1988 No. 408

WEIGHTS AND MEASURES

Weights and Measures (Various Foods) Order (Northern Ireland) 1988

Made . . . . . *18th November 1988*

Coming into operation . . *19th December 1988*

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 and commencement

1. This Order may be cited as the Weights and Measures (Various Foods) Order (Northern Ireland) 1988 and shall come into operation on 19th December 1988.

Interpretation

2. In this Order—

"cheese" means cheese, whether or not containing flavouring or colouring matter, and whether or not coated or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour, and includes processed cheese and cheese spread;

"countable produce" means fruit or vegetables specified in Part I of Schedule 1;

"meat" means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine;

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

"soft fruits" means fruits of the following descriptions, that is to say, bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants.

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4

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

3. Parts I, II, IV and VIII of Schedule 3 to the Order of 1981 shall cease to have effect.

Cheese, fish, meat and poultry

4.—(1) This Article applies to food of any of the following descriptions, that is to say—

(*a*) cheese;

(*b*) fish, meat or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed;

(*c*) sausage-meat in any form, whether cooked or uncooked; and

(*d*) any article which, though it also contains other food, consists substantially of cheese, fish, meat, poultry or sausage-meat,

other than dripping, lard, fish paste, meat paste, poultry paste and shredded suet, and any reference in this Article to poultry includes a reference to any part of any poultry.

(2) Subject to paragraphs (7) to (9), any food to which this Article applies which is not pre-packed, shall, if sold by retail, be sold only—

(*a*) by net weight; or

(*b*) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2, either by net weight or by gross weight.

(3) Subject to paragraphs (7) and (8), any food (other than cheese and fish) to which this Article applies shall, if sold otherwise than by retail, be sold only—

(*a*) by net weight; or

(*b*) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2, either by net weight or by gross weight.

(4) Subject to paragraph (7), any food (other than cheese) to which this Article applies 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 any food in a quantity of less than 5 grammes.

(5) Subject to paragraph (9)—

(*a*) processed cheese;

(*b*) cheese spread; and

(*c*) natural cheese of any of the following descriptions, that is to say, Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale,

shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(6) On or after 1st June 1989, cheese of any description other than that specified in paragraph (5) 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—

(*a*) whole Stilton cheese;

(*b*) any cheese in a quantity of less than 25 grammes and more than 10 kilogrammes; and

(*c*) any cheese sold by gross weight in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2, if the quantity is made known to the buyer before he pays for or takes possession of the goods.

(7) There shall be exempted from the requirements of paragraphs (2) to (4)—

(*a*) bath chaps, sausage rolls, and pies, puddings and flans containing cheese, fish, meat or poultry provided that in the case of more than one item of food pre-packed in a container not marked with an indication of quantity by net weight the number of items in the container is marked on the container or is clearly visible and capable of being easily counted through the container;

(*b*) any other goods (other than cheese) in a quantity of less than 5 grammes.

(8) There shall be exempted from the requirements of paragraphs (2) and (3)—

(*a*) cooked poultry;

(*b*) shellfish in shell, jellied fish, pickled fish and fried fish;

(*c*) any sale of fish made otherwise than from a market, shop, stall or vehicle;

(*d*) single cooked sausages in natural casings less than 500 grammes in weight; and

(*e*) sausage-meat products other than in sausage form when offered or exposed for sale as a single item in a quantity of less than 500 grammes.

(9) There shall be exempted from the requirements of paragraphs (2) and (5) any cheese in a quantity of less than 25 grammes.

Fresh fruits and vegetables other than potatoes

5.—(1) This Article applies to food consisting of fruits or vegetables of any description, other than potatoes—

(*a*) in the state in which they were harvested;

(*b*) in the said state apart from cleaning or trimming;

(*c*) in the case of beetroots, in the said state apart from having been cooked; or

(*d*) in the case of peas, in the said state apart from having been shelled.

(2) Where fruits or vegetables of any description to which this Article applies have been divided into pieces or have had part thereof removed or both, then, subject to paragraph (7), paragraph (6) shall apply to any food consisting of, or including any part of, any of those fruits or vegetables which have not been subjected to any further process.

(3) Subject to paragraphs (7) to (9), fruits and vegetables of any description, other than soft fruits and mushrooms, shall be pre-packed only if

the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(4) Subject to paragraphs (7) and (9), fruits and vegetables of any description, other than soft fruits and mushrooms, which are not pre-packed, shall, if sold by retail, be sold only—

(*a*) by net weight;

(*b*) in the case of countable produce, either by net weight or by number; or

(*c*) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2, either by net weight or by gross weight.

(5) Subject to paragraph (7), any fruits or vegetables consisting of soft fruits or mushrooms shall, if sold by retail, be sold only—

(*a*) by net weight; or

(*b*) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table B of Schedule 2, either by net weight or by gross weight,

and the quantity shall be made known to the buyer before he pays for or takes possession of the food.

(6) Any food to which this paragraph applies by virtue of paragraph (2) shall—

(*a*) if not pre-packed and if sold by retail, be sold only by net weight or, in the case of countable produce, either by net weight or by number; or

(*b*) be pre-packed only if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(7) The following shall be exempted from any requirement of paragraph (3), (4) or (5) which would otherwise apply thereto, that is to say—

(*a*) food pre-packed in the same container with other goods (except potatoes) to which none of those requirements applies;

(*b*) food pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Article would otherwise apply or which include potatoes;

(*c*) any food in a quantity of more than 5 kilogrammes;

and there shall be exempted from all requirements of this Article any goods in a quantity of less than 5 grammes.

(8) There shall be exempted from the requirements of paragraph (3) a pre-packed collection of not more than eight articles of countable produce, if the container is such that all the articles can be clearly seen by a prospective buyer.

(9) There shall be exempted from the requirements of paragraphs (3) and (4) any vegetables specified in Part II of Schedule 1, if sold in a bunch.

(10) Where at any premises other than a vehicle or ship any food to which this Article applies has been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—