This Statutory Instrument has been printed to correct errors in S.I. 2016/1101, 2016/1152, S.I. 2016/1153, S.I. 2014/2975 and S.R. 2016/187 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2019 No. 5

WEIGHTS AND MEASURES

CONSUMER PROTECTION

HEALTH AND SAFETY

The Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019

Made - - - -	*8th January 2019*
Laid before Parliament	*10th January 2019*
Coming into force - -	*1st February 2019*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to, and for purposes ancillary to, the regulation of specifications, construction, placing on the market and use of articles, instruments, containers or other equipment intended for weighing, measuring or testing(**b**); food and drink intended for sale for human consumption, including the presentation, packaging, labelling, marketing and advertising of such food and drink; and the regulation, labelling and control of packages and products made up to pre-determined constant nominal quantity(**c**); measures for safety as respects electrical equipment(**d**); and consumer protection(**e**).

(**a**) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**b**) S.I. 1975/427, to which there is an amendment not relevant to these Regulations.
(**c**) S.I. 2005/2766, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 1972/1811, superseded in relation to measures relating to consumer protection by S.I. 1993/2661.
(**e**) S.I. 1993/2661.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019 and come into force on 1st February 2019.

PART 2

Weights and Measures (Food)

Amendment of the Weights and Measures Act 1985

2.—(1) The Weights and Measures Act 1985(**a**) is amended as follows.

(2) In section 94(1) (general interpretation) for the definition of "the FIC Regulation"(**b**) substitute—

> ""the FIC Regulation" means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;"(**c**).

Amendment of the Weights and Measures (Packaged Goods) Regulations 2006

3.—(1) The Weights and Measures (Packaged Goods) Regulations 2006(**d**) are amended as follows.

(2) In regulation 8(2) (specific requirements as to quantity marking) for "by Article 8(4) of Directive 2000/13/EC" substitute "in point 5 of Annex IX to Regulation (EC) 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers".

PART 3

Weights and Measures, Northern Ireland

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

4.—(1) The Weights and Measures (Northern Ireland) Order 1981(**e**) is amended as follows.

(2) In Article 2(2) (interpretation) for the definition of "the FIC Regulation"(**f**) substitute—

> ""the FIC Regulation" means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;".

(**a**) 1985 c. 72.

(**b**) The definition of "the FIC Regulation" was inserted by regulation 11 of the Weights and Measures (Food) (Amendment) Regulations 2014 (S.I. 2014/2975). There are other amendments to section 94(1) not relevant to these Regulations.

(**c**) OJ No. L 304, 22.11.2011, p. 18, amended by Commission Delegated Regulation (EU) No 1155/2013 (OJ No. L 306, 16.11.2013, p. 7), Commission Delegated Regulation (EU) No 78/2014 (OJ No. L 27, 30.1.2014, p. 7) and Regulation (EU) 2015/2283 of the European Parliament and of the Council (OJ No. L 327, 11.12.2015, p. 1).

(**d**) S.I. 2006/659; to which there are amendments not relevant to these Regulations.

(**e**) S.R. 1981/231, amended by S.R. 2016/187; there are other amending instruments but none is relevant.

(**f**) The definition of "the FIC Regulation" was inserted by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187). There are other amendments to Article 2(2) not relevant to these Regulations.

Amendment of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011

5.—(1) The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011(**a**) are amended as follows.

(2) In regulation 8(2) (specific requirements as to quantity marking) for "by Article 8(4) of Directive 2000/13/EC" substitute "in point 5 of Annex IX to Regulation (EC) 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers".

PART 4

Miscellaneous

Amendment of the Electrical Equipment (Safety) Regulations 2016

6.—(1) The Electrical Equipment (Safety) Regulations 2016(**b**) are amended as follows.

(2) In regulation 50(1) (offences) for "34(4)" substitute "24(4)".

Amendments of the Non-automatic Weighing Instruments Regulations 2016

7.—(1) The Non-automatic Weighing Instruments Regulations 2016(**c**) are amended as follows.

(2) In regulation 30(1) (action to be taken by distributors where regulated non-automatic weighing instruments placed on the market by them are not in conformity with essential requirements), for "placed", substitute "made available".

(3) In regulation 66(2) (offence of failing to comply with an enforcement notice), for "compliance notice", substitute "enforcement notice".

(4) In regulation 68(1)(c) (re-qualification), for "regulation 67(2)(a) to (iv) or (2)", substitute "regulation 67(2) or 67(3)".

Amendments of the Measuring Instrument Regulations 2016

8.—(1) The Measuring Instrument Regulations 2016(**d**) are amended as follows.

(2) In regulation 31(1) (action to be taken by distributors where regulated measuring instruments placed on the market by them are not in conformity with essential requirements), for "placed" substitute "made available".

(3) In regulation 71(2), (offence of failure to comply with an enforcement notice), for "compliance notice", substitute "enforcement notice".

(4) In regulation 73(1)(c) (re-qualification), for "regulation 72(3)(a) to (iv) or (3)", substitute "regulation 72(3) or 73(4)".

Kelly Tolhurst
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

8th January 2019

(**a**) S.R. 2011/331; to which there are amendments not relevant to these Regulations.
(**b**) S.I. 2016/1101; to which there are amendments not relevant to these Regulations.
(**c**) S.I. 2016/1152.
(**d**) S.I. 2016/1153.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Weights and Measures Act 1985 ("the Act") contains provisions that refer to "the FIC Regulation". Section 94(1) of the Act contains a definition of "the FIC Regulation": it means Regulation (EU) No. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers. The definition was inserted by regulation 11 of the Weights and Measures (Food) (Amendment) Regulations 2014 (S.I. 2014/2975). These Regulations restate the definition, and this has the effect of updating it so that it covers the same Regulation as most recently amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods (OJ No. L327, 11.12.2015, p. 1).

The Weights and Measures (Packaged Goods) Regulations 2006 (S.I. 2006/659) ("the Packaged Goods Regulations") refer to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ("the Directive") for a definition of "liquid medium". These Regulations replace the reference to the Directive with a reference to Regulation (EU) 1169/2011. This has the effect of updating the definition of "liquid medium" and ensures that the reference to Regulation (EU) 1169/2011 covers the same Regulation as most recently amended by Regulation (EU) 2015/2283.

The Weights and Measures (Northern Ireland) Order 1981 contains provisions that refer to "the FIC Regulation". Article 2(2) contains a definition of "the FIC Regulation". This definition was inserted by The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/187) and is the same definition of "the FIC Regulation" as that which appears in the Act. These Regulations replace the definition, and this has the same effect as replacing the definition in the Act.

The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 refer to the Directive for a definition of "liquid medium". These Regulations replace the reference to the Directive with a reference to Regulation (EC) 1169/2011. This has the same effect as replacing the reference to the Directive with a reference to Regulation (EU) 1169/2011 in the Packaged Goods Regulations.

Part 4 contains minor amendments to the Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), the Non-Automatic Weighting Instruments Regulations 2016 (S.I. 2016/1152) and the Measuring Instrument Regulations 2016 (S.I. 2016/1153).

A full impact assessment has not been produced for these Regulations because no, or no significant, impact on the private, voluntary or public sector is foreseen.

As these Regulations corrects errors in a number of instruments, they are being issued free of charge to all known recipients of those instruments.

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