1989 No. 164

WEIGHTS AND MEASURES

Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989

Made	*4th May 1989*
Coming into operation . .	*12th June 1989*

The Department of Economic Development, in exercise of the powers conferred by Article 19(2), (3) and (7) of the Weights and Measures (Northern Ireland) Order 1981(**a**) and now vested in it (**b**) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 48(2) of that Order, 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, interpretation and revocation

1.—(1) This Order may be cited as the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 and shall come into operation on 12th June 1989.

(2) In this Order "beer", "cider", "made-wine" and "wine" have the same meanings respectively as in section 1 of the Alcoholic Liquor Duties Act 1979(**c**) and references to a subheading are references to a subheading of the Combined Nomenclature of the European Economic Community(**d**).

(3) The Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1986(**e**) is hereby revoked.

Control of sale of beer and cider

2.—(1) Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail—

(*a*) only in a quantity of ⅓ pint, ½ pint or a multiple of ½ pint; and

(*b*) subject to paragraph (2), where sold for consumption on the premises of the seller, only in a capacity measure of the quantity in question.

(2) Paragraph (1)(*b*) shall not apply where—

(*a*) the quantity of the intoxicating liquor the subject of the sale is ascertained by means of measuring equipment stamped in accordance

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(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) 1979 c. 4 as amended by S.I. 1979/241
(**d**) *See* Council Regulation (EEC) 2658/87 (OJ No. L256, 7.9.1987, p.1)
(**e**) S.R. 1986 No. 226

with regulation 16(2) of the Measuring Equipment (Intoxicating Liquor) Regulations (Northern Ireland) 1984(**a**);

(*b*) the liquor in question is delivered directly from the measuring equipment into the container in which it is intended the buyer should receive it;

(*c*) the liquor in question is so delivered after the buyer has ordered it; and

(*d*) the measuring equipment (or that part of it from which the liquor is delivered) is installed in such a position that the delivery of the liquor into the container can readily be seen by customers in that part of the premises where the buyer ordered the liquor.

Control of sale of gin, rum, vodka and whiskey

3.—(1) Subject to paragraphs (2) and (3), unless pre-packed in a securely closed container, intoxicating liquor of any of the following descriptions, that is to say, gin, rum, vodka and whiskey, shall be sold by retail for consumption on the premises at which it is sold only in a quantity of one-quarter of a gill or a multiple of one-quarter of a gill.

(2) Any such liquor shall be exempted from the requirements of this Article when it forms a constituent of a mixture of three or more liquids.

(3) Nothing in this Article shall make unlawful the sale at the express request of the buyer of any mixture of liquids containing any of those liquors in a quantity not otherwise permitted by this Article.

Control of sale of wine of fresh grapes, "yellow" and sparkling wines, liqueurs and other spirits and spirituous beverages

4.—(1) The intoxicating liquor and other liquids specified in column 1 of the Schedule shall be pre-packed or, in the case of those in Part III of the Schedule, otherwise made up in a container for sale, only if they are made up in one of the quantities by volume specified in column 2, subject to the exceptions specified in column 3.

(2) This Article applies to intoxicating liquor specified in column 1 in Part II of the Schedule made up after 31st December 1990, and to intoxicating liquor specified in column 1 in Part III of that Schedule made up after 31st December 1991.

Control of sale of wine and made-wine

5.—(1) Subject to paragraph (2), wine and made-wine for consumption on the premises at which it is sold shall—

(*a*) be pre-packed only in one of the following quantities, that is to say—

(i) 25 cl, 50 cl, 75 cl, or 1L; or

(ii) 10 fl oz, or 20 fl oz;

(*b*) when not pre-packed, be sold only in those quantities; and

(*c*) whether pre-packed or not, be sold only if a statement in writing showing the quantities in which wine or made-wine is for sale is either displayed on those premises in such a position and manner as to be

(**a**) S.R. 1984 No. 188

readily available without special request for inspection by the buyer before the sale is made, or is contained in every winelist and menu which is available to the buyer on those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption on those premises.

(2) Paragraph (1) shall not apply in the case of wine or made-wine which—

(*a*) is pre-packed in a securely closed container whether or not it is to be decanted at the request of the buyer before being served; or

(*b*) is sold in the glass or other vessel from which it is intended to be drunk.

Quantity marking

6.—(1) Intoxicating liquor and other liquids specified in column 1 of the Schedule shall be pre-packed in a closed container (or, in the case of those specified in Part III of the Schedule, otherwise made up in such a container for sale) only if the container is marked with an indication of quantity by volume, subject to the exemptions specified in column 4 of the Schedule.

(2) Intoxicating liquor of any other description shall be pre-packed in a closed container in a quantity of 5 ml or more but not exceeding 5L only if the container is marked with an indication of quantity by volume.

Offences and penalties

7.—(1) Without prejudice to the provisions of Article 20 of the Weights and Measures (Northern Ireland) Order 1981, if Article 2(1)(*b*) or 5(1)(*c*) is contravened, the occupier of the premises in question shall be guilty of an offence.

(2) Any person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding £2,000.

Multipacks

8. Nothing in this Order shall require any container to be marked with any information or to enclose intoxicating liquor or other liquids of a particular quantity if all the following provisions are satisfied:—

(*a*) the contents of the container in which any intoxicating liquor or other liquids is pre-packed consist of two or more packs of goods;

(*b*) where the goods in any pack, if sold individually, would be required by the Order to be made up in a specified quantity, the goods in any such pack are so made up;

(*c*) where any pack, if sold individually, would be required by the Order to be marked with an indication as to the quantity of the goods, the pack is so marked;

(*d*) (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and, where paragraph (*c*) applies, with an indication as to the quantity of the goods in each such pack; or

(ii) where each pack to which paragraph (*c*) applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container; or

(iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (*c*) applies, or, if there are two or more identical such packs, an indication as to the quantity of the goods in at least one of them is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

Sealed with the Official Seal of the Department of Economic Development on 4th May 1989.

(L.S.) *R. Smartt*

Assistant Secretary