STATUTORY INSTRUMENTS

1982 No. 144

WEIGHTS AND MEASURES

The Weights and Measures (Packaged Goods) (Amendment) Regulations 1982

Made - - -	*9th February* 1982
Laid before Parliament	*19th February* 1982
Coming into Operation	*15th March* 1982

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, 13, 14(1) and 15 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations 1982 and shall come into operation on 15th March 1982.

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 27(1), after the words "other than" there shall be inserted the word "bread,".

4. In Schedule 3, for sub-paragraphs 1(B)(*b*)(iv) and (v) of Part I there shall be substituted the following sub-paragraphs:—

"(iv) in a case where packages containing bread are not made up by means of a continuous process and are not consecutively produced, for Regulation 22 there were substituted the following Regulation:—

(**a**) 1979 c.45. (**b**) S.I. 1979/1613, as amended by S.I. 1980/1064.

"22.—(1) This Regulation has effect for prescribing the manner in which a group of packages containing bread (being packages made up in the same predetermined constant quantity and containing bread of the same description) is to be selected for the purposes of a reference test.

(2) Subject to paragraph (4) below, in a case where a reference test is to be carried out on a group of packages where it is reasonably practicable to identify all the packages as containing bread baked in the same oven at the same time, the group shall comprise packages containing bread baked in the same oven at the same time, subject to a maximum of 10,000 in number.

(3) Subject to paragraph (4) below, in a case where a reference test is to be carried out on a group of packages after it has ceased to be reasonably practicable to identify all the packages as containing bread baked in the same oven at the same time, the group shall comprise packages containing bread baked at the same bakery, subject to a maximum of 10,000 in number.

(4) In a case where a group of packages selected as mentioned in paragraph (2) or (3) above has been rejected (the "rejected packages") and the packer of the rejected packages makes up other packages in the same predetermined constant quantity as, and containing bread of the same description and from the same bakery as, the rejected packages, the group may comprise rejected packages as well as such other packages.",

(v) in Regulation 23(1), sub-paragraph (*b*) were omitted,

(vi) in Schedule 4, paragraphs 3 to 5 and 8 to 12, and in Schedule 5, Part IV were omitted, and

(vii) for paragraph 6 of Schedule 4 there were substituted the following paragraph:—

"6.—(1) Subject to sub-paragraph (2) below, weighing equipment described in paragraph 2(1) and (2) above.

(2) In the case of a package containing bread Table 2 set out in paragraph 2(2) above shall have effect as if the references to 350g, 500g, 2lb and 4lb were deleted and as if for the reference to 1.5kg there were substituted a reference to 400g.";".

5. For Part II of Schedule 6 there shall be substituted the following:—

"Part II: Packages of desiccating goods

1 Description of packages	2 The modifications
1. Packages of desiccating goods other than those mentioned in paragraph 2 below.	**1.** Subsection (1) of section 1 shall have effect as if for the words "and the packages" there were substituted the words "if, within a period ending at the end of the seventh day after the day on which they were made up, or, in the case of imported packages, on which they were imported, the packages".
2. Packages of desiccating goods, being goods to which Council Directive No.76/768/EEC (a) applies— (*a*) in the case where the packages are made up in the United Kingdom; and (*b*) in the case where the packages are imported.	**2.** Part I of the Act shall have effect as if— (*a*) in the case mentioned in sub-paragraph (*a*) in column 1, in subsection (1) of section 1 for the words "and the packages" there were substituted the words "if, within a period ending at the end of the day after the day on which they were made up, the packages"; and (*b*) in the case mentioned in sub-paragraph (*b*) in column 1, sections 1, 2 (except subsection (5)), 3 (except subsections (1) to (3)) and Schedule 1 were omitted.".

6. In Schedule 7—

(*a*) after paragraph 11 of Part II there shall be inserted the following paragraph:—

"11A. In a case where relevant items of bread are not made up by means of a continuous process and are not consecutively produced, for Regulation 22 there shall be substituted the following Regulation:—

(a) OJ No. L262, 27.9.1976, p.169.

"22.—(1) This Regulation has effect for prescribing the manner in which a group of relevant items of bread (being items made up in the same predetermined constant quantity and comprising bread of the same description) is to be selected for the purposes of a reference test.

(2) Subject to paragraph (4) below, in a case where a reference test is to be carried out on a group of relevant items where it is reasonably practicable to identify all the items as comprising bread baked in the same oven at the same time, the group shall comprise relevant items of bread baked in the same oven at the same time, subject to a maximum of 10,000 in number.

(3) Subject to paragraph (4) below, in a case where a reference test is to be carried out on a group of relevant items after it has ceased to be reasonably practicable to identify all the items as comprising bread baked in the same oven at the same time, the group shall comprise relevant items of bread baked at the same bakery, subject to a maximum of 10,000 in number.

(4) In a case where a group of relevant items selected as mentioned in paragraph (2) or (3) above has been rejected (the "rejected items") and the person who made up the rejected items makes up other relevant items in the same predetermined constant quantity as, and comprising bread of the same description and from the same bakery as, the rejected items, the group may comprise rejected items as well as such other relevant items.".";

(*b*) after paragraph 13A of Part II there shall be inserted the following paragraph:—

"13B. In relation to relevant items of bread, for paragraph 6 of Schedule 4 there shall be substituted the following paragraph:—

"6.—(1) Subject to sub-paragraph (2) below, weighing equipment described in paragraph 2(1) and (2) above.

(2) In the case of a relevant item of bread Table 2 set out in paragraph 2(2) above shall have effect as if the references to 350g, 500g, 2lb and 4lb were deleted and as if for the reference to 1.5kg there was substituted a reference to 400g.".".

Sally Oppenheim,
Minister of State,
Department of Trade.

9th February 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Weights and Measures (Packaged Goods) Regulations 1979 ("the principal Regulations") as amended by the Weights and Measures (Packaged Goods) (Amendment) Regulations 1980. The main effects of the changes are to require a baker to ensure, under the average system of quantity control, that his bread will pass a reference test until the time it is sold, instead of up to 7 days, which is the limit applicable to the generality of desiccating goods; to prescribe the manner of selecting a group of loaves for the purpose of a reference test where bread is not made up as part of a continuous production process (ie 'batch' baking); and to effect a minor relaxation in the permitted maximum capacity of counter machines used by bakers for carrying out checks on their production. The changes are as follows:—

(*a*) Regulation 27 of the principal Regulations (Packages of desiccating goods) is disapplied in the case of packages containing bread (Regulation 3);

(*b*) Part I of Schedule 3 to the principal Regulations which modifies Part I of the Weights and Measures Act 1979 and the principal Regulations in relation to certain packages, is amended in respect of packages containing bread (Regulation 4)—

(i) for Regulation 22 (Selection of a group of packages for a reference test) provisions are substituted where packages of bread are not made up as part of a continuous process, and

(ii) for paragraph 6 of Schedule 4 there is substituted a provision permitting counter machines used by packers or importers to carry out checks, in accordance with section 1(6) or 1(7) of the Weights and Measures Act 1979, to be of maximum capacity of 7lb for packages containing bread with a nominal weight of 400g and 800g;

(*c*) Part II of Schedule 6 to the principal Regulations, which modifies Part I of the Weights and Measures Act 1979 in relation to packages of desiccating goods, is amended to clarify the duty imposed on the packer or importer under section 1(1) of that Act in respect of such packages (Regulation 5); and

(*d*) Part II of Schedule 7 to the principal Regulations, which modifies Part I of the Weights and Measures Act 1979 and the principal Regulations in relation to certain goods not comprised in packages, is amended to make corresponding amendments for unwrapped bread to those in Regulation 4 for wrapped bread (Regulation 6).

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