1989 No. 69

WEIGHTS AND MEASURES

Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989

Made	*2nd March 1989*
Coming into operation . .	*10th April 1989*

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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:—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1988 and shall come into operation on 10th April 1989.

Interpretation

2. In this Order—

"biscuits" includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos;

"bread" means bread in any form other than breadcrumbs and includes the following, and any part of the following, that is to say, fancy loaves and milk loaves and "loaf" in relation to bread includes a roll and a bap; and for the purposes of this Order any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight;

"casein" and "caseinate" have the same meanings as they have in the Caseins and Caseinates Regulations (Northern Ireland) 1986(**c**);

"chicory", "chicory extract paste", "coffee", "coffee mixture", "coffee extract paste", "instant chicory", "instant coffee", "liquid chicory extract" and "liquid coffee extract" have the same meanings as they have in the Coffee and Coffee Products Regulations (Northern Ireland) 1979(**d**);

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) S.R. 1986 No. 40; to which there is an amendment not relevant to this Order
(**d**) S.R. 1979 No. 51; the relevant amending Regulations are S.R. 1982 No. 298 and S.R. 1988 No. 23

"chocolate confectionery", "flour confectionery" and "sugar confectionery" have the same meanings as they have in the Food Labelling Regulations (Northern Ireland) 1984(**a**) except that "flour confectionery" includes food containing a filling which has as an ingredient vegetable protein material or microbial protein material and also includes bun loaves, fruit loaves, malt loaves and fruited malt loaves;

"cocoa product", "chocolate product", "fancy chocolate product", "container" in relation to these products and "reserved description" have the same meanings as they have in the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(**b**); except that "cocoa product" and "chocolate product" shall include a product specially prepared for diabetics or to which a slimming claim (as defined in the said Regulations) is lawfully applied and which has been specially prepared in connection with that claim by the addition of any ingredient other than an edible substance as so defined;

"coffee bag" means a permeable sealed bag, which is intended to be immersed in water in the course of preparation to drink, containing coffee or a coffee mixture, or a mixture of any of those products and instant coffee, which consists predominantly of coffee or a coffee mixture;

"condensed milk" and "dried milk" have the same meanings as they have in the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(**c**);

"liquid coffee and chicory products" means liquid coffee extract and liquid chicory extract, and blends thereof;

"milk" means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream;

"the Order of 1981" means the Weights and Measures (Northern Ireland) Order 1981;

"potatoes" means potatoes in the state in which they were harvested or in that state apart from cleaning;

"preserved milk" means condensed milk (including evaporated milk) or dried milk; and

"solid and paste coffee and chicory products" means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory.

Schedule 3 to the Order of 1981 to cease to have effect

3. Schedule 3 to the Order of 1981, so far as it still applies, shall cease to have effect.

(**a**) S.R. 1984 No. 407; to which there are amendments not relevant to this Order

(**b**) S.R. 1976 No. 183; the relevant amending Regulations are S.R. 1981 No. 305, S.R. 1982 No. 349 and S.R. 1984 No. 407

(**c**) S.R. 1977 No. 196; to which there are amendments not relevant to this Order

General requirements for certain foods to be pre-packed in specified quantities and their containers to be quantity marked or, when not pre-packed, to be sold by retail by quantity

4.—(1) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than chunk honey and comb honey and cut lump salt, shall be pre-packed or, in the case of sugar, otherwise made up in a container for sale, only if they are made up in one of the quantities by net weight, or, in the case of milk, by capacity measurement, specified in column 2 in relation to the foods, subject to the exceptions specified in column 3.

(2) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than cut lump salt and milk, shall be pre-packed or, in the case of honey, cocoa products and chocolate products, solid and paste coffee and chicory products and sugar, otherwise made up in a container for sale, only if the container is marked with an indication of quantity by net weight, subject to the exemptions specified in column 4.

(3) Subject to the following Articles, the foods specified in column 1 of Schedule 1, other than bread and chunk honey and comb honey and milk, shall, when not pre-packed, if sold by retail be sold only by net weight, subject to the exceptions specified in column 5.

Provision for the containers of certain foods not sold by retail to be accompanied by a document indicating quantity

5.—(1) In the case of caseins, caseinates or preserved milk for human consumption, solid and paste coffee and chicory products, cocoa products to which this Article applies or honey pre-packed or otherwise made up in a container for sale, the information required by Article 4(2), 8, 10(2) or 13 to be marked on the container may, if:—

(*a*) the foods are not sold by retail; and

(*b*) the net weight of the foods is not less than the particular quantities specified in paragraph (3) in relation to the foods,

be given at the time when they are sold in a document accompanying the container and containing an indication of quantity by net weight expressed in the case of caseins, caseinates or preserved milk for human consumption and cocoa products in metric units of measurement and in other cases in both imperial and metric units.

(2) This Article applies to cocoa products only of the following reserved descriptions, that is to say, cocoa bean, cocoa nib, cocoa dust, cocoa fines, cocoa mass, cocoa press cake, fat-reduced cocoa press cake and expeller cocoa press cake.

(3) The quantities referred to in paragraph (1) are:

solid and paste coffee and chicory products	5 kilogrammes
caseins, caseinates or preserved milk for human consumption	10 kilogrammes
cocoa products	10 kilogrammes
honey	10 kilogrammes

PART III

SPECIAL PROVISIONS IN RESPECT OF PARTICULAR FOODS

Biscuits and shortbread

6.—(1) Article 4(1) and (2) shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, and either:—

(*a*) the biscuits are in the possession of the producer for sale by him by retail on those premises; or

(*b*) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Biscuits to which paragraph (1) applies (other than wafer biscuits which are not cream-filled) shall be pre-packed only if the container is marked with an indication of quantity by net weight but there shall be exempted from the requirements of this paragraph biscuits pre-packed in a quantity not exceeding 100 grammes.

(3) Shortbread shall be pre-packed only if the container is marked with an indication of quantity by net weight but there shall be exempted from the requirements of this paragraph shortbread where made up in a quantity not exceeding 50 grammes or shortbread consisting of a piece or pieces each weighing 200 grammes or more if the number of pieces in the container, if more than one, is marked on the container or is clearly visible and capable of being easily counted through the container.

(4) Wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number or, in the case of a container marked with the EEC mark within the meaning of Article 34 of the Order of 1981, only if it is marked with an indication of quantity by net weight.

(5) Wafer biscuits which are not cream-filled and which are not pre-packed shall if sold by retail be sold only by number.

(6) Shortbread, except where the quantity does not exceed eight pieces, shall, when not pre-packed, if sold by retail be sold only by net weight.

Bread

7.—(1) Subject to paragraph (2), a whole loaf of bread of a net weight exceeding 300 grammes, when not pre-packed, shall be made for sale only if it is of a net weight of 400 grammes or a multiple of 400 grammes.

(2) There shall be exempted from the requirements of paragraph (1) any sale in pursuance of a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread thereunder to be of a specified aggregate quantity of not less than 25 kilogrammes and for the weighing of the bread on delivery.

Caseins and caseinates

8. Caseins and caseinates for human consumption in a quantity of not less than 5 grammes shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.