1976 No. 352

WEIGHTS AND MEASURES

Weights and Measures (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1976

Made . . . . . 19*th November* 1976

Coming into operation . . . 1*st January* 1977

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 and commencement

1. This Order may be cited as the Weights and Measures (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1976 and shall come into operation on 1st January 1977.

Control of sale

2. Part V of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall have effect subject to the amendment that for paragraph 4 thereof there shall be substituted the following:—

"4. If in the case of any pre-packed milk made up in a quantity of less than half a pint (but not being one-third of a pint) its container is clearly and conspicuously marked with a statement in writing that it is not for sale otherwise than by means of a vending machine, then, notwithstanding that the milk is made up in a quantity other than one of those specified in paragraph 3(1)(*a*), a person shall not by reason only of that fact be guilty of an offence under section 16(2)—

(*a*) in respect of a sale of that milk by that or any other person if the sale is by means of a vending machine or is otherwise than by retail; or

(*b*) in respect of the possession of that milk by that or any other person if the milk is shown to be in that possession—

(i) for sale by means of a vending machine which complies with paragraph 5; or

(ii) for sale otherwise than by retail; or

(iii) for delivery after sale otherwise than by retail"

(a) formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 6 (N.I.)