1994 No. 319

WEIGHTS AND MEASURES

Weights and Measures (Cosmetic Products) Order (Northern Ireland) 1994

Made . . . . . *17th August 1994*

Coming into operation . . *19th September 1994*

The Department of Economic Development, in exercise of the powers conferred by Article 19(2), (3) and (7) of the Weights and Measures (Northern Ireland) Order 1981(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf, and after consultation, in accordance with Article 48(2) of that Order, 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, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Weights and Measures (Cosmetic Products) Order (Northern Ireland) 1994 and shall come into operation on 19th September 1994.

Amendment of Schedule 6 to the Weights and Measures (Northern Ireland) Order 1981

2. Schedule 6 to the Weights and Measures (Northern Ireland) Order 1981 shall be amended as follows—

(*a*) for Part V (Perfumery and toilet preparations) there shall be substituted the following Part—

"PART V

COSMETIC PRODUCTS

1. In this Part, "cosmetic product" means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4

and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.

2. Subject to paragraph 3, cosmetic products shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by volume.

3. There shall be exempted from the requirements of paragraph 2—

(*a*) cosmetic products in quantities of less than 5 grammes or 5 millilitres;

(*b*) cosmetic products in sachets or other containers for single use only; and

(*c*) cosmetic products normally sold as a number of items for which particulars of weight or volume are not significant if—

(i) the number of items is marked on the package; or

(ii) the number of items may readily be seen without opening the package; or

(iii) the items are normally sold only individually.

4. Cosmetic products which are not pre-packed shall be sold only by quantity expressed as net weight, volume or number.''.

(*b*) in Part VI (Soap), after paragraph 2 there shall be added the following paragraph—

''3. In this Part ''soap'' does not include any soap which is a cosmetic product as defined in paragraph 1 of Part V.''.

Revocation

3. The Weights and Measures (Dentifrices) Order (Northern Ireland) 1974(**a**) is hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 17th August 1994.

(L.S.) *A. L. Brown*
Assistant Secretary

(a) S.R. 1974 No. 282

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends Schedule 6 to the Weights and Measures (Northern Ireland) Order 1981 (''the 1981 Order'') which, among other things, lists products which shall be pre-packed only if the container is marked with a quantity or which must be sold by quantity if not made up in a container.

The amendments made by this Order implement as respects Northern Ireland, in part, Article 1 of Council Directive 76/768/EEC on the approximation of the laws of member States relating to cosmetic products (O.J. No. L262, 27.9.76, p. 169) (''the Cosmetics Directive'') as substituted by Article 1 of Council Directive No. 93/35/EEC (O.J. No. L151, 23.6.93, p. 32) and Article 6 of the Cosmetics Directive as substituted by Article 1 of Council Directive 88/667/EEC (O.J. No. L382, 31.12.88, p. 46).

The principal changes—

(*a*) revise the current scope of Schedule 6 to the 1981 Order by substituting the definition of ''cosmetic products'' contained in the amended Article 1 of the Cosmetics Directive for that of ''perfumery and toilet preparations'' for the purposes of the Order;

(*b*) specify the threshold above which quantity has to be marked on pre-packed cosmetic products as 5g or 5ml;

(*c*) make provision for cosmetic products which are sold by number; and

(*d*) require cosmetic products which are not pre-packed to be sold by quantity expressed by net weight, volume or number.

This Order also revokes the Weights and Measures (Dentifrices) Order (Northern Ireland) 1974 which made special provision in relation to dentifrices pre-packed in tubes.

A Compliance Cost Assessment of the impact that these Regulations will have on business is available, copies of which can be obtained from the Department of Economic Development, Trading Standards Branch, 176 Newtownbreda Road, Belfast BT8 4QS.