1978 No. 122

WEIGHTS AND MEASURES

Weights and Measures (Cheese) Order (Northern Ireland) 1978

Made . . . . . 10*th May* 1978
Coming into operation . . . . 30*th June* 1978
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 (Cheese) Order (Northern Ireland) 1978 and shall come into operation on 30th June 1978.

Interpretation

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

Revocation and amendment

3.—(1) Part III of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall cease to have effect.

(2) In paragraph 3 of Part XI of the said Schedule after sub-paragraph (2) there shall be inserted "(2A) cheese as defined in the Weights and Measures (Cheese) Order (Northern Ireland) 1978."

Control of sale

4. Subject to Article 6, cheese which is not pre-packed shall, when sold by retail, be sold only:—

(*a*) by net weight, or

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

Pre-packing requirements

5.—(1) Subject to Article 6—

(*a*) processed cheese;

(*b*) cheese spread; and

(*c*) natural cheese of any of the types specified in paragraph (2),

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

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

(2) The types of cheese referred to in paragraph (1) are Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.

Exemptions

6. There shall be exempted from all the requirements of Articles 4 and 5 of this Order any cheese in a quantity of less than 25g.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 10th May 1978.

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

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order provides that Part III (which relates only to cheese) of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall cease to have effect on 30th June 1978 when the provisions of that Part are replaced by those of this Order.

It requires that cheese which is not pre-packed may, when sold by retail, only be sold by net weight or, under certain circumstances, by gross weight. The permitted weight of the containers in which cheese may be sold by gross weight is lowered. Cheese is defined as including cheese containing flavouring or colouring matter or coated or mixed with other food for the purpose of giving the food a distinctive appearance or flavour.

The varieties of cheese which may only be pre-packed if the container is marked with the quantity by net weight have been extended to include all the cheeses covered by Article 5. The exemption from the requirements of the Schedule for sales of cheese under 1 oz is replaced by an exemption for sale of cheese not exceeding 25g (approximately 9/10 oz).