STATUTORY INSTRUMENTS

1978 No. 741

WEIGHTS AND MEASURES

The Weights and Measures Act 1963 (Potatoes) Order 1978

Laid before Parliament in draft

Made - - - - 19*th May* 1978

Coming into Operation 1*st June* 1978

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 powers conferred by sections 21(2), (3) and (5), and 54(1) and (4) 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.—(1) This Order may be cited as the Weights and Measures Act 1963 (Potatoes) Order 1978 and shall come into operation on 1st June 1978.

(2) In this Order "potatoes" means potatoes in the state in which they were harvested or in that state apart from cleaning.

(3) The Potatoes (Exemption) Order 1976(**c**) is hereby revoked.

(4) The Interpretation Act 1889(**d**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

2. Part VII (other than paragraph 7, and other than paragraph 2 so far as is necessary for the interpretation of paragraph 7) of Schedule 4 to the Act shall cease to apply to potatoes.

3. Potatoes which are not pre-packed shall, when sold by retail, be sold only by net weight.

4. Subject to Article 5 below, potatoes shall be prepacked—

(*a*) except where made up in a quantity exceeding 25kg, only if made up in one of the following quantities by net weight, that is to say—

(i) 8oz, 12oz, 1lb, 1½lb or a multiple of 1lb;

(**a**) 1963 c. 31. (**b**) S.I. 1970/1537. (**c**) S.I. 1976/1296. (**d**) 1889 c. 63.

(ii) 500g, 1kg, 1.5kg, 2kg, 2.5kg or a multiple of 2.5kg up to and including 15kg, 20kg or 25kg; and

(*b*) only if the container is marked with an indication of quantity by net weight.

5. Nothing in Article 4 above shall require potatoes the net weight of each of which is not less than 175g to be pre-packed in a particular quantity or the container to be marked with an indication of the weight of the potatoes if the container is marked with an indication of quantity by number and with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grams, whether the weight so specified is 175g or a greater weight.

John Fraser,

Minister of State,

Department of Prices and Consumer Protection.

19th May 1978.

EXPLANATORY NOTE

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

This Order provides that Part VII (other than paragraph 7) of Schedule 4 to the Weights and Measures Act 1963 shall cease to apply to potatoes on 1st June 1978 when the provisions of that Part are replaced by those of this Order. (Article 2).

Potatoes in the state in which they were harvested or in that state apart from cleaning, may be pre-packed only in a prescribed range of imperial or metric weights where the quantity does not exceed 25kg (approximately 55lb). Every container in which potatoes are pre-packed must be marked with an indication of quantity by net weight. (Articles 1(2) and 4).

Notwithstanding these requirements potatoes which individually weigh 175g (approximately 6oz) or more may also be pre-packed in containers marked with an indication of the quantity by number and with a statement to the effect that the net weight, expressed in grams, of each potato in the container is not less than 175g (approximately 6oz), or a greater weight specified in the statement. (Article 5).

If not pre-packed, potatoes shall, when sold by retail, be sold only by net weight. (Article 3).

The reference to metric units is new.

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