USED IN MARKING

Application of Part II

2.—(1) Subject to paragraph (2), this Part shall apply in respect of—

(*a*) the manner of the marking of any container required by or under Part V of the Order or Article 30(1A) or 31(5) or (5A) to be marked with information as to quantity; and

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(**a**) *See* the definitions of "the Department", "prescribed" and "regulations"
(**b**) S.I. 1981/231 (N.I. 10); Articles 30(1A) and 31(5A) have effect by virtue of the modifications to Part VI of the Order made by paragraphs 2(*b*) and 5(*b*) of Part II of Schedule 3 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990, S.R. 1990 No. 410
(**c**) By S.I. 1982/846 (N.I. 11) Art. 4
(**d**) S.R. 1976 No. 155
(**e**) S.R. 1978 No. 126
(**f**) S.R. 1980 No. 84

(*b*) the units of measurement to be used in marking any container required by or under Part V of the Order to be marked with information as to quantity by measurement.

(2) Regulations 5 and 6 shall not apply in relation to any catchweight product.

(3) In this regulation "catchweight product" means any product which is not pre-packed according to a pre-determined fixed weight pattern, but is pre-packed in varying quantities.

Marking with quantity by measurement

3.—(1) Subject to paragraph (2), the marking of any container with information as to quantity by measurement shall comprise the numerical value of the unit of measurement expressed in words or figures and a reference to that unit expressed either in words or by means of the relevant symbol or abbreviation which may lawfully be used for trade in relation to that unit under Part III.

(2) Where the numerical value of the unit of measurement is expressed in words, the reference to that unit shall be expressed in words and not by means of a symbol or abbreviation.

(3) Any marking with information as to quantity by gross weight shall include the word "gross" or the words "including container" or other words which indicate that the marked weight includes the weight of the container.

(4) Abbreviation of the word "net" or "gross" shall not be used in the marking.

(5) Subject to paragraphs (6) and (7), a metric quantity used in the marking shall not be expressed as a vulgar fraction.

(6) For a period of 6 months after these Regulations come into operation a metric quantity used in the marking may be expressed as one of the following vulgar fractions namely one half or ½, or one quarter or ¼, of the unit of measurement.

(7) For a period of 1 year after these Regulations come into operation a person shall not be guilty of an offence under Article 20(2) of the Order by reason only of—

(*a*) having in his possession for sale, or

(*b*) having in his possession for delivery after sale, or

(*c*) causing or suffering any other person to have in his possession for sale or for delivery after sale,

any goods pre-packed or otherwise made up in or on a container for sale, or for delivery after sale, where a metric quantity used in the marking is expressed as one of the said vulgar fractions.

Legibility and position of marking

4.—(1) Any marking of a container with information as to quantity—

(*a*) shall be easy to understand, clearly legible and indelible;

(*b*) shall be easily visible to an intending purchaser under normal conditions of purchase;

(*c*) shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter; and

(*d*) if it is not on the actual container or on a label securely attached to the container, shall be so placed that it cannot be removed without opening the container.

Size of marking

5.—(1) Subject to regulation 2(2), where in any marking of any container the quantity by number or the numerical value of a unit of measurement is expressed in figures, all the relevant figures shall be at least the height specified in the second column of the Table set out in Schedule 1 in relation to—

(*a*) where the marking is of mass or weight, capacity or volume, the range of quantity specified in the first column of that Table, appropriate to the measurement being marked, within which the quantity of goods made up in or on that container falls, (or where the goods are made up in an imperial quantity, within which the metric equivalent of that quantity falls); or

(*b*) where the marking is of area, length or number, the range of size of container so specified within which the size of the container in or on which the goods are made up falls, being a size calculated in accordance with the provisions of that Schedule.

(2) The numerator and denominator together indicating a vulgar fraction of a unit of measurement shall appear one on top of the other and for the purposes of paragraph (1) shall be treated as a single figure.

Imperial and metric units of measurement

6.—(1) Subject to regulation 2(2) and paragraph (2), the marking of any container with information as to quantity by measurement shall be in metric units of measurement but may, in addition, be in imperial units.

(2) In the case of any goods required by or under Part V of the Order to be pre-packed or otherwise made up in or on a container for sale, or for delivery after sale, only if made up either in specified imperial or metric quantities or in specified imperial quantities only, the marking of quantity shall be in both metric and imperial units.

Requirements relating to quantity marking

7.—(1) Where the marking of quantity is in both metric and imperial units of measurement, the following provisions shall apply—

(*a*) the marking shall indicate the quantity in terms of the same measurement in the imperial system of units as in the metric system;

(*b*) in the case of any goods required by or under Part V of the Order to be pre-packed or otherwise made up in or on a container for sale, or for delivery after sale, only if made up in specified quantities, the marking shall first indicate the quantity in which they are made up;

(*c*) in any other case the marking may indicate the quantity first in either imperial or metric units;

(*d*) the indications of quantity in imperial and metric units shall be of equal size and shall be distinct but in close proximity to each other and nothing shall be inserted between them; and

(*e*) notwithstanding anything in regulation 10 of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(**a**), in the case of cows' milk and goats' milk any marking of any quantity in imperial units shall be entirely in terms of the pint, quart or gallon.

(2) In paragraph (*e*), ''cows' milk'' means cows' milk in any liquid form other than that of condensed milk within the meaning of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(**b**) (including evaporated milk) or of cream.

Units of measurement to be used in marking

8. Subject to regulation 7(1)(*e*), the units of measurement to be used in marking any container with information as to quantity by measurement are those set out in Columns 2 and 3 of Schedule 2, appropriate to the measurement being marked set out in Column 1.

Amendment of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990

9.—(1) Regulation 10 of the Weight and Measures (Packaged Goods) Regulations (Northern Ireland) 1990 shall be amended as follows:

(*a*) subject to paragraph (2), in paragraph (1) thereof—

(i) for ''Paragraphs (2) to (7) have'' there shall be substituted ''This regulation has'', and

(ii) the words ''and the manner in which the statement is to be marked'' shall be omitted;

(*b*) in paragraph (2)(*a*) thereof for the ''Weights and Measures (Marking and Abbreviations) Regulations (Northern Ireland) 1976'' there shall be substituted the ''Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations (Northern Ireland) 1991'';

(*c*) subject to paragraph (2) paragraph (7) thereof shall be omitted.

(2) In the case of packages containing poultry, but not including part only of any poultry:

(*a*) paragraph (1)(*c*) shall not apply; and

(*b*) for paragraph 1(B)(*c*)(ii) of Part I of Schedule 3 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990 there shall be substitued ''for regulation 10(7) there were substituted the words ''In the case of packages other than packages marked with the EEC mark the principal Regulations shall apply as if regulations 3(3) and (4), 5 and 7(1)(*b*) to (*e*) and (2) and Schedule 1 were omitted and as if in regulation 6(1) for the words ''metric units'' onwards there were substituted ''imperial or metric units or in both imperial and metric units'','' ''.

(**a**) S.R. 1990 No. 410
(**b**) S.R. 1977 No. 196 to which there are amendments not relevant to these Regulations