1979 No. 453

WEIGHTS AND MEASURES

Weights and Measures (Cocoa and Chocolate Products) Order (Northern Ireland) 1979

Made . . . . . *20th December* 1979

Coming into operation . . . *11th February* 1980

To be laid before Parliament under paragraph 3(3) *of Schedule* 1 *to the Northern Ireland Act* 1974

The Department(**a**) of Commerce, after consultation 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, in exercise of the powers conferred on it by section 15(2), (3) and (5) of the Weights and Measures Act (Northern Ireland) 1967(**b**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Weights and Measures (Cocoa and Chocolate Products) Order (Northern Ireland) 1979 and shall come into operation on 11th February 1980.

(2) In this Order "the Act" means the Weights and Measures Act (Northern Ireland) 1967 and "cocoa product", "chocolate product", "container", "fancy chocolate product" and "reserved description" have the same meanings as they have in the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(**c**) except that "cocoa product" and "chocolate product" shall include a product specially prepared for diabetics or to which a slimming claim (as defined in those 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.

Revocation

2.—(1) Subject to Article 3—

(*a*) Part VIII, other than paragraph 3(*a*) and the exemption thereto in paragraph 4(*b*), and Part XI of Schedule 2 to the Act shall cease to apply to cocoa products and chocolate products after 11th February 1980; and

(*b*) the said paragraph 3(*a*) and the exemption shall cease to apply to cocoa products after 1st March, 1980.

(2) Subject to Article 3—

(*a*) in the case of products as respects which there are no requirements in the said Parts with which the products have to comply, they need not comply with the requirements of this Order until 11th February 1980;

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) 1967 c. 6 (N.I.)
(**c**) S.R. 1976 No. 183

(*b*) in any other case, the products must, until 11th February 1980 or, as the case may be, 1st March 1980, comply either with the requirements of those Parts or with the requirements of this Order;

but in every case, after the relevant date products must comply with the provisions of this Order.

Amendment of application of Act

3.—(1) The application of section 16(2) of the Act, as it applies for the purposes of section 15(2)(*c*) in relation to cocoa products and chocolate products which do not comply with the provisions of this Order, but which in the case of products falling within Article 2(2)(*b*) do comply with the provisions of the said Parts, shall be excluded in the cases and in respect of the persons specified in paragraphs (2) and (3).

(2) In the case of products made for sale, pre-packed or otherwise made up in a container for sale in Northern Ireland on or before 11th February 1980 or, as the case may be, 1st March 1980 and products imported into Northern Ireland on or before the relevant date and made for sale, pre-packed or otherwise so made up before importation, the exclusion shall be in respect of all persons.

(3) In the case of products made for sale, pre-packed or otherwise so made up in Northern Ireland after the relevant date and products imported into Northern Ireland after that date and made for sale, pre-packed or otherwise so made up before importation, the exclusion shall be in respect of any person other than—

(*a*) where the products were made for sale, pre-packed or otherwise so made up in Northern Ireland, the person who made the products for sale, pre-packed them or otherwise so made them up and if he made them for sale, pre-packed them or otherwise so made them up on behalf of another person, that other person;

(*b*) where the products were imported into Northern Ireland, the person who imported them and if he imported them on behalf of another person, that other person.

Control of sale

4. Except in the case of an article whose net weight is less than 50 g, cocoa products and chocolate products which are not pre-packed shall, when sold by retail, be sold only by net weight.

Pre-packing requirements

5.—(1) Cocoa products of the reserved descriptions specified in paragraph (2) shall, except where made up in a quantity of less than 50 g or exceeding 1 kg, be pre-packed only if they are made up in one of the following quantities by net weight, that is to say—

50 g, 75 g, 125 g, 250 g, 500 g, 750 g and 1 kg.

(2) Products of the reserved descriptions referred to in paragraph (1) are cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, drinking chocolate and fat-reduced drinking chocolate.

Chocolate bar and tablet weights

6.—(1) Chocolate products in bar or tablet form of the reserved descriptions specified in paragraph (2) being a bar or tablet weighing not less than