1986 No. 226

WEIGHTS AND MEASURES

Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1986

Made	*18th July 1986*
Coming into operation . . .	*25th August 1986*

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) 1986 and shall come into operation on 25th August 1986.

(2) In this Order "made-wine" and "wine" have the same meanings respectively as in section 1 of the Alcoholic Liquor Duties Act 1979(**c**).

(3) The Weights and Measures (Beer and Cider) (Exemption) Order (Northern Ireland) 1976(**d**), the Weights and Measures (Sale of Wine) Order (Northern Ireland) 1977(**e**) and the Weights and Measures (Wine and Grape Must) Order (Northern Ireland) 1983(**f**) are hereby revoked.

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

2. In the Weights and Measures (Northern Ireland) Order 1981—

(*a*) in Article 1(3) the words "and paragraph 7 of Part III of Schedule 3" shall be omitted;

(*b*) in Schedule 3 Part III shall cease to have effect.

Control of sale of beer and cider

3.—(1) Unless pre-packed in a securely closed container and except when sold for consumption at the premises of the seller 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 at the premises of the seller, only in a capacity measure of the quantity in question.

(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) S.R. 1976 No. 289
(e) S.R. 1977 No. 53
(f) S.R. 1983 No. 391

(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 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

4.—(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 at 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 and made-wine

5.—(1) Subject to paragraph (2), wine and made-wine for consumption at 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 at those premises in such a position and manner as to be readily available without special request for inspection by the buyer before the sale is made, or is contained in every wine-list and menu which is available to the buyer at those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption at 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 bottle 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.

Pre-packing requirements in relation to wine and grape must

6.—(1) This Article applies to the wine and grape must specified in paragraph 1(*a*) and (*b*) of Annex III to Council Directive No. 75/106/EEC(**b**), that is to say—

(*a*) wine of fresh grapes;

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

(**b**) OJ No. L42, 15.2.1975, p. 1, as amended by Council Directive No. 79/1005/EEC (OJ No. L308, 4.12.1979, p. 25) and Council Directive No. 85/10/EEC (OJ No. L4, 5.1.1985, p. 20)

(*b*) fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, except for wines included in subheadings 22·05 A and B and liqueur wines (subheading ex 22·05 C);

(*c*) grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (heading 22·04); and

(*d*) "yellow" wines entitled to use the following designations of origin: "Côtes du Jura", "Arbois", "L'Étoile" and "Château-Chalon".

(2) In this Article references to a heading or subheading are references to a heading or subheading of the Common Customs Tariff of the European Economic Community(**a**).

(3) Subject to the following paragraphs, wine and grape must shall be pre-packed only if they are made up in one of the following quantities by volume, that is to say—

(*a*) 10 cl, 25 cl, 37·5 cl, 50 cl, 75 cl, 1L, 1·5L, 2L, 3L, 5L, 6L, 9L and 10L; and

(*b*) 18·7 cl for consumption on board aircraft and ships only.

(4) Until 31st December 1985, wine and grape must may be pre-packed if they are made up in the quantity by volume of 73 cl; and until 31st December 1988, they may be pre-packed if they are made up in one of the following quantities by volume, that is to say:—

35 cl, 70 cl and 1·25L.

(5) Subject to paragraph (6), yellow wine specified in paragraph (1)(*d*) shall be pre-packed only if it is made up in the quantity by volume of 62 cl.

(6) There shall be exempted from the requirements of paragraphs (3) and (5)—

(*a*) wine and grape must made up in quantities of less than 5 ml and more than 10L;

(*b*) wine to which Article 5(1)(*a*) applies; and

(*c*) wine and grape must made up in securely closed containers before 1st January 1984.

Quantity marking

7.—(1) Subject to paragraph (2), intoxicating liquor of any description shall be pre-packed in a closed container only if the container is marked with an indication of quantity by capacity measurement.

(2) There shall be exempted from the requirements of this Article—

(*a*) before 1st January 1987, any liquor in a quantity of less than 85 ml;

(*b*) on or after that date, any liquor in a quantity of less than 5 ml or more than 5L.

Offences and penalties

8.—(1) Without prejudice to the provisions of Article 20 of the Weights and Measures (Northern Ireland) Order 1981, if Article 3(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

9. Nothing in the foregoing provisions of this Order shall require any container to be marked with any information or to enclose intoxicating liquor or grape must of a particular quantity if all the following provisions are satisfied—

(a) *See* Annex to Council Regulation (EEC) No. 950/68 (OJ No. L172, 22.7.1968, p. 1) as last amended by Council Regulation (EEC) No. 3333/83 (OJ No. L313, 14.11.1983, p. 1)