1976 No. 198

WEIGHTS AND MEASURES

Weights and Measures (Biscuits and Shortbread) Order (Northern Ireland) 1976

Made . . . . . *22nd June* 1976

Coming into operation . . . *1st January* 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) and (3) of the Weights and Measures Act (Northern Ireland) 1967(b) (in this Order referred to as "the Act") and of every other power enabling it in this behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Weights and Measures (Biscuits and Shortbread) Order (Northern Ireland) 1976 and shall come into operation on 1st January 1978.

Revocation

2. Part XI of Schedule 2 to the Act shall cease to apply to biscuits and shortbread.

Control of sale

3.—(1) Except where the quantity does not exceed 8 biscuits or 8 shortbread pieces, as the case may be, biscuits (other than wafer biscuits which are not cream-filled), and shortbread, being biscuits and shortbread which are not pre-packed, shall be sold by retail only by net weight.

(2) Wafer biscuits which are not cream-filled and which are not pre-packed shall be sold by retail only by number.

Control of pre-packing

4.—(1) Subject to Articles 5 and 6, biscuits (other than wafer biscuits which are not cream-filled) shall be pre-packed:—

(*a*) except where made up in a quantity not exceeding 85 g or exceeding 5 kg, only if made up in one of the following quantities by net weight, that is to say:

(i) $3\frac{1}{2}$ oz, 7 oz, $10\frac{1}{2}$ oz, 14 oz, and subsequent multiples of $3\frac{1}{2}$ oz; or

(ii) 100 g, 125 g, 150 g, 200 g, 250 g, 300 g, and subsequent multiples of 100 g; or

(iii) if made up before 1st January 1981, 175 g; and

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

(*b*) except where made up in a quantity not exceeding 50 g, only if the container is marked with an indication of quantity by net weight.

(2) Subject to Article 6, shortbread, except where made up in a quantity not exceeding 50 g or except where the shortbread consists of a piece or pieces each weighing 200 g or more, shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(3) Subject to Article 6, wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number.

Retail sale at point of production

5.—(1) Article 4(1) shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, and either:—

(*a*) the biscuits are in possession of the producer for sale by him by retail on those premises; or

(*b*) the producer has agreed to sell or has sold the biscuits by retail on those premises

(2) Subject to Article 6, and except where the biscuits are made up in a quantity not exceeding 100 g, biscuits specified in paragraph (1) above shall be pre-packed only if the container is marked with an indication of quantity by net weight.

Multiple pre-packs

6.—(1) Where two or more identical marked inner packs are enclosed within an outer container, nothing in Articles 4 or 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if either:—

(i) the marking of the net weight or the number on at least one of the packs, and the total number of packs, is clearly visible through the outer container; or

(ii) the information as to the matters mentioned in (i) above is marked on the outer container.

(2) Where two or more marked inner packs which are not identical are enclosed within an outer container, nothing in Article 4 or Article 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if the outer container is marked with the net weight or the number of the biscuits or pieces of shortbread in each pack with the number of packs of each such net weight or number.

(3) Where two or more biscuits (other than wafer biscuits which are not cream-filled) each of which is separately wrapped and is of a net weight of not more than 50 g are enclosed in an outer container, nothing in Article 4(1) or Article 5 shall require the outer container to be marked with any information or to enclose goods of a particular weight if the outer container is marked with an indication of quantity by number.

(4) In this Article a "marked inner pack", in relation to any goods, means the goods and the immediate container in which they are made up, being:

(i) in the case of goods to which Article 4(1) relates, goods made up in a quantity for the time being permitted by that paragraph for pre-packed goods of a quantity exceeding 85 g and not exceeding 5 kg or in a quantity exceeding 50 g but not exceeding 85 g, and being a container marked with an indication of quantity by net weight;

(ii) in the case of goods to which Article 4(2) or Article 5(2) relates, goods made up in a container marked with an indication of quantity by net weight;

(iii) in the case of goods to which Article 4(3) relates, goods made up in a container marked with an indication of quantity by number;

and packs shall be taken as being identical if the goods in each pack are of the same weight or of the same number, as the case may be.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 22nd June 1976.

(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 XI of Schedule 2 to the Weights and Measures Act (N.I.) 1967 shall cease to apply to biscuits and shortbread on 1st January 1978 when the provisions of that Part are replaced by those of this Order. It introduces prescribed imperial and metric quantities for pre-packed biscuits intended for general retail sale, and provisions for the sale of biscuits and shortbread when not pre-packed.

Special provisions are included to cover multi-packs containing more than one pre-package or individually wrapped product.