STATUTORY INSTRUMENTS

1986 No. 1260

WEIGHTS AND MEASURES

The Weights and Measures Act 1963 (Miscellaneous Foods) (Amendment) Order 1986

Laid before Parliament in draft

Made - - -	18*th July* 1986
Coming into Operation	1*st September* 1986

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985(**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 86(5) of the Act:

Now, therefore, the Secretary of State, in exercise of his powers under sections 22(1) and (2), 24 and 86(1) of the Act 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 (Miscellaneous Foods) (Amendment) Order 1986 and shall come into operation on 1st September 1986.

2. The Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984(**b**) (hereinafter referred to as "the principal Order") is hereby amended as follows:—

(a) in Article 2, the following definitions shall be inserted at the appropriate places in alphabetical order:

" "casein" and "caseinate" have the same meanings as they have in the Caseins and Caseinates Regulations 1985(**c**);";

(**a**) 1985 c.72.
(**b**) S.I. 1984/1316, amended by S.I. 1985/988, 1980.
(**c**) S.I. 1985/2026.

" "condensed milk" and "dried milk" have the same meanings as they have in the Condensed Milk and Dried Milk Regulations 1977(**a**);";

" "preserved milk" means condensed milk (including evaporated milk) or dried milk;";

(b) in Article 5 there shall be added the following paragraph:

"(4) In the case of caseins and caseinates or preserved milk for human consumption, the information required by Article 7A or as the case may be 11A below to be marked on the container may, if—

(a) the foods are not sold by retail; and

(b) the net weight of the foods is not less than 10 kg,

be given at the time when they are sold in a document accompanying the container and containing an indication of quantity by net weight expressed in metric units of measurement.";

(c) after Article 7, there shall be inserted the following Article:

"Caseins and caseinates

7A. Caseins and caseinates for human consumption in a quantity of not less than 5 g 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.";

(d) in Article 8 there shall be added the following paragraph:

"(3) 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.";

(e) after Article 11, there shall be inserted the following Article:

" Preserved milk

11A. Preserved milk for human consumption in a quantity of not less than 5 g 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.";

(f) in Schedule 1, for the entry relating to coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products, there shall be substituted the entry in the Schedule to these Regulations.

3.— (1) Section 25(2) and (3) of the Act shall apply in the case of caseins, caseinates or preserved milk for human consumption where the information required by Article 7A or 11A, or permitted by Article 15(1)*(d)*(i), of the principal Order, to be marked on the container is given in a document accompanying the container in accordance with Article 5 or 15(2) of that Order with the following modifications:—

(a) in section 25(2) the words "whether the sale is, or is to be, by retail or otherwise" shall be omitted; and

(b) in paragraphs (d) and (e) of section 25(3)—

(**a**) S.I. 1977/928, to which there are amendments not relevant to this Order.

(i) after the word "information" there shall be inserted the words "or is accompanied by a document containing particular information"; and

(ii) after the words "so marked" there shall be inserted the words "or accompanied".

(2) Where section 25(2) of the Act applies by virtue of paragraph (1) above, a person shall not be guilty of an offence under that subsection by reason only of—

(a) having in his possession for sale, or

(b) having in his possession for delivery after sale, or

(c) causing or suffering any other person to have in his possession for sale or for delivery after sale

caseins, caseinates or preserved milk for human consumption otherwise than in a container so accompanied.

(3) A person specified in paragraph (4) below in the cases specified in that paragraph shall not be guilty of an offence under section 25(2) of the Act by reason only of the fact that a container in which preserved milk is pre-packed is marked with an indication of quantity by capacity measurement.

(4) The cases and persons referred to in paragraph (3) above are:—

(a) in the case of preserved milk pre-packed in Great Britain on or before 1st September 1987 and of preserved milk imported pre-packed into Great Britain on or before that date, all persons;

(b) in the case of preserved milk pre-packed in Great Britain after that date and of preserved milk imported into Great Britain after that date and pre-packed before importation, all persons other than—

(i) where the preserved milk was pre-packed in Great Britain, the person who pre-packed it and if he pre-packed it on behalf of another person, that other person;

(ii) where the preserved milk was imported into Great Britain, the person who imported it and if he imported it on behalf of another person, that other person.

(5) Any reference in the preceding provisions of this Article to preserved milk being pre-packed shall include a reference to preserved milk being otherwise made up in a container for sale.

(6) The provisions of paragraphs (3) and (4) of this Article shall cease to have effect after 29th February 1988.

Lucas of Chilworth,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

18th July 1986.

SCHEDULE

Article 2

Foods	Prescribed quantities (pre-packed foods)	Exemptions from prescribed quantities	Exemptions from quantity marking (pre-packed foods)	Exemptions from quantity requirement (foods not pre-packed)
(1)	(2)	(3)	(4)	(5)
Coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products.	50 g, 100 g, 200 g, 250 g (for mixtures of coffee extracts and chicory extracts only), 300 g (for coffee extracts only), 500 g, 750 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg, 3 kg or a multiple of 1 kg.	25 g or less, more than 10 kg.	less than 5 g.	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984 ("the principal Order"). The changes are as follows:—

(1) Requirements are introduced, in accordance with Council Directives 83/417/EEC (OJ No. L237, 26.8.83, p.25) and 83/635/EEC (OJ No. L357, 21.12.83, p.37), for caseins and caseinates and preserved milk for human consumption to be pre-packed only in containers marked with a statement of quantity by net weight, except that in the case of goods made up in quantities of not less than 10 kg and not for retail sale the statement of quantity may be given in an accompanying document (Article 2*(b), (c)* and *(e)*).

(2) The requirement, formerly in Article 5 of the Weights and Measures Act 1963 (Cocoa and Chocolate Products) Order 1977 (S.I. 1977/1332), for cocoa products and chocolate products of not less than 50 g which are not pre-packed to be sold by retail only by net weight is re-introduced (Article 2*(d)*).

(3) Schedule 1 to the principal Order is amended in accordance with Council Directive 85/573/EEC (OJ No. L372, 31.12.85, p.22) as it relates to coffee extracts and chicory extracts. The exemption from quantity marking for coffee extracts, chicory extracts and mixtures thereof is set at the common level of 5 g; the prescribed quantity of 300 g for those products is now restricted solely to coffee extracts; and a new prescribed quantity of 250 g is introduced for mixtures (Article 2*(f)*).

Transitional provisions are also included in the Order to allow time for pre-packs of preserved milk which comply with the existing provisions of the principal Order to be sold by manufacturers, importers, wholesalers and retailers notwithstanding that they do not comply with the provisions of this Order (Article 3).

SI 1986/1260
ISBN 0-11-067260-7

