STATUTORY INSTRUMENTS

1977 No. 558

WEIGHTS AND MEASURES

The Weights and Measures Act 1963 (Honey) Order 1977

Laid before Parliament in draft

Made - - - - 24*th March* 1977

Coming into Operation 1*st May* 1977

Whereas the Secretary of State pursuant to section 54(2) of the Weights and Measures Act 1963(**a**) (hereinafter referred to as "the Act") has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 54(3) of the Act:

Now, therefore, the Secretary of State in exercise of the powers conferred by section 21(2), (3) and (5) of the Act and now vested in him(**b**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Weights and Measures Act 1963 (Honey) Order 1977 and shall come into operation on 1st May 1977.

2. The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Parts VIII and XI of Schedule 4 to the Act shall cease to apply to honey.

4. Honey (other than chunk honey and comb honey) which is not pre-packed shall, when sold by retail, be sold only by net weight.

5. Honey (other than chunk honey and comb honey) shall, except where made up in a quantity of less than half an ounce, be pre-packed only if it is made up in one of the following quantities by net weight, that is to say, 1oz, 2oz, 4oz, 8oz, 12oz, 1lb, 1½lb, or a multiple of 1lb.

6.—(1) Subject to paragraph (2) below, honey shall be pre-packed or otherwise made up in a container for sale only if the container is marked with an indication of quantity by net weight.

(2) In a case where the net weight of the honey made up in a container (whether or not pre-packed) is 10kg or more, the container need not be marked with an indication of quantity by net weight if—

(*a*) the honey is not sold by retail, and

(*b*) at a time when it is sold, a document containing such an indication expressed in both imperial and metric units of measurement accompanies the container.

(**a**) 1963 c. 31. (**b**) S.I. 1970/1537 (1970 III, p. 5293). (**c**) 1889 c. 63.

7. Section 22(2) of the Act, in so far as it applies for the purposes of section 21(2)(*b*) of the Act in relation to a contravention of Article 6 above in a case mentioned in paragraph (2) of that Article, shall have effect subject to the modification that the following provisions shall be omitted, that is to say—

(*a*) in paragraph (*a*), the words "has in his possession for sale,";

(*b*) paragraph (*b*);

(*c*) in paragraph (*c*), the words "have in his possession for sale or for delivery after sale,"; and

(*d*) the words "whether the sale is, or is to be, by retail or otherwise".

John Fraser,

Minister of State,

24th March 1977. Department of Prices and Consumer Protection.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order provides that Parts VIII and XI of Schedule 4 to the Weights and Measures Act 1963 shall cease to apply to honey on 1st May 1977 when the provisions of those Parts are replaced by those of this Order.

The changes are as follows:—

(*a*) containers in which comb honey and chunk honey are made up are required to be marked with an indication of quantity by net weight; hitherto a container of comb honey has not been required to be marked with an indication of quantity, and a container of chunk honey has been required to be marked with an indication of quantity by net weight or by capacity measurement;

(*b*) containers in which honey is made up, where the quantity is 10kg (approximately 22 lbs) or more, need not be marked with an indication of quantity in the case of a sale otherwise than by retail, if the indication expressed in imperial and metric units is then given in an accompanying document. As a consequence section 22(2) of the Act (dealing with certain offences) has been modified so that in such a case the offences are related to the time of sale;

(*c*) small quantities will no longer be exempt from the requirement to indicate the quantity on the container.

Indications of quantity marked on containers will by virtue of Regulation 11(2) of the Weights and Measures (Marking of Goods and Abbreviations of Units) Regulations 1975 (S.I. 1975/1319) have to be marked in both imperial and metric units.

SI 1977/558
ISBN 0-11-070558-0

