1980 No. 403

WEIGHTS AND MEASURES

Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . *11th November 1980*

Coming into operation . . . *1st January 1981*

The Department of Commerce, in exercise of the powers conferred on it by sections 1, 5, 13, 14(1) and 15 of the Weights and Measures Act 1979(**a**) and of every other power enabling it in that behalf, having consulted pursuant to section 15(3) of that Act with such organisations as it considers are representative of interests which would be substantially affected by these Regulations, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations (Northern Ireland) 1980 and shall come into operation on 1st January 1981.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Regulations of 1979

2. The provisions of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979(**c**) set out in column 1 of the Schedule shall be amended as set out in column 2 of the Schedule.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 11th November 1980.

(L.S.) *W. T. McCrory*
Assistant Secretary

(**a**) 1979 c. 45 s. 21 and Sch. 6 modify this Act in its application to Northern Ireland
(**b**) 1954 c. 33 (N.I.)
(**c**) S.R. 1979 No. 435

SCHEDULE Regulation 2

Amendments to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979

(Column 1) Regulation	*(Column 2)* Amendment
2	(*a*) After paragraph (3) insert: "(4) The Interpretation Act (Northern Ireland) 1954(**q**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly." (*b*) At the foot of the page on which Regulation 2(4) is inserted a footnote reference as follows shall be added: "(**q**) 1954 c. 33 (N.I.)".
3	For "packages" substitute "containers".
4	(*a*) In paragraph (1)(*a*) after "the lower limit" insert "and not more than the upper limit", and delete "and not more than the upper limit so specified"; and (*b*) at the end of paragraph (2) add "and Part I of the Act shall apply in relation to packages of those classes subject to the provisions made by Regulation 5(2).".
5(1)	After sub-paragraph (*b*) insert: "(*bb*) *packages marked with the EEC mark containing goods of any description where–* (i) in a case other than that mentioned in (ii), the packages are made up in a predetermined constant quantity which exceeds the relevant limit, and (ii) in the case of packages in relation to which an upper limit of predetermined constant quantity is specified in column 3 of Part I or II of Schedule 1 to these Regulations, being a limit which is higher than the relevant limit, the packages are made up in a predetermined constant quantity which exceeds that upper limit. For the purposes of this sub-paragraph, "the relevant limit" is that one of the limits of quantity secondly specified in paragraph (*a*) or (*b*) of Regulation 6 which applies in relation to the packages in question according to the case mentioned in each of those paragraphs;".
6	(*a*) In paragraph (*b*) for "volume" there shall be substituted "volume)." and the words "which do not contain" to the end of the paragraph shall be omitted; and (*b*) Paragraph (*c*) shall be omitted.
8(1)	For sub-paragraph (*a*) substitute: "(*a*) shall be given in writing before the expiry of the day on which— (i) in a case falling within the said paragraph (*a*), the packages in question are marked with the said mark, and (ii) in a case falling within the said paragraphs (*b*) and (*c*), the packages in question are imported;".
26	(*a*) In paragraph (3) after "of the Act" insert "except in the case mentioned in paragraph (4A) and";

Regulation	Amendment
	(*b*) in paragraph (4)(*b*), for "exceed that lower limit" substitute "equal or exceed that lower limit but not to exceed the upper limit so mentioned"; and (*c*) after paragraph (4) add: "(4A) In a case mentioned in paragraph (1)(*a*)(i) where the goods contained in the inner packages consist of cocoa products or chocolate products (within the meaning of the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(**r**)) and— (*a*) the circumstances mentioned in paragraph (3) apply with respect to the outer container and the inner packages; but (*b*) paragraph (4)(*a*) and (*b*) apply with respect to those packages, then the said paragraph (4) shall apply to the outer container as it applies to an outer container in a case mentioned in that paragraph.", (*d*) At the foot of the page on which Regulation 26(4A) is inserted a footnote reference as follows shall be added: "(**r**) S.R. 1976 No. 183 (I, p. 846)".
27(4)	For "but a test" substitute "but such a test".

Schedule	Amendment
1	For Schedule 1 substitute the Schedule marked "Schedule 1" set out in the annex hereto.
2	After paragraph 2 add: "3. Packages containing alcoholic beverages when made up in bottles where— (*a*) the beverage has an alcoholic strength by volume of more than 1.2 per cent; and (*b*) the packages were made up before, but not imported until on or after, 1st January 1980.".
3	(*a*) In Part I, in paragraph 1(A)(*b*)(ii) for "paragraph (*b*)(i)" substitute "paragraph (*b*)", and for "sub-paragraph (i) above" substitute "this paragraph"; (*b*) in Part I the modifications set out in column 2 in paragraph 2 shall have effect in relation to packages of the description mentioned in paragraph 1 (instead of the modification set out in that paragraph so far as they relate to the provisions mentioned in the said column 2) when such packages are made up as mentioned in sub-paragraph (*b*) in column 1 in the said paragraph 2; and for the modifications set out in the said column 2 there shall be substituted the following modifications:— "2(A) Part I of the Act shall have effect as if, in both cases mentioned in column 1, sections 1(4)(*b*) and 3(6) were omitted. 2(B) These Regulations shall have effect as if— (*a*) in the case mentioned in sub-paragraph (*a*) in column 1, Regulation 11 were omitted; and (*b*) in the case mentioned in sub-paragraph (*b*) in column 1, Regulation 11 and in Schedule 4, paragraph 2(1)(*d*), (2)(*b*) and (3)(*b*) were omitted.";

Schedule	Amendment
	(*c*) in Part II—
	(i) in paragraph 2(*b*) (in the inserted subsection (4A)(*a*)), for "and which he intends so to mark" substitute ", or are marked with the one but not the other, and which he intends to mark so that they are marked with both" and (in the inserted subsection (4A)(*b*)) for "so to mark" substitute "to mark so that they are marked with both",
	(ii) for head (ii) of paragraph 5(*a*), substitute:
	"(ii) for the definition of "relevant package" there shall be substituted the following definition:—
	"'relevant class B package' means a class B package which is made up in the United Kingdom or imported on or after 1st January 1980 or, in the case of a class B package to which section 5(3) of this Act applies, is brought into the United Kingdom on or after that date;",",
	(iii) for sub-paragraph (*c*) of paragraph 5 substitute:
	"(*c*) where—
	(i) at the time when a class B package is made up or imported the container included in the package is not marked both with a statement of quantity and the EEC mark, or is marked with the one but not the other, and
	(ii) the packer or importer of the package subsequently marks the container so that it is marked with both,
	then, whether or not he has performed the duty imposed on him by subsection (4A) of section 1 of this Act in relation to the package, he shall be treated for the purposes of this Part of this Act (except the said subsection (4A)) in relation to the package as the packer or, as the case may be, the importer of a package which is so marked.", and
	(iv) for paragraph 6 substitute:
	"6. In section 15, in subsection (6) for "A statement" to "of this Act" there shall be substituted "Where a class B package is marked both with a statement of quantity and the EEC mark, the statement of quantity".".
4	(*a*) In paragraph 2(1), in column 1 of Table 1 for each reference to 20 kg substitute a reference to 10 kg;
	(*b*) in paragraph 2(3) after "weighing machine" insert "itself capable of indicating weight";
	(*c*) in paragraph 4—
	(i) for sub-paragraphs (*b*) to (*e*) substitute:
	"(*b*) it shall be marked with its nominal capacity and with scale marks which comply with the following requirements, that is to say:—
	(i) the marks shall represent amounts (each being the same) above and below that nominal capacity, being amounts in millilitres equal to 1×10^n, 2×10^n or 5×10^n, the index n being a positive or negative whole number or zero,

Schedule	Amendment
	(ii) they shall include marks marked "T" and "2 × T" respectively representing the amounts, expressed in units of volume, of the tolerable negative error and twice that error which, in relation to a measure of a particular nominal capacity, would fall to be determined in accordance with Regulation 24 as that applicable in relation to a package of a nominal quantity equivalent to that capacity, (iii) there shall be at least three scale marks representing amounts above the said nominal capacity, (iv) there shall be at least two scale marks representing amounts between the said nominal capacity and the amount represented (in accordance with head (ii) above) by the scale mark "T", (v) the scale mark which represents the lowest amount shall be such that that amount is equal to or less than the amount represented (in accordance with head (ii) above) by the scale mark "2 × T" and (vi) the limit of error in excess of, or in deficiency in, any amount represented by any of the marks shall be two-fifths of the amount which is equal to the difference between the amounts represented by any two successive such marks; (*c*) that part of the measure which bears the scale marks shall be cylindrical in shape and shall have no undue variation in internal diameter or wall thickness;", (ii) in sub-paragraph (*f*) for "the neck" substitute "the measure" and for "5" substitute "2", and (iii) delete Table 6; and (*d*) in paragraph 7— (i) in sub-paragraph (4)(*b*) after "mentioned above," insert "either a visible indication or" and after "together" insert "(in each case)", and (ii) in sub-paragraph (5) for "placed in the packages" substitute "made up into packages, either" and after "of the weighing machine" insert "or by weighing the goods after they have been made up into packages and when the packages are on the said load receptor".
5	(*a*) In paragraph 9(4) for "a second sample shall be taken at random from the group and checked" substitute "a second sample taken at random from the remainder of the packages in the group shall be checked"; and (*b*) in paragraph 17(2)(*a*) at the end add "and which is not marked with a statement of quantity different from the nominal capacity indicated on the container in accordance with those requirements".
7	(*a*) In Part I, in paragraph 1 after "bread", and in Part II, in paragraph 5(*b*) after that word where it secondly occurs, insert "in single loaf form";