STATUTORY INSTRUMENTS

1980 No. 1064

WEIGHTS AND MEASURES

The Weights and Measures (Packaged Goods) (Amendment) Regulations 1980

Made - - - -	*25th July* 1980
Laid before Parliament	*4th August* 1980
Coming into Operation	
All except Regulation 6	*1st September* 1980
Regulation 6 - -	*1st January* 1981

Whereas the Secretary of State pursuant to section 15(3) of the Weights and Measures Act 1979(a) has consulted such organisations as he considers are representative of interests which would be substantially affected by these Regulations:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1, 5, 13, 14(1) and 15 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations 1980.

(2) These Regulations, except Regulation 6, shall come into operation on 1st September 1980.

(3) Regulation 6 shall come into operation on 1st January 1981.

2. The Weights and Measures (Packaged Goods) Regulations 1979(b) shall be amended in accordance with the following provisions of these Regulations.

3. In Regulation 3, for the word "packages" there shall be substituted the word "containers".

4. In Regulation 4—

(*a*) in paragraph (1)(*a*) after the words "the lower limit" there shall be inserted the words "and not more than the upper limit", and the words "and not more than the upper limit so specified" shall be omitted; and

(*b*) at the end there shall be added the words "and Part I of the Act shall apply in relation to packages of those classes subject to the provisions made by Regulation 5(2) below.".

5. In Regulation 5(1), after sub-paragraph (*b*) there shall be inserted the following sub-paragraph:—

"(*bb*) packages marked with the EEC mark containing goods of any description where—

(i) in a case other than that mentioned in (ii) below, the packages are made up in a predetermined constant quantity which exceeds the relevant limit, and

(a) 1979 c. 45. (b) S.I. 1979/1613.

(ii) in the case of packages in relation to which an upper limit of predetermined constant quantity is specified in column 3 of Part I or II of Schedule 1 to these Regulations, being a limit which is higher than the relevant limit, the packages are made up in a predetermined constant quantity which exceeds that upper limit.

For the purposes of this sub-paragraph, "the relevant limit" is that one of the limits of quantity secondly specified in paragraph (*a*), (*b*) or (*c*) of Regulation 6 below as applies in relation to the packages in question according to the case mentioned in each of those paragraphs;".

6. In Regulation 6, in paragraph (*b*) the words "which do not contain" to the end of the paragraph, and paragraph (*c*), shall be omitted.

7. In Regulation 8(1), for sub-paragraph (*a*) there shall be substituted the following sub-paragraph:—

"(*a*) shall be given in writing before the expiry of the day on which—

(i) in a case falling within the said paragraph (*a*), the packages in question are marked with the said mark, and

(ii) in a case falling within the said paragraphs (*b*) and (*c*), the packages in question are imported;".

8. In Regulation 26—

(*a*) in paragraph (3) after the words "of the Act" there shall be inserted the words "except in the case mentioned in paragraph (4A) below and";

(*b*) in paragraph (4)(*b*), for the words "exceed that lower limit" there shall be substituted the words "equal or exceed that lower limit but not to exceed the upper limit so mentioned"; and

(*c*) after paragraph (4) there shall be inserted the following paragraph:—

"(4A) In a case mentioned in paragraph (1)(*a*)(i) above where the goods contained in the inner packages consist of cocoa products or chocolate products (within the meaning of the Cocoa and Chocolate Products Regulations 1976(a)) and—

(*a*) the circumstances mentioned in paragraph (3) above apply with respect to the outer container and the inner packages; but

(*b*) paragraph (4)(*a*) and (*b*) above apply with respect to those packages,

then the said paragraph (4) shall apply to the outer container as it applies to an outer container in a case mentioned in that paragraph.".

9. In Regulation 27(4), for the words "but a test" there shall be substituted the words "but such a test".

10. For Schedule 1 there shall be substituted the Schedule to these Regulations.

(a) S.I. 1976/541.

11. In Schedule 2, at the end there shall be added the following paragraph:—

"3. Packages containing alcoholic beverages when made up in bottles where—

(*a*) the beverage has an alcoholic strength by volume of more than 1.2 per cent; and

(*b*) the packages were made up before, but not imported until on or after, 1st January 1980.".

12. In Schedule 3—

(*a*) in Part I, in paragraph 1(A)(*b*)(ii)—

(i) for the words "paragraph (*b*)(i)" there shall be substituted the words "paragraph (*b*)", and

(ii) for the words "sub-paragraph (i) above" there shall be substituted the words "this paragraph".

(*b*) in Part I the modifications set out in column 2 in paragraph 2 shall have effect in relation to packages of the description mentioned in paragraph 1 (instead of the modifications set out in that paragraph so far as they relate to the provisions mentioned in the said column 2) when such packages are made up as mentioned in sub-paragraph (*b*) in column 1 in the said paragraph 2; and for the modifications set out in the said column 2 there shall be substituted the following modifications:—

"2(A) Part I of the Act shall have effect as if, in both cases mentioned in column 1, sections 1(4)(*b*) and 3(6) were omitted.

2(B) These Regulations shall have effect as if—

(*a*) in the case mentioned in sub-paragraph (*a*) in column 1, Regulation 11 were omitted; and

(*b*) in the case mentioned in sub-paragraph (*b*) in column 1, Regulation 11 and in Schedule 4, paragraph 2(1)(*d*), (2)(*b*) and (3)(*b*) were omitted."; and

(*c*) in Part II—

(i) in paragraph 2(*b*) (in the inserted subsection (4A)(*a*)), for the words "and which he intends so to mark" there shall be substituted the words ", or are marked with the one but not the other, and which he intends to mark so that they are marked with both" and (in the inserted subsection (4A)(*b*)) for the words "so to mark" there shall be substituted the words "to mark so that they are marked with both",

(ii) for head (ii) of paragraph 5(*a*) there shall be substituted the following:—

"(ii) for the definition of "relevant package" there shall be substituted the following definition:—

"'relevant class B package' means a class B package which is made up in the United Kingdom or imported on or after 1st January 1980 or, in the case of a class B package to which section 5(3) of this Act applies, is brought into the United Kingdom on or after that date;",",

(iii) for sub-paragraph (*c*) of paragraph 5 there shall be substituted the following sub-paragraph:—

"(*c*) where—

(i) at the time when a class B package is made up or imported the container included in the package is not marked both with a statement of quantity and the EEC mark, or is marked with the one but not the other, and

(ii) the packer or importer of the package subsequently marks the container so that it is marked with both,

then, whether or not he has performed the duty imposed on him by subsection (4A) of section 1 of this Act in relation to the package, he shall be treated for the purposes of this Part of this Act (except the said subsection (4A)) in relation to the package as the packer or, as the case may be, the importer of a package which is so marked.", and

(iv) for paragraph 6 there shall be substituted the following paragraph:—

"6. In section 15, in subsection (6) for the words "A statement" to the words "of this Act" there shall be substituted the words "Where a class B package is marked both with a statement of quantity and the EEC mark, the statement of quantity".".

13. In Schedule 4—

(*a*) in paragraph 2(1), in column 1 of Table 1 for each reference to 20 kg there shall be substituted a reference to 10 kg;

(*b*) in paragraph 2(3) after the words "weighing machine" there shall be inserted the words "itself capable of indicating weight";

(*c*) in paragraph 4—

(i) for sub-paragraphs (*b*) to (*e*) there shall be substituted the following sub-paragraphs:—

"(*b*) it shall be marked with its nominal capacity and with scale marks which comply with the following requirements, that is to say:—

(i) the marks shall represent amounts (each being the same) above and below that nominal capacity, being amounts in millilitres equal to 1×10^n, 2×10^n or 5×10^n, the index n being a positive or negative whole number or zero,

(ii) they shall include marks marked "T" and "2×T" respectively representing the amounts, expressed in units of volume, of the tolerable negative error and twice that error which, in relation to a measure of a particular nominal capacity, would fall to be determined in accordance with Regulation 24 above as that applicable in relation to a package of a nominal quantity equivalent to that capacity,

(iii) there shall be at least three scale marks representing amounts above the said nominal capacity,

(iv) there shall be at least two scale marks representing amounts between the said nominal capacity and the

amount represented (in accordance with head (ii) above) by the scale mark "T",

(v) the scale mark which represents the lowest amount shall be such that that amount is equal to or less than the amount represented (in accordance with head (ii) above) by the scale mark "2×T", and

(vi) the limit of error in excess of, or in deficiency in, any amount represented by any of the marks shall be two-fifths of the amount which is equal to the difference between the amounts represented by any two successive such marks;

(*c*) that part of the measure which bears the scale marks shall be cylindrical in shape and shall have no undue variation in internal diameter or wall thickness;",

(ii) in sub-paragraph (*f*) for the words "the neck" there shall be substituted the words "the measure" and for the figure "5" there shall be substituted the figure "2", and

(iii) Table 6 shall be omitted; and

(*d*) in paragraph 7—

(i) in sub-paragraph (4)(*b*) after the words "mentioned above," there shall be inserted the words "either a visible indication or" and after the word "together" there shall be inserted the words "(in each case)", and

(ii) in sub-paragraph (5) for the words "placed in the packages" there shall be substituted the words "made up into packages, either" and after the words "of the weighing machine" there shall be inserted the words "or by weighing the goods after they have been made up into packages and when the packages are on the said load receptor".

14. In Schedule 5—

(*a*) in paragraph 9(4) for the words "a second sample shall be taken at random from the group and checked" there shall be substituted the words "a second sample taken at random from the remainder of the packages in the group shall be checked";

(*b*) in paragraph 12(1)—

(i) the formula set out in sub-paragraph (*b*)(i) shall be substituted for the formula set out in sub-paragraph (*b*)(ii), and

(ii) the formula set out in sub-paragraph (*b*)(ii) shall be substituted for the formula set out in sub-paragraph (*b*)(i);

(*c*) in paragraph 12(2), in Table 4 the bar in the symbol "$Q_{\bar{n}}$" shall be omitted; and

(*d*) in paragraph 17(2)(*a*) at the end there shall be added the words "and which is not marked with a statement of quantity different from the nominal capacity indicated on the container in accordance with those requirements".

15. In Schedule 7—

(*a*) in Part I, in paragraph 1 after the word "bread", and in Part II, in paragraph 5(*b*) after that word where it secondly occurs, there shall be inserted the words "in single loaf form";

(*b*) in paragraph 3(*b*) for the words "sub-paragraph (i) above" there shall be substituted the words "this paragraph",

(*c*) in paragraph 4(*e*) for the words "sections 3(6), 5" there shall be substituted the words "sections 3(6), 5(3) to (5)";

(*d*) after paragraph 4 there shall be inserted the following paragraph:—

"4A. In relation to relevant items of knitting yarn and rug yarn, section 5(3) to (5) shall be omitted.";

(*e*) in paragraph 7 the reference to Regulation 6 shall be omitted;

(*f*) in paragraph 11 for the reference to Regulation 12 there shall be substituted a reference to Regulation 12(2);

(*g*) after paragraph 13 there shall be inserted the following paragraph:—

"13A. In Schedule 4, paragraph 2(1)(*d*), (2)(*b*) and (3)(*b*) shall be omitted in relation to relevant items of bread when made up by a retailer for sale only—

(*a*) on premises where the items were made up; or

(*b*) by delivery from a vehicle used solely by him."; and

(*h*) for paragraph 14 there shall be substituted the following paragraph:—

"14. Schedules 4 and 5 shall apply in relation to a relevant item of bread as if for any reference to the nominal weight on a package there were substituted a reference to the predetermined constant quantity in relation to which the item was made up.".

Sally Oppenheim,
Minister of State,
Department of Trade.

25th July 1980.

THE SCHEDULE

(see Regulation 10)

PRESCRIBED GOODS AND OTHER MATTERS RELATING TO PACKAGES

Part I: Foodstuffs (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)(*a*) and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))	
(Note: Items 1–23 below specify goods to be made up by weight)			
1 Meat of any description, whether fresh, chilled, frozen, salted, cooked or processed; including any article which, though it also contains other food, consists substantially of meat. In this item, "meat" means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine, and includes sausage-meat in any form whether cooked or uncooked	(i) bath chaps, meat pies, meat puddings and sausage rolls; (ii) single cooked sausages made up in a predetermined constant quantity of less than 500 g; and (iii) sausage-meat products other than in sausage form made up in a predetermined constant quantity of less than 500 g	25 g	10 kg
2 Fish or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed, including any article which, though it also contains other food, consists substantially of fish or poultry. In this item "poultry" includes any part of any poultry	poultry pies, fish pies	25 g	10 kg
3 Bread in single loaf form		300 g	10 kg

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)(*a*) and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))	
4 Cheese of any of the following descriptions:— (*a*) processed cheese; (*b*) cheese spread; and (*c*) the following types of natural cheese:— Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale. In this item "cheese" means cheese whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour		25 g	10 kg
5 Cereal breakfast food in flake form, flour of oats, oatflakes and oatmeal		15 g	10 kg
6 Tea (including tea in a tea bag)		25 g	10 kg
7 Cocoa products and chocolate products within the meaning of the Cocoa and Chocolate Products Regulations 1976(a)		50 g	10 kg

(a) S.I. 1976/541.

8 Coffee products within the meaning of the Weights and Measures Act 1963 (Coffee Extracts and Chicory Extracts) Order 1978(a)	liquid coffee	25 g	10 kg
9 Honey		25 g	10 kg
10 Jam and marmalade		25 g	10 kg
11 Jelly preserves		25 g	10 kg
12 Molasses, syrup and treacle		25 g	10 kg
13 Salt		25 g	10 kg
14 Sugar		50 g	10 kg
15 Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas)		25 g	10 kg
16 Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca		15 g	10 kg
17 Flour and flour products of any of the following descriptions:— (*a*) flour of bean, maize, pea, rice, rye, soya bean or wheat; and (*b*) flour products being cake flour, cornflour or self-raising flour		25 g	10 kg
18 Pasta		25 g	10 kg

(a) S.I. 1978/1081.

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)(*a*) and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))	
19 Edible fat of any of the following descriptions:— (*a*) butter, margarine, any mixture of butter and margarine, and other spreadable table fats (that is to say, butter or margarine substitutes); (*b*) dripping and shredded suet; (*c*) lard and compound cooking fat and substitutes therefor; and (*d*) edible oil in solid form		25 g	20 kg
20 Dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad		25 g	10 kg
21 Biscuits and shortbread	shortbread in a piece or pieces each weighing 200 g or more and biscuits made up in a predetermined constant quantity of less than 100 g for sale on the premises on which they are made up	50 g	10 kg
22 Potato crisps and other similar products commonly known as snack foods		50 g	10 kg
23 Herbs and spices		25 g	4 kg
(Note: Items 24–27 below specify goods to be made up by volume)			
24 Milk in liquid form		25 ml	10 l

25 Alcoholic beverages	wine to which the Prepackaging and Labelling of Wine and Grape Must (EEC Requirements) Regulations 1978(a) apply	85 ml		5 l
26 Edible oil in liquid or gel form		25 ml		20 l
27 Liquid coffee		25 ml		10 l
(Note: This item specifies goods to be made up by weight or by volume)				
28 Food (including drink) for human consumption of any description (excluding a description mentioned in any of the foregoing items or specified as goods of an excluded category in relation to any such item)	cheese not falling within item 4 above; flour confectionery (except when consisting of or including uncooked pastry), including bun loaves, fruit loaves, malt loaves and fruited malt loaves; fresh fruits or vegetables of any description; hops; iced lollies, water ices and freeze drinks; ice cream; micro-biological preparations for addition to food; single toffee apples; soft drinks of any description in a syphon or made up in a predetermined constant quantity of less than 50 ml; and sugar confectionery and chocolate confectionery (not being confectionery falling within item 7 above) of any of the following descriptions:— (*a*) Easter eggs; (*b*) figurines of sugar or of chocolate; (*c*) rock or barley sugar in sticks or novelty shapes; (*d*) single articles made up in a predetermined constant quantity of less than 85 g; and (*e*) a collection of articles each of which is either an article mentioned in (*a*) to (*d*) above or an article in a container marked with a statement of quantity	25 g 25 ml	or	10 kg 10 l

(a) S.I. 1978/463.

Part II: Non-Foodstuffs (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)(*a*) and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))	
(Note: Items 1–13 below specify goods to be made up by weight)			
1 Agricultural liming materials and agricultural salt	calcareous sand	25 g	10 kg
2 Inorganic fertilisers	liquid fertilisers	25 g	50 kg
3 Solid fuel		1 kg	100 kg
4 Soap, soap flakes, washing and cleaning products in powder form, washing soda, scouring powders and lavatory cleaners in powder form	liquid soap	25 g	50 kg
5 Paint and distemper in powder form		250 g	25 kg
6 Pet foods (other than bird seed)	animal feed in biscuit or cake form packed in a quantity by number not exceeding 16	25 g	10 kg
7 Bird seed		125 g	10 kg
8 Rolled oats		25 g	10 kg
9 Nails	nails when made up by number	25 g	10 kg
10 Portland cement		25 g	5 kg
11 Paint remover in solid form		25 g	10 kg

12 Knitting yarn and rug yarn	rug yarn in cut pack form	10 g		10 kg
13 Tobacco for pipes and for cigarettes rolled by hand or by the use of a device operated only by hand	hard pressed uncut tobacco and uncut spun-roll tobacco	25 g		1 kg
(Note: Items 14–18 below specify goods to be made up by volume)				
14 Liquid fertilisers		25 ml		50 l
15 Liquid soap, liquid detergents, dishwashing rinse aids, liquid bleaches and fabric conditioners in liquid form		125 ml		50 l
16 Anti-freeze fluid for internal combustion engines		150 ml		10 l
17 Paint in liquid or gel form, linseed oil, paint thinner, turpentine, turpentine substitute, varnish, wood preservative fluid (including fungicides and insecticides), paint remover in liquid or gel form, petrifying fluid and rust remover		150 ml		25 l
18 Dentifrice in tubes		12 ml		10 l
(Note: Items 19–25 below specify goods to be made up by weight or by volume)				
19 Liquid fuel, lubricating oil (including any mixture of such fuel and oil) and lubricating grease	liquefied petroleum gas in returnable containers	250 g 250 ml	or	10 kg 10 l
20 Disinfectants and cleaning products which incorporate disinfectants		25 g 25 ml	or	50 kg 50 l

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)(*a*) and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))
21 Perfumes and toilet waters	pharmaceutical preparations	12 g or 12 ml — 10 kg or 10 l
22 Other toilet preparations for use on the hair or scalp of human beings	(i) pharmaceutical preparations; (ii) products specifically manufactured for, and sold for use by, hairdressers in hairdressing salons	20 g or 20 ml — 10 kg or 10 l
23 Other toilet preparations for external use on any other part of the human body	pharmaceutical preparations	12 g or 12 ml — 10 kg or 10 l
24 Dentifrices other than in tubes	pharmaceutical preparations	12 g or 12 ml — 10 kg or 10 l
25 Polishes and dressings analogous to polishes		30 g or 30 ml — 50 kg or 50 l

Part III: Composite goods

1 Description of goods (see Regulation 3)	2 Lower and (as applicable) upper limits of predetermined constant quantity (see Regulation 4(1)(*a*))
(Note: Items 1 and 2 below specify goods to be made up by weight or by volume)	
1 Goods (being neither aerosol products nor goods of any of the descriptions mentioned in column 1 of Parts I and II above, other than goods of an excluded category mentioned in column 2 of each of those Parts) which consist of a mixture constituted wholly or mainly of goods of any of those descriptions. For the purposes of this paragraph, "the relevant upper limit" means the limit specified in column 3 of Part I or II above as applicable in relation to the goods of which the mixture in question is wholly or mainly constituted when they are made up in packages otherwise than as mentioned in this paragraph	25 g or 25 ml } the relevant upper limit
2 Aerosol products containing goods of any of the descriptions mentioned in column 1 of Parts I and II above, including goods of an excluded category mentioned in column 2 of each of those Parts	25 g or 25 ml —

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Weights and Measures (Packaged Goods) Regulations 1979 ("the principal Regulations"). The following are the main changes:—

(*a*) Regulation 5(1) of the principal Regulations is amended to provide that Part I of the Weights and Measures Act 1979 (which relates to the "average" system of quantity control of packaged goods sold by weight or volume) shall not apply to packages marked with the EEC mark (as defined in section 5(6) of that Act) when the packages are made up above certain specified limits of quantity (Regulation 5);

(*b*) Regulation 8(1) of the principal Regulations is amended to provide that the time within which a notice has to be given to a local weights and measures authority by a person who intends to import packages which are either marked, or which he intends to mark, with the EEC mark and to export them from the United Kingdom to another member State of the Economic Community, shall be before the expiry of the day on which the packages are imported (instead of the day on which they are so marked) (Regulation 7);

(*c*) Regulation 26 of the principal Regulations is amended to provide for Part I of the Act to apply to an outer container of certain packages of cocoa or chocolate products in circumstances where that Part would otherwise not so apply (Regulation 8); and

(*d*) Schedule 1 to the principal Regulations is replaced by a new Schedule (Regulation 10). Schedule 1 prescribes, among other things, the goods which, when made up within certain specified limits of quantity, are to be treated as class A packages (to which the average system applies obligatorily) for the purposes of the Regulations. The principal changes made by the new Schedule are—

(i) to ensure that bread only when made up in single loaf form is to be treated as a class A package for those purposes (item 3 of Part I of the Schedule),

(ii) to exclude packages of certain kinds of cheese and of pharmaceutical products from being so treated (item 28 of Part I and items 21–24 of Part II of the Schedule), and

(iii) to vary, for those purposes, the limits of quantity applicable in relation to packages of certain commodities (items 9–12 of Part I and items 20 and 25 of Part II of the Schedule) including packages which contain a mixture of prescribed goods (see Part III of the Schedule as read with Regulation 4(1)(*a*) of the principal Regulations as amended by Regulation 4 of these Regulations).